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

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11 INTERVIEW OF: AUSTIN BOEDIGHEIMER

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15 Wednesday, April 20, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held 5480 O'Neill HOB, commencing at  
21 12:46 p.m.

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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] INVESTIGATIVE COUNSEL

9       [REDACTED] CHIEF CLERK

10      [REDACTED] SENIOR INVESTIGATIVE COUNSEL

11      [REDACTED] INVESTIGATOR

12      [REDACTED] INVESTIGATOR

13      [REDACTED] INVESTIGATOR

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16      For AUSTIN BOEDIGHEIMER:

17

18      TODD STEGGERDA

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2 [REDACTED] This is a transcribed interview of Austin Boedigheimer  
3 conducted by the House Select Committee to Investigate The January 6th attack on the  
4 U.S. Capitol pursuant to House Resolution 503. At this time, I'd ask the witness to please  
5 state your full name and spell your last name for the record.

6 Mr. Boedigheimer. Austin Boedigheimer. That's B-o-e-d-i-g-h-e-i-m-e-r.

7 [REDACTED] This will be a staff lead interview. The members may  
8 choose to ask questions. I will note that there are no members currently present in the  
9 interview. My name is [REDACTED] and I am an investigative counsel with  
10 the Select Committee.

11 With me, from the Select Committee staff are [REDACTED] senior investigative  
12 counsel, [REDACTED] investigator; and joined on the Webex we have [REDACTED]  
13 and [REDACTED] who are both investigators. At this time, I ask counsel to  
14 identify themselves for the record, please.

15 Mr. Steggerda. My name is Todd Steggerda, S-t-e-g-g-e-r-d-a. I'm a partner at  
16 McGuireWoods in Washington. I'm joined by my colleague and associate at  
17 McGuireWoods, Emily Kelley, K-e-l-l-e-y, and we are counsel for Mr. Boedingheimer in his  
18 individual capacity.

19 [REDACTED] All right Mr. Boedingheimer, you are voluntarily here for  
20 this transcribed interview. Some ground rules for the interview. There's an official  
21 recorder transcribing the record of this interview. The reporter's transcription is the  
22 official record of the proceeding.

23 The proceeding is also audio and video recorded. Please wait until each question is  
24 completed before you begin to respond. We will do our best to wait until your response is  
25 complete before we ask the next question. The reporter cannot note non-verbal

1 responses such as shaking or nodding your head. So, it is important that you respond to  
2 each question with an audible verbal response.

3 Please give complete answers to the best of your recollection. If a question is  
4 unclear, please ask for clarification. If you do not know what the answer, please just say  
5 so. I remind you that it is unlawful to purposely provide untruthful testimony to  
6 Congressional investigators.

7 Logistically, any time you want to break or want to discuss anything with your  
8 lawyers we're happy to accommodate so, please just let us know. Do you have any  
9 questions before we get started?

10 Mr. Boedigheimer. No. No questions.

11 [REDACTED] Okay.

12 Mr. Steggerda. And if I could just put on the record a request for a copy of the  
13 video recording and the transcript when it's done. I know you probably can't honor that  
14 request at the moment, but I'd like to have it in the record.

15 EXAMINATION

16 BY [REDACTED]

17 Q Now, Mr. Boedingheimer, do you recall that we met, I believe, late last year  
18 for an informal interview?

19 A Yeah. I remember meeting.

20 Q All right. So, today's interview will be very similar to that interview, many of  
21 the same topics and questions. Can you provide us with your date of birth please?

22 A [REDACTED]

23 Q And where do you reside?

24 A I live in [REDACTED]

25 Q And what's your cell phone number?

1 A [REDACTED].

2 Q Was that the cell phone number you had in December 2020 and January '21?

3 A Yes. Same cell phone. Yeah.

4 Q And what e-mail addresses did you use December 2020 and January '21?

5 A I used my GOP e-mail address which would have been

6 aboedigheimer@gop.com as well as my personal e-mail which is

7 [REDACTED].

8 Q Any other e-mail addresses?

9 A I have access, I do have other e-mail but wasn't using them.

10 Q What about social media? What social media did you have around that same  
11 period? What were those handles?

12 A I have a Facebook and a Twitter. I'm not sure what my twitter handle is. I  
13 can't remember what it is.

14 Q Okay. At that time did you actively use it?

15 A Use it mostly to look at tweets more than to post myself. I think it's -- I don't  
16 know.

17 Q I'm sorry. You use it mostly to look at tweets.

18 A Yeah.

19 Q Okay. We'll ask your counsel to provide the handle. What's your educational  
20 background?

21 A I have a Bachelors from Saint Martin's University.

22 Q In what area?

23 A It's in Interdisciplinary Studies with Business and English.

24 Q Let's do a quick background on your professional background. Let's start  
25 with your work for in 2016 with the Trump Make America Great Again Committee.

1           A    In 2016 I was an RNC employee. I was working as an e-mail marketing  
2         coordinator. I was also at that time working for the Trump Make America Great Again  
3         Committee.

4           Q    And tell us a bit more about your responsibilities at that time.

5           A    I created the HTML for fundraising e-mails, get out the vote e-mails and  
6         really any other e-mails that were sent on the JFC or the RNC's behalf. And sent those out.  
7         And that was the core of my responsibilities during that time.

8           Q    And is it right you also were responsible for daily fundraising and analytic  
9         report delivered to the Trump for President Campaign?

10          A    Yeah. I was responsible for reports that I would share with my director at the  
11         time.

12          Q    Okay. And you created, executed daily e-mail analytics report including all  
13         engagements to six as well as conversion, revenue and ROI's. That also accurate?

14          A    I don't know if all those exact matrix are on the reports. But yeah, I created  
15         reports for my director with many of those on there.

16          Q    I'm reading from LinkedIn so, you tell me when you put your work history in  
17         your LinkedIn did you believe it to be accurate at that time?

18          A    Yes. When I put it in, I believed it to be accurate.

19          Q    All right. Is it fair that what I just read from your LinkedIn is what you did in  
20         2016 for we'll call it TMAGAC?

21          A    Yeah. I think it's a fair summary of what I did.

22          Q    So, going to your next role you then, you continued to work for the RNC,  
23         correct? In 2017?

24          A    Correct.

25          Q    And I have you there as, in 2017, you were an e-mail marketing director from

1       February '17 to April 2018. Is that accurate?

2           A    That sounds accurate.

3           Q    Okay. And then it says in May of 2018 you became director of innovative  
4       marketing. What does that mean?

5           A    That was a title that I got from, kind of from a promotion from my boss. It  
6       really still heavily focused on e-mail marketing, but I was getting into some text message  
7       marketing as well. And just kind of helping out overall with marketing in digital.

8           Q    And when you say marketing is that another way of saying fundraising  
9       through e-mails and text?

10          A    I would say it's digital marketing. So, it was primarily fundraising but we did  
11       do other get out to vote efforts, volunteer efforts, things like that.

12          Q    Is it fair to say through e-mail and text trying to engage people and persuade  
13       them to take an action. Is that fair?

14          A    Most of our e-mails would be like that. Some of them, there weren't actions  
15       asked for but most of them, yeah.

16          Q    Okay. And then you became deputy digital director in January in 2019. Is that  
17       correct?

18          A    That sounds correct.

19          Q    And then in October 2019 you became digital director. Is that accurate?

20          A    Sounds correct. Yeah.

21          Q    Okay. So, your LinkedIn indicates that when you became deputy digital  
22       director you were in charge of online fundraising for the RNC. Is that accurate?

23          A    Yeah. I was in charge of the fundraising team at least for online fundraising.

24          Q    So is that, is it fair to say that becoming deputy digital director and digital  
25       director was an expanse of your responsibilities?

1           A    Yeah is was elevated roles from before.

2           Q    So, can you give us a bit of background on what the new parameters of your  
3       role were?

4           A    Yeah. From the earlier roles that we spoke about it was kind of executing the  
5       e-mail marketing and then expanding it to doing e-mail marketing and text message  
6       marketing. And then when we got to the roles that you just spoke about it was managing  
7       the teams that were doing that.

8           So, yeah, an e-mail team, text message team and a copywriting team. And so, they  
9       reported to me. So, that's kind of what the difference in the role was, kind of from  
10      executing a more manager role.

11          Q    And when you were executing were you drafting copy yourself?

12          A    I did not often draft copy. I had to draft copy some, but it was never my  
13      primary responsibility.

14          Q    Has that ever been your primary responsibility at any job?

15          A    No, I've never had a primary responsibility of being a copy writer.

16          Q    Okay. So, let's jump forward to 2020. We're in the middle of the presidential  
17      campaign. Is it fair to say that your physical work location, assuming you weren't working  
18      remotely, was the building that is referred to as the Annex?

19          A    Yeah. I worked primarily out of the office at Rosslyn.

20          Q    Okay. And that's what we call the Annex. Right?

21          A    Yeah. People call it that.

22          Q    And you were on the fifth floor. Is that correct?

23          A    At that time, I believe I was primarily on the fifth floor. There was a period  
24      before that where I was on the 14th for a short period of time.

25          Q    So, let's jump forward to the middle of 2020, the summer.

1           A    Okay.

2           Q    And let's talk about the reporting structure of what we'll call the digital  
3         team. So, what -- can you walk us through how the RNC versus the campaign made up a  
4         digital team and how you fit in the reporting structure.

5           A    So, when we had moved, or I guess during this time period, we came  
6         together to work collaboratively on the JFC, Joint Fundraising Committee for Trump Make  
7         America Great Again.

8           Q    And, sorry to interrupt, but anytime you say we or they to us, it's helpful if  
9         you say who you're talking about so the record can be clear.

10          A    Understood. Yeah. So, we, as in the RNC digital employees and then  
11         campaign employees and vendors as well, came to work together on the JFC. And the  
12         general structure was all working together on that goal. I was in charge of the online  
13         fundraising piece, which was primarily house file e-mail or e-mail marketing in general  
14         and text message marketing.

15          Kevin was the lead of the RNC digital but also very senior in this kind of JFC digital  
16         team. And then Gary Colby would have been the kind of the lead of the entire digital  
17         team for the Joint Fundraising Committee. So, that's kind of where I fell in the structure.  
18         There were other teams.

19          We had a reporting team, a lead there. Advertising, we had a lead for that team as  
20         well. And graphic design and maybe a few others I'm not thinking of right now. But that  
21         was generally what the structure was.

22          Q    And when you say Kevin, you mean Kevin Zambrano, Z-a-m-b-r-a-n-o?

23          A    Yeah. That's who I mean.

24          Q    And so, and his title was Chief Digital Officer?

25          A    Yeah.

1           Q     Is it fair to say you reported both to Kevin Zambrano and to Gary Colby?

2           A     I think that's fair to say. I think my direct report was Kevin but then we also  
3     viewed Gary as a leader of kind of the digital JFC team.

4           Q     All right. And then, tell us a bit about Hannah Allred [ph].

5           A     Hannah, she was, I don't remember what her exact title was but she was one  
6     of the copywriters on the team. She led a team of other copywriters and she reported to  
7     me.

8           Q     Does it sound correct that her title was Chief Copywriter?

9           A     That sounds correct.

10          Q     Okay. And in the middle of 2020 is it fair to say that there were three  
11     copywriters that reported to Hannah?

12          A     That sounds about right.

13          Q     You recall who they were?

14          A     2020. Alex Merglin would have been one. Alex Blinkhoff would have been  
15     another. And I think at the time Ethan Katz as well. Those are the only three I can think of  
16     right now.

17          Q     Now when we talk about you leading the e-mail fundraising team, is that fair  
18     to say that's made up of fundraising e-mails and fundraising texts?

19          A     Yeah. There's a text demand in e-mail team but, yeah, I led both of those.

20          Q     Okay. And texting includes both the house file did you call it, which is that's  
21     when the campaign sends out blast texts that people opted into, correct?

22          A     Yeah. When they send text from a, the short code that the campaign or  
23     whoever it was had.

24          Q     And there's the not opted texting, pure texting that Open Sesame ran. Is that  
25     the other bucket?

1           A    Yeah. Open Sesame did the Peer-to-Peer texting.

2           Q    Okay. Now as far as TMAGAC, T-M-A-G-A-C, tell us a bit about how, what  
3    TMAGAC was and how that fit into the work you did as far as fundraising.

4           A    So, TMAGAC for my understanding of how it was, it was a joint fundraising  
5    committee between the RNC, the Republican National Committee and Donald J. Trump  
6    for president's campaign, or whatever the actual organization was called. So, the Joint  
7    Fundraising Committee that we did our online fundraising towards.

8           Q    So is it fair to say that virtually all the money that you helped raised in 2020  
9    came through, initially TMAGAC?

10          A    For our online efforts I think the majority of it would have gone through  
11        TMAGAC.

12          Q    All right. So, let's, what I want to do next is talk a bit about the copywrite  
13        process in broad terms and then we'll jump forward to the post-election period and  
14        unpack the fundraising e-mails and things that happened at that time. So, tell us a bit  
15        about how you trained new copywriters on the job in 2020. Well, I mean expand how you  
16        train copywriters generally.

17          A    As when we train copywriters, generally, it would come in and we would, we  
18        as in Hannah and myself in this instance, would walk them through previous copy that we  
19        had done. We'd look at, you know, copy that had succeeded or raised money in the past.  
20        And then gave them kind of the resources of where we could get ideas from whether it's  
21        surrogates.

22           Prior to working with President Trump, we would have gave them say look at  
23        Ronna's Twitter, Chairman Ron McDaniel. Then President Trump, of course, it was look at  
24        his Twitter and his statements and kind of all those resources to help craft messages.

25           And then we had Comms Alerts from the Comms Team whether it was the RNC or

1       JFC that would send us statements with information that, you know, the building or the  
2       JFC or the campaign we're talking about. And we kind of trained them to use that  
3       information to craft the e-mails and that was kind of the process to start.

4           Q     Is it fair to say that one of the goals with writing copy in the role you were in  
5       reviewing copy, was to capture the voice of the surrogate?

6           A     Yeah. When we write for a surrogate, we definitely want to capture their  
7       voice in the messaging that they're sending out at that time.

8           Q     So tell me how that worked for President Trump?

9           A     What do you mean by that?

10          Q     When, if you were, when you were trying to capture President Trump's  
11       voice, give us insight into again the sources you looked at and what that voice in your  
12       estimation was, sounded like, looked like on paper?

13          A     So, we would grab from his Twitter, would be one place I'd grab a lot to  
14       capture his voice. From various speeches that he had sometimes we would get, kind of,  
15       the transcribed of whatever that speech was to incorporate those into our messaging. As  
16       well as any statements that he put out.

17           So, those were kind of the main sources. There are probably others. He spoke a lot  
18       during that time. And capturing that tone I think he obviously has a very aggressive  
19       excitable tone, and we would try to incorporate that in our messaging as well.

20          Q     So, is it fair to say that when a recipient received an e-mail labeled from  
21       President Trump you wanted it to sound like his voice?

22          A     We wanted to capture his voice and, you know, make it seem like obviously  
23       it was coming directly from President Trump.

24          Q     Now with regard to surrogates, When you sent a surrogate e-mail did that  
25       require approval from the surrogate?

1           A     Most of the time it required approval from the surrogate or the surrogate's  
2     team. There are different processes for different surrogates but some form of approval  
3     from that team or that individual. And after that approval it would still go through our  
4     normal approval process beyond that.

5           Q     Do you recall the process for Kimberly Guilfoyle?

6           A     I don't remember who on her team or if she was involved in the approval  
7     process. I know that we would send it to somebody on their team and they would send it  
8     back.

9           Q     When you say their team, do you mean her team?

10          A     Kimberly's team.

11          Q     Okay. And could you recall who those people were or that person was?

12          A     I don't recall, No.

13          Q     Now I just want to -- on the technical way the assignment process worked.  
14     Tell us a bit about how you gave assignments to Hannah and how she then provided copy  
15     back to you.

16          A     So, it was kind of a mix. I would give her directives to do certain e-mails but  
17     then sometimes her own people on the team were kind of bringing ideas up and sending  
18     them to me. It didn't all come directly from me.

19           But in the instance where I was sending her something, I'd see something on  
20     Twitter or the news or maybe something that a surrogate said that was timely,  
21     newsworthy I would send that to her and her and the team would kind of take it from  
22     there and craft it into a fundraising e-mail.

23          Q     How would you know what to talk about in fundraising e-mails, the topics  
24     that are relevant or otherwise worthy of focus in an e-mail or text message?

25          A     I think a lot of it is really what President Trump is saying, in general and over

1 the years. But that has been something that is successful in fundraising. And to be honest  
2 I can always know if it's going to work.

3 I try to go off of past experience and then kind of a good gauge is just what are the  
4 headlines in the news? What are people talking about? That's what people want to hear  
5 about. It's kind of an assumption and then we go from there.

6 [REDACTED] We may be covering this in a moment, but I just want to clarify one  
7 thing. A moment ago, you said that part of why you use President Trump's messaging was  
8 because it was successful in fundraising. Was it also easier to get approvals if the  
9 President said it in terms of well it's a message out there that you could use? Did that  
10 impact the approval process at that time?

11 Mr. Boedigheimer. No. From our perspective we could use President Trump's  
12 language and then once we sent it through the approval chain, whether it was easy or not  
13 for them to approve it then I think that would be up for them to determine. But it was  
14 kind of our assumption that if President saying it was something that we would want to  
15 replicate in e-mail.

16 [REDACTED] Okay. Thank you.

17 Mr. Boedigheimer. Yeah.

18 BY [REDACTED]

19 Q So, Austin, I understand that in 2020, tell me if this is correct, that with Covid  
20 and the lack of in person fundraising that online fundraising took and even more  
21 prominent role in Presidential politics. Is, was that your experience?

22 A I think online fundraising and digital in general, you know, took a huge raise.  
23 Everybody stuck at home and everything.

24 Q Yeah. So, tell us a bit about who was, you're overseeing the e-mail and text  
25 fundraising teams for the campaign which appears to be kind of the heart of fundraising

1 for the Presidential election. Tell us about who is overseeing your work -- Hannah giving  
2 you copy, you're setting it up, it's all coming in, who's checking in with you to make sure  
3 you're doing it correctly, this is working, giving you feedback?

4 A You know, like I said earlier, Kevin was my direct report and also Gary Colby,  
5 I'm kind of reporting to in some fashion as well. You know mostly ideas, like I said, kind of  
6 came from the bottom up. They weren't really directing. They were kind of looking more  
7 at the numbers. Maybe they have an idea occasionally.

8 But then beyond that who is like reviewing the work would be the approval chain  
9 reviewing the work, making sure the, it covers all the things that they need it to cover. As  
10 far as, like, each individual piece of copy, other than the approval chain it's not something  
11 that Gary or Kevin would have reviewed everything.

12 Q Was there anyone else besides Gary or Kevin you were having meetings with  
13 about the success of this fundraising efforts. And by that, I mean, I understand that  
14 he's -- Kevin's your direct report. You were direct report to him. But I'm really thinking like  
15 who's talking to Austin about here are the fundraising projections.

16 Here's how much has come in. Here's what's working. Who are you giving  
17 feedback about what your team is doing on a day-to-day basis? And what's that look like?  
18 Are we talking weekly meetings? Reports that you produced. Give us some insight there.

19 A There'd be from the reporting side, we had the reporting team that handled  
20 that. And Chris Georgia who worked at FP1 Strategies. He was kind of in charge of the  
21 reporting. So, I don't know that we had like a weekly cadence or meeting like that. But  
22 kind of the senior digital team would meet about the numbers relatively regularly.

23 So, that would have included Kevin and Gary, which we spoke about, and also  
24 Chris Georgia. Let's see if there's anyone else here. Daria, can't remember, Denabra [ph]  
25 that's her last name, and Jess Woody [ph] and Jen Harrington [ph]. I think that was all

1 that, kind of, that group was.

2 And so, we would regularly talk about the fundraising. You know, what our  
3 projections were for the month. That's kind of where we'd have that. I'd also talk with my  
4 team about how much money we raised, and they had access to the reports as well. So, it  
5 was pretty open for everyone to see.

6 Q Did you ever have input that came directly or indirectly from the Trump  
7 family?

8 A Me personally, I did not have any input. I don't know if others did.

9 Q I'm asking you indirectly, meaning if someone expressed thoughts that you  
10 understood to be from a member of the Trump family.

11 A Not that I can think of right now.

12 Q What about Sean Doleman CFO?

13 A What about him?

14 Q Did he, did you have conversations, otherwise did he weigh in on your  
15 efforts with digital fundraising?

16 A Not that I can remember. The only thing that Sean and I would ever really  
17 talk about would be his, it would be about like the merchandise that we were selling.

18 Q Talking about it to what degree?

19 A Mostly he was curious how much products cost and how much we were  
20 spending on them.

21 Q What about Bill Stepien and Justin Clark? Bill Stepien, any, in 2020 did you  
22 have any interaction with or received any messaging from directly or indirectly?

23 A Not that I can remember specific any fundraising directives. Bill stepped in,  
24 spoke to the whole campaign many times. But other than that, I didn't have interactions  
25 with him.

1           Q    What about Justin Clark?

2           A    Same thing there. He would speak sometimes during like an all campaign but  
3       not something we talked about.

4           Q    In 2020 did you have any meetings where the broad messaging and  
5       fundraising e-mails was discussed and you were given directives about anything about  
6       messaging? Tell me how that worked whether any top-down directives you got.

7           A    I don't really remember any top-down directives. You know, as I kind of  
8       explained earlier the process was more of seeking out the information that we were  
9       getting and then sending that up. So, the ideas were coming from multiple people. But  
10      the comm statements and Twitter's primarily where we got that. It wasn't constantly  
11      someone telling you exactly what to do.

12          Q    Did you get any feedback that you were, in 2020, that you were  
13      underperforming throughout the fundraising?

14          A    From who?

15          Q    From anyone.

16          A    From anyone?

17          Q    I'm trying to get a sense of your 2020 when you guys basically crushed it and  
18      that just it went well. Or did you ever get any feedback that projections weren't met, or  
19      goals weren't met and to take any action to correct that.

20          A    I'm sure there were days where we underperformed. We had access to the  
21      reports. As far as how much money we were raising that's something I spoke to with Gary  
22      and Kevin quite a bit. So, if there was any feedback like that it would have came from  
23      them or I would have noticed myself that we were short of a goal.

24          Q    So, when you're short of a goal what did you respond with?

25          A    Typically our response is to try to make an adjustment, see why we were

1 short of the goal or, you know, maybe test different messages see what performs the  
2 best and kind of go from there.

3 Q So, let's get a little more specific. When you want to find out how or why you  
4 were short of a goal, tell us with more specific detail. What do you do? Do you go back,  
5 was is e-mail by e-mail you see what, you kind of figure out what went wrong with the  
6 e-mail? When you say you test the messages, what does that mean? Give us a little more  
7 insight.

8 A Yeah. There's obviously a lot of things that we look into, and I wouldn't look  
9 into all of them myself. But we could look at the e-mail-by-e-mail performance. We could  
10 look at performance by channel, meaning, like how much did e-mail raise yesterday  
11 compared to what it normally does.

12 How much did text message raise, you know, compared to what it normally does.  
13 Look at messaging like see ones that didn't work, didn't raise that much money. Other  
14 thing we could look for is kind of flaws in the system. Maybe in, you know, the correct  
15 audience wasn't hit, or any type of inconsistencies or irregularities is kind of what mostly  
16 people look for.

17 Q If you want to see that something was wrong or right messaging, how would  
18 you know that?

19 A I don't know, I guess wrong or right, I don't know if that's the best term but  
20 like if it was succeeding or not.

21 Q Yeah. In fact, that we're not, how would you determine that?

22 A I don't remember exactly what they were but we kind of had essentially  
23 benchmarks of how much we expected or what kind of our average e-mail would be. So,  
24 if it was under that it was obviously lower performing. If it was above that it was higher  
25 performing.

1           Q     And how would you know what was wrong with the messaging or right with  
2     the messaging?

3           A     I don't think we would know specifically what it was. It would be something  
4     that we would have to test and kind of see how it impacts.

5           Q     And would you test different messaging?

6           A     We would test message, yeah, we would test different messaging.

7           Q     So, give us an example of messaging you would test.

8           A     I don't think I have a specific example but we could grab like one thing from  
9     messaging from President Trump and then grab a different one that he had sent out a  
10    different time and run those against each other and see which performed better.

11          Q     So, as an example something as specific as radical left versus leftist. Is that  
12    an example or is that too specific?

13          A     I think that's pretty specific for a test. I don't know if anybody ran that. A lot  
14    of people run tests on the team just in general. Usually, we look for like broader tests  
15    where there's, you know, enough variance.

16          Q     So, what's an example? Is it like social security versus immigration or are you  
17    talking about difference in tone? I'm trying to get insight into what you can know and  
18    what you can't know.

19          Mr. Steggerda.   Do you remember any specific examples?

20          Mr. Boedigheimer.   Yeah. I don't think I can remember any specific examples.  
21    But, I mean, testing is kind of, you can test any of those things. But we tested hundreds  
22    and hundreds of tests. So, I can't remember all of them.

1

2 BY [REDACTED]

3 Q Did you test post-election?

4 A I don't remember specifically if we did. It's very possible that we did.

5 Q Is it fair to say that it's, the point of testing is to make sure you're being as  
6 effective in fundraising as you can?

7 A Yeah. I think the goal of testing is, yeah, see which contents is going to  
8 perform better.

9 Q So, it wouldn't surprise you if you tested post-election?

10 A It wouldn't surprise me. I just don't remember specifically if we did.

11 Reporter. Before we go on can I have everyone just slow down a bit please?

12 BY [REDACTED]

13 Q Yes. Talk a bit about Salesforce. How did you use the Salesforce platform in  
14 your work in 2020?

15 A Primarily in my work it was used to send out e-mails was its primary  
16 function.

17 Q And what was the, it's call the Performance Metrics Component of  
18 Salesforce. Tell us how you used that.

19 A You mean for fundraising e-mails or.

20 Q So, our understanding is that the RNC had an account with Salesforce that  
21 included get around the reports for example. And that you could look and see open rates,  
22 quick rates, deliverability and all things of that nature. Does that sound all accurate?

23 A Yeah. We could view that and a Datarama portion of it.

24 Q And would you view that in order to determine basically how an e-mail  
25 performed?

1           A    Yeah, that's where we would go to view the results.

2           Q    Okay. And you would look at those results and based on that you'd make  
3    changes with your future e-mail campaigns. Is that fair?

4           A    Sometimes that's what we would do. Other times it would just be again  
5    grabbing what the messaging of the day was regardless of performance.

6           Q    Is it fair to say that when you see messaging repeated numerous times with  
7    the campaign from TMAGAC that we can infer that it's because that messaging was  
8    determined to be effective?

9           A    Yeah. I think without knowing the exact whatever the e-mails are but if you  
10   were sending it repeatedly it's the understanding that it's doing well so you want to keep  
11   sending e-mails like that.

12          Q    And when sometimes we've seen e-mails that look pretty much identical.  
13   Looks like the exact same e-mail was sent at one point and then a couple of weeks later  
14   it's sent again, or a week later. Is it fair to say that that would happen because the e-mail  
15   was deemed to be affective fundraising?

16          A    Yeah. I think often that would be the reason. There could be other reasons  
17   as if we just needed a message then and we had that one approved. Maybe we didn't  
18   have other ones approved. So, we need to send out what we had approved.

19          Q    But you wouldn't send out a message you deemed to be ineffective. Right?

20          A    Ideally, we wouldn't send out one that was ineffective. Yeah.

21          Q    You mean ideally. Do you know of any time you intentionally sent out an  
22   ineffective e-mail?

23          A    Not that I can remember, No.

24          Q    Now as we get closer to the election we see the number of e-mails and  
25   campaigns gets higher and higher. And post-election same thing. Some of those e-mails,

1 there's 15 e-mails a day, sometimes 20 e-mails a day. How are you determining the  
2 number of e-mails to send a day? Where does that come from?

3 A I think in fundraising in general it's common to scale up and to send more  
4 e-mails during that time. People are more interested in elections, more likely to donate.  
5 As far as where the decision came, it came from reporting. We worked closely with that  
6 whole senior team but Chris Georgia and the reporting team to see that it was still worth  
7 it to keep sending e-mails because statistically it made sense to keep sending them.

8 Q So, is it a consensus building. I'm trying to, when an e-mail when one day has  
9 five and you end up at 20 is it, are you saying it's just a product of the conversations  
10 you're having? Who's ultimately saying, go up?

11 A I think it's a product of the conversations we're having. It's also, you know,  
12 we get closer to election day they're more successful. So, you can send more and still  
13 maintain success. I don't know if there's a direct person that's like making that decision  
14 each time. We kind of work together on it.

15 Q So, is it fair to say that when we see a higher number of e-mails on a daily  
16 basis we can infer that the TMAGAC team has determined that that's going to be effective  
17 for fundraising. That can be sustained at that level. Is that fair?

18 A I think it also, it would depend what audience you were in. Not every  
19 audience would get the exact same e-mails. But when we're sending more e-mails and  
20 we're getting closer, they're successful so we continue to send.

21 Q Let's talk a bit about the approvals group. I think previously when we spoke,  
22 we talked about it being made up of the Comms Department, Legal and Research from  
23 both the RNC and the campaign. Does that sound right?

24 A Yeah. That sounds right.

25 Q And is it fair to say that there were certain people that had to sign off on an

1 e-mail or text message request before it could go out, specific people from those groups?

2 A There were specific people. Sometimes if somebody wasn't available, they  
3 had their back up or whoever. It would still be that sign off just for whoever their other  
4 person was.

5 Q Okay. So, let's talk about the RNC side. Post-election, who were those people  
6 that you needed sign off from?

7 A I can't remember all of the people that we needed sign off from. I remember  
8 sometimes, probably not all the time, but Justin Reemer [ph] from legal would be  
9 somebody that would approve. I can't remember who the Comms or the Research people  
10 were there. And then I remember sometimes for DJT, I believe Nathan would have been  
11 one of the legal people. Again, probably not always him. There were backups at times.

12 Reporter. Can you speak up a little bit?

13 BY [REDACTED]

14 Q That's Nathan, is it Croft [ph] or I forget.

15 A I forget what his last name is.

16 Q Yeah.

17 A It's something short like that, though.

18 Q It is. Yeah. And what about Zach Parkinson?

19 A That name sounds familiar. To be honest, I can't remember if he was one of  
20 the people or not.

21 Q What about Alex Cannon?

22 A Also sounds familiar. He would, my understanding on the maybe legal for  
23 DJT. I don't specifically remember him being one to approve but it would make sense that  
24 he could be somebody that would.

25 Q Okay. So, who do you remember? How about Jenna Krutch [ph] from the

1 RNC?

2 A I think again I don't remember specifically that she was one of the people  
3 but that's a name that I recognize. And maybe for context it's helpful that we had  
4 somebody that was kind of responsible to make sure we checked all those boxes. And  
5 maybe it wasn't something I looked at regularly.

6 Q Who was that person?

7 A Julia Trent worked on my team and she ran approvals. So, she would make  
8 sure that all of those things were checked off before e-mails ever went out.

9 Q Now Julia Trent works in an administrative role. Correct? Is that fair?

10 A She worked on the digital team. She worked, she did administrative work.  
11 She helped with other things as well. Yeah.

12 Q Now, if an approval, if someone did not sign up on an approval chain, whose  
13 responsibility would it be to follow up that. Would it be Julia's, or would you follow up  
14 with that?

15 A It would depend on what the chain was. Typically, she would respond. If she  
16 didn't hear back maybe myself or Kevin or Gary would reach out to try to get approval  
17 from somebody that wasn't responding.

18 [REDACTED] Is it still difficult for you to hear?

19 Reporter. Yeah. If you could keep your voice up, please. I'm, I have bad hearing  
20 and I'm struggling to hear you. So, like if you could raise your voice. It's just projection.  
21 The room does not have the best acoustics because of the sound proofing. So, we won't  
22 be offended if you yell at us.

23 [REDACTED]

24 Q If you can't hear us at any time, please do interrupt because we want to  
25 make sure the record is accurate. We're going to come back and talk a little more detail

1 about the approval chain. But are you familiar with the Trump Campaign app that the  
2 campaign had in 2020, people could download it?

3 A Yeah. I'm familiar with the App.

4 Q Did you have any involvement in crafting messaging for the Trump App?

5 A I don't know that I specifically crafted messaging. People on my team maybe  
6 would have helped come up with ideas or crafted some. But it wasn't a primary  
7 responsibility of ours.

8 Q Who's responsibility was it?

9 A I don't know who was fully in charge of it. I know that Mike Hahn [ph]  
10 worked on it some as well as Darren. I don't remember his last name. It's with a C.

11 Q Centinello?

12 A That sounds right.

13 Q I think it's C-e-n-t-i-n-e-l-l-o. What was Darren's role?

14 A I don't know the full extent of what his role was. I know he helped with the  
15 app among other things for the campaign. I didn't work with him a ton. I believe he did  
16 some social media as well.

17 Q Did your team have involvement with the app post-election?

18 A I can't remember if we sent out any push notifications or anything from the  
19 app post-election. I don't know.

20 Q Would the messages that you would have drafted for the App., would those  
21 have been similar copy to fundraising e-mails or texts for TMAGAC?

22 A They could have been. They would have been approved language that would  
23 have gone through that same process.

24 Q Do you recall whether the app had, was it the same excited language that  
25 you see in some fundraising e-mails and texts? Because, you know, we've seen public

1 reporting indicating that, for example post-election, the app had messages suggesting Joe  
2 Biden was not, you know, the legitimate winner of the election, for example. Do you  
3 recall those same kind of suggestive messaging coming out of the App.

4 A I don't recall specific messaged from the app. They were taken from  
5 fundraising that we did in e-mail or SMS and then put through approval. So, you know, I  
6 wasn't responsible for them, so I don't know exactly what they said.

7 Q So, if someone who was going, if you were going to draft, your team's going  
8 to draft copy for the App., is it Mike Hahn or Darren who would have asked you to do  
9 that? Or someone else?

10 A They could have been one. Garry also could have asked us to prep messaging  
11 for that, would have been another person.

12 Q Anyone else?

13 A Not that I can think of right now.

14 Q And Gary worked for the campaign?

15 A That's my understanding.

16 Q Now was Darren also involved with something called DataPeer?

17 A I'm not sure if Darren was.

18 Q You heard of DataPeer?

19 A I believe so.

20 Q What is DataPeer?

21 A I don't know exactly what DataPeer is.

22 Q What do you know about it?

23 A The only thing I really know is I believe that I saw Alex Cannon had a  
24 DataPeer e-mail address. But other than that, I really don't know much about it.

25 Q And how did you come to know he had a DataPeer e-mail address?

1           A     I don't remember how I came to know that.

2           Q     Does it sound, if I told you that DataPeer was involved in sending messaging  
3     that was drafted by your team, does that sound right?

4           A     I'm not sure exactly what DataPeer did.

5                 [REDACTED]     Do you have any idea who had control over DataPeer?

6                 Mr. Boedigheimer.   I'm not sure who had control over DataPeer either.

7                 [REDACTED]     Do you know who owned it or who was involved with it? Anyone  
8     associated with it?

9                 Mr. Boedigheimer.   From what I can recall right now, just Alex Cannon is really  
10   the only name that would come to mind.

11                 [REDACTED]     And sitting here right now can you remember what he used it for or  
12   why he was associated with it?

13                 Mr. Boedigheimer.   I don't remember what he used it for. Like I said I just, I knew  
14   that he had that e-mail address.

15                 BY [REDACTED]

16                 Q     And when you would, would you exchange e-mails with him when he was  
17   using that e-mail address?

18                 A     It's possible but not that I can remember. I believe he also had a DJT.com or  
19   DonaldJTrump.com e-mail address.

20                 [REDACTED]     Was it your impression that he used those e-mails interchangeably or  
21   that different e-mails meant something substantively in terms of why he would use one  
22   versus the other when he communicated with you?

23                 Mr. Boedigheimer.   I'm not sure why he would use one or the other.

24                 Mr. Steggerda.   Can I interrupt? Who did you understand Alex Cannon to be  
25   working for in the post-election period, from your perspective?

1           Mr. Boedigheimer. From my perspective he worked for the campaign, was my  
2 understanding.

3           ██████████ And when he sent you e-mails from his campaign account or you just  
4 mentioned the DJT.com account, did you understand him to be contacting you in his  
5 capacity as an employee of the campaign?

6           Mr. Boedigheimer. I can't remember what the specific e-mails were but yeah,  
7 when I spoke with Alex Cannon over e-mail it was, I understood him to be working for the  
8 campaign.

9           ██████████ Here's why I'm asking. We understand that a number of people would  
10 have side companies or vendor companies. People could serve multiple roles. So, to the  
11 extent that you received an e-mail from Mr. Cannon from his DJTFP.com account did you  
12 assume, oh, that's his role as he's with the campaign? Conversely, if you received it from  
13 his DataPeer account did you think, oh that's in his role as his affiliation with DataPeer?

14           Mr. Boedigheimer. I think if I, it would depend on the context of the e-mail.  
15 Whatever the context of the e-mail is what I assume he would be.

16           ██████████ It's also fair to say, it didn't make a difference. He used them both.  
17 There's no distinguishing them? We're trying to get your understanding of did those two  
18 e-mails mean anything different to you when saw them?

19           Mr. Boedigheimer. Like I said, I don't really remember if I received any from his  
20 DataPeer one. So, to me I didn't view them as differently if I did see one. Just viewed it as  
21 something from Alex Cannon.

22           BY ██████████

23           Q     So, from your perspective, do you remember dealing with Alex Cannon in  
24 different ways based on some perceived difference of roles? Or did you, when you dealt  
25 with Alex Cannon, from your perspective, were you dealing with someone just as a

1 campaign person?

2 A I guess I thought, like I understood him to be somebody that worked for the  
3 campaign. I just knew that DataPeer existed just from the e-mail address. But, so, when I  
4 receive something from him, I would have thought of it as campaign.

5 [REDACTED] Were there other outside vendors that if they used, so, let me ask  
6 you, did you ever receive e-mails from Gary Colby?

7 Mr. Boedigheimer. Yeah.

8 [REDACTED] Mr. Colby had also multiple e-mails didn't he?

9 Mr. Boedigheimer. Yeah, I believe so.

10 [REDACTED] Did you associate that when he e-mailed you from one account it  
11 meant something different or did you just think a Gary Colby e-mail was a Gary Colby  
12 e-mail?

13 Mr. Boedigheimer. I think I just thought a Gary Colby e-mail was a Gary Colby  
14 e-mail.

15 [REDACTED] Did you understand what Mr. Colby's vendor companies did?

16 Mr. Boedigheimer. Yeah. I understood that he was involved with Open Sesame,  
17 the peer-to-peer texting companies. So, I knew what they did. And then Direct Persuasion  
18 and Real Time Media being advertising companies.

19 [REDACTED] And they were all kind of involved in the digital media aspect or digital  
20 marketing to some aspect, right? There were representatives, or they were all kind of on  
21 that floor with you, right?

22 A We had Open Sesame people on our floor, as well as Direct Persuasion. I  
23 don't know that we had anybody from Real Time Media, but it's possible.

24 BY [REDACTED]

25 Q Did you ever know anyone other than Alex Cannon to be associated with

1 DataPeer?

2 A Not that I can think of right now.

3 Q Do you know of anything that DataPeer does outside of whatever Mr.

4 Cannon communicated with you about it?

5 A Not that I can remember. I don't really, don't really know exactly what the  
6 company did.

7 Q Nobody ever had any conversations with you about why all of a sudden  
8 emails started coming from a person on the campaign from a DataPeer address as  
9 opposed to a campaign address?

10 A You mean emails coming to me?

11 Q Mm-hmm.

12 A No, nobody explained why email addresses --

13 Q Or emails coming to anyone else? Did anybody ever have conversations  
14 about all of a sudden an attorney working on the Trump campaign is sending emails from  
15 a DataPeer address as opposed to a campaign address?

16 A Mr. Steggerda. If you -- if you remember.

17 A Mr. Boedigheimer. I don't remember anybody talking to me about that.

18 Q Do you know whether Darren Centinello was associated with DataPeer?

19 A I'm not sure if he was or not.

20 Q Do you know whether Sean Doleman was associated with DataPeer?

21 A I'm not positive if he was or not either.

22 Q When you say you're not a positive, is that meant to suggest that you think  
23 he was but you're not 100 percent sure or you have no knowledge whatsoever?

24 A It means I'm really not sure if he was or not, so I don't want to obviously  
25 speculate.

1 Q I think there's a foundation problem here because I, I'll ask it again just to  
2 make sure. Do you remember any other names other than Alex Cannon that you  
3 remember being, from your perspective, associated with this DataPeer group?

4 A Not that, I can't remember anybody else that was involved.

5 Q Do you recall any discussions about TMAGAC approved emails being sent by  
6 any other entity besides TMAGAC?

7           Mr. Steggerda. I'm sorry. I missed that question. Do we have the ability to read it  
8       back or --

9 I'll just [inaudible]

10 Mr. Steggerda. I'm sorry, I missed that.

11 Q I said do you know of any other entities sending out TMAGAC approved  
12 copy?

13 A Entities as in like a different JFC or --

14 Q Any other group that sent out emails, do you have any knowledge of  
15 TMAGAC approved copy being used to be sent by another entity?

16 A I vaguely remember emails that like, we weren't responsible for sending that  
17 were sent somewhere else, I don't know where.

Q Tell us about what you remember.

19 A I don't remember the exact conversations. I believe I spoke with Gary about  
20 sharing approved copy with him or others. I'm not really sure. It wasn't something that  
21 we, I wasn't in charge of it or responsible for it. So, I don't remember like any details of it.

22 Q Are you saying that Gary came to you and told you that you should share  
23 approved copy or you went to Gary to discuss a request?

24 A Like I said, I don't remember the specific conversation, but at one point, I  
25 think that Gary had told me to share approved copy with somebody.

1           Q     And who's that somebody?

2           A     I'm not sure who it was.

3           Q     Do you recall whether it was somebody associated with the campaign?

4           A     I don't recall who I was. I don't want to --

5           Q     Do you remember when that was? General time frame at least?

6           A     I don't remember a general time frame. I imagine it was, I don't remember a  
7     general time frame. It was later in 2020 would be my assumption. I just, I don't really  
8     have a great guess of it.

9           Q     So, a minute ago, it sounded like you said, and correct me if I'm wrong, that  
10     Mr. Colby came to you, I'm combining two things I think. A minute ago, it sounded like  
11     you said, you remembered somebody coming to you and asking you to use approved  
12     copy or to share approved copy for emails that were going out from somebody else. Is  
13     that, is that what you said?

14          A     I said that I think I remember maybe having that conversation with Gary that  
15     we were sharing the approved copy to be not sent from us, or not sent from at least our  
16     Salesforce account.

17          Q     Right. And did you ever ask who they were being sent by or did you know  
18     who they were being sent by?

19          A     I can't remember or I don't know that I asked or was told.

20          Q     Well, here's why I'm asking is because this is my understanding is that you  
21     had TMAGAC at this point, The joint fundraising committee, and you were doing things  
22     jointly and somebody came to you and said, hey, we want to use your approved copy to  
23     do something other than what the joint fundraising committee is doing within the  
24     agreed-upon method of using your Salesforce account.

25                 There was no discussion about whether this was outside of the JFC or whether

1 somebody was doing separately something outside of the JFC. There was no -- do you  
2 know what I'm saying there?

3 A Like I think I know what you're saying. I don't remember any specific  
4 conversations with me or me asking what it was for. It wasn't uncommon for people to  
5 ask me for approved copy.

6 Q Right. But a minute ago, you said you were aware that it was being used to  
7 go into emails that were going to be sent by somebody else outside of the Salesforce  
8 arrangement that you had or the JFC was sending emails through the RNC Salesforce  
9 account. Had that happened ever while you were working on the JFC that somebody used  
10 approved copy to send emails outside of the Salesforce account?

11 A Our approved copy would also be sent by list brokers for email prospecting.  
12 So, that would be another way that our approved copy would be used that wasn't sent  
13 from our Salesforce account.

14 Q Who had you had those conversations with?

15 A Which conversations?

16 Q Where somebody came to you and said, hey, can we get some approved  
17 copy to go into emails being sent by outside brokers?

18 A Myself, Kevin Zambrano, Jen Harrington would communicate with brokers,  
19 was primarily what Jen Harrington and Kevin Zambrano would work on more than me,  
20 but our approved copy would be shared with them as well.

21 Q How often do they come to you for approved copy for those brokers?

22 A Often. I mean, sometimes they would. Sometimes just the process itself  
23 once copy was approved, people on the email team would know to then send it to  
24 Brokers. It wasn't always a direct ask like that.

25 Q When Mr. Colby came to you and asked you for the approved copy to be

1 used for emails outside of the Salesforce account, did he say anything about the types of  
2 emails that he wanted you to send him?

3 A Again, I don't remember specifically if that conversation happened. It's kind  
4 of just vaguely what I remember. But from what I remember, I don't think we had a  
5 specific conversation about what type of messages to use.

6 Q And you don't remember having a conversation with anybody at DataPeer  
7 regarding sending approved copy to use?

8 A No from, from what I remember, I believe we may have spoken to Alex  
9 Cannon about it. I don't remember specifics of the conversation though. It's very, from  
10 what I remember, it was very brief if anything.

11 Q Do you remember if it was a phone conversation or an in-person  
12 conversation?

13 A I don't remember, no.

14 Q Well, if it was an email conversation, presumably, would you have had  
15 access to that to produce it in your production?

16 A If it was, if it was an email, it could have been used with my GOP, it probably  
17 would have been used with my GOP address.

18 Q And I can't remember, apologies, you did or did not have access to that for  
19 the purposes of your production?

20 A I did not have access to that.

21 Q Okay. Do you remember any conversations that anyone had with you,  
22 whether it was Mr. Cannon, or Mr. Colby about producing watered-down emails or light  
23 emails or not inflammatory emails, or anything that would have characterized the email  
24 copy that they wanted as more vanilla, anything in the tone of your less heated emails?  
25 Any kind of characterization that suggested that they wanted a specific type of copy?

1           A   Not that I can remember.

2           Q   Are you familiar with the term of warming up an IP address, or email  
3         address?

4           A   I'm familiar with that term, yeah.

5           Q   What does it mean?

6           A   I guess basic understanding of it is, you're sending your email addresses or  
7         you're sending emails off of IP addresses and rather than just sending to all of the emails  
8         all at once, you need to send in smaller increments to get them used to -- get the IP  
9         address used to traffic coming in.

10          Q   So, is it fair to say that it's basically a way to build up the ability to send mass  
11         emails in the future and have them actually be delivered?

12          A   It depends what you're going to use the IP address for but usually the idea  
13         being that you want to send to more than just a thousand people. So, you're, you know,  
14         sending to more each time and getting it used to that traffic.

15          Q   Do you recall having conversations with anyone in later 2020 about helping  
16         warm up IP addresses?

17          A   Not that I can remember. Over the years, I've helped warm up lots of IP  
18         addresses, but I don't remember any specific conversations during that time.

19          Q   Does that, do you recall whether you had any conversations in the context of  
20         DataPeer and warming up IP addresses?

21          A   Not that I can remember specifically.

22          Mr. Steggerda. If you have other names or other people that you want to share  
23         with him from DataPeer, he's really trying to remember, I promise you.

24          If, there's a lot of questions, did you ever have, and I know it's a fair question, but  
25         like he's not here to not tell you what he remembers. But if there are other names other

1 than Alex Cannon with DataPeer or specifics of conversations that you have and want to  
2 help me in this process refresh his memory, so we don't have to come back, that would  
3 be, that would be great.

4 [REDACTED] Well, I think we've given him a few times and he said he didn't  
5 remember them. To the extent that we have names, we are absolutely trying to see if he  
6 recollects them. I promise you we're not keeping names.

7 Mr. Steggerda. If there are other names, I would love to get them out and he  
8 can see if it triggers a recollection of this because it sounds important to you.

9 [REDACTED] To the extent that we have names, we're definitely trying to trigger a  
10 recollection. And to the, what we're trying to do is ask the questions to get your best  
11 recollection.

12 I think the line that we're, that we're, let me be clear that with regards to this, to  
13 the extent that you had conversations with folks at the RNC about DataPeer or what folks  
14 may have been doing with DataPeer or what you may have heard folks we're doing with  
15 DataPeer, this is an area where to the extent that you're not 100 percent sure, but you  
16 have recollections about what people may have been speculating about, that would be  
17 helpful.

18 Even if it's not your personal knowledge or your personal speculation. The  
19 knowledge that those conversations and speculations were happening, would be helpful.  
20 So, if we can navigate through that to the extent that you remember having any  
21 conversations with anybody who was speculating about what was happening with  
22 DataPeer, that would be helpful understanding that it may not have been your personal  
23 speculation and it's just your recollection of those conversations. Does that make sense?

24 Mr. Steggerda. Did you follow that or do you need [REDACTED] to repeat that?

25 A I think I understand what you're saying, but my knowledge and memory of

1       this is basically what I've told you guys. Alex Cannon probably being involved, maybe had  
2       a conversation with him or Gary about it. But other than that, I don't remember the  
3       specifics of anything other than that.

4           Q     And I guess the point about do you remember having any conversations with  
5       anyone at RNC or anybody at the RNC mentioning DataPeer, or concerns with what  
6       DataPeer was doing?

7           A     Not that I can remember any conversations like that.

8           Q     We're going to switch topics. I want to check whether you want to break or  
9       anything.

10          Mr. Steggerda.   It's been a little over an hour. Do you want a quick five?

11          A     Yeah, that works for me.

12          Mr. Steggerda.   Okay? Well, we can go into recess for five minutes.

13          A     Thank you. Is my volume a little better or is it still too loud.

14          REPORTER.   It's a little, you immediately drop when you go, like you're fine now,  
15       but as soon as you guys go into questioning, you just drop and I'm like --

16          Mr. Steggerda.   She wanted to say yes, but she just couldn't. Just keep trying to  
17       project as best you can.

18       [recess].

19           BY [REDACTED]

20          Q     All right. Let's go to close to the election. Prior to the election, were -- did  
21       the digital team make any preparations for different outcomes, namely potential win, or  
22       potential loss?

23          A     I remember like specifically, if we came up with copy for both scenarios. It's  
24       very common to do that for an election though. So, that would make sense.

25          Q     And what would be, let me ask this way. Do you have any recollection of any

1 pre-written copy for election, election night or post-election?

2 A I don't have any recollection of specific copy, no.

3 Q Did you have any discussion prior to the election as to whether there would  
4 be post-election fundraising?

5 A I don't remember specific conversations. I know in some of the messages  
6 that we sent over had a conversation with Darren about it, but that's, I don't remember  
7 any other specific conversations about it.

8 Q But before the election like in the couple of days before the election, do you  
9 remember having a plan for whether your team was going to continue writing fundraising  
10 emails or not?

11 A Yeah, generally having a plan that, you know, the election, if President  
12 Trump won, or he lost, or maybe hadn't been decided yet. Generally, I remember, you  
13 know, we were going to do different content based on those outcomes.  
14 With Darren?

15 A I don't remember the exact --

16 Mr. Steggerda. Do you want to turn to that signal in the binder right now or do  
17 you want to, that's what he's referencing.

18 A Yeah, okay.

19 Mr. Steggerda. I think it's the last tab, 26.

20 Q Yeah, let's look at that. That's probably an Exhibit 26, which is bates stamped  
21 BA 6823 and it looks to be an exchange you have with contact named Darren. This is  
22 Darren Centinello. Is that right?

23 A Yeah, this is Darren.

24 Q And Darren says, hey man, you guys have any copy we can have set up for  
25 one, a victory; two, trying to steal; three, trying, still trying to figure out the results?

1           And then you respond on victory, we're basically waiting until closer as we can't  
2       get it approved until then. I can give you some copy about how they are planning to try  
3       and steal the election. It's approved. And he says that would be helpful. Appreciate it. So,  
4       give us some background what's happening here?

5           A     So, for background, Darren as I said earlier, worked on social media, as well  
6       as the app, among other things. So, he's basically asking for content that's approved to be  
7       able to send at that time.

8           Like I said, I don't remember this specific conversation, but reading through it, I'm  
9       basically saying on the victory topic, which is the first one that he covered. We're waiting  
10      until closer to election results are coming in to be able to get that approved and then I'm  
11      giving him some copy about how they are trying to steal the election that has already  
12      been approved.

13           Q     So, why is it that the trying to steal copy is approved but victory copy, you're  
14      waiting on until it gets closer?

15           A     I don't remember the exact reason but I imagine we pulled from what  
16      President Trump or statements that we're coming out with similar language and got that  
17      approved this time or earlier that day or whatever it was.

18           Q     Why did you get post-election trying to steal language approved?

19           A     Well, we wanted to have content to send out and I don't remember  
20      specifically but we would have pulled from what the President or surrogates were saying.  
21      So, get that content approved so that we can send it and you know match their  
22      messaging.

23           Q     I'm not asking the source. I'm asking why. Did someone tell you that  
24      Democrats were going to try to steal the election?

25           A     I don't remember that anyone specifically said that. I think it was a common

1 theme that people were talking about at that time. So, I remember where specifically we  
2 got it from but, you know, I remember it being a theme at least.

3 Q Do you believe that this represents the origin of that messaging relating to  
4 Dems trying to steal the election?

5 A I don't believe that. I believe it's been messaging that was going on for a  
6 while and maybe even in years past. I think it's a common theme that has been used.

7 Q Let's unpack this in different levels. Let's start with Darren first. Why would  
8 Darren be asking for copy from you?

9 A I mean he knows that I read the online fundraising team. So, I'm going to  
10 have a lot of approved email and SMS copy. So, instead of him going through and  
11 guessing what's approved, he could just get it directly from me.

12 Q Is it your understanding that he was asking for copy to put on social media?

13 A I'm not sure exactly what he was doing. But you know, knowing that he  
14 worked in social, that's a possibility.

15 Q Is it possible that he was asking for a copy so that it could be emailed out on  
16 something outside of the Salesforce platform?

17 A I don't remember the full context of this conversation, so I'm not sure.

18 Q Who did you have discussions with about preparing post-election copy, or  
19 did you decide on your own that you would have your team prepare it?

20 A I don't remember specific conversations that we had. It'd be common for us  
21 to talk about what we're going to do in which scenario and what type of content. But I  
22 don't remember a specific conversation on that.

23 Q Did you have the authority to decide that TMAGAC would continue  
24 fundraising post-election?

25 A I don't think I had the authority to do that because obviously it would have

1 to go through all of our approval chain. And then once it was approved, then we could  
2 still send. But I would have the authority to just choose to keep sending.

3 Q So, I'll ask you about that a little more broadly. In normal years, when the  
4 campaign, is it fair to say that when a campaign is over, fundraising pretty much stops in  
5 comparison to the lead-up to the election day. Is that fair?

6 A I think in some instances for campaigns. I know a lot of organizations  
7 fundraise all year long.

8 Q [Inaudible] organizations, though. I'm asking about campaigns. Is it fair to say  
9 that it's typical that fundraising stops when the election stops as to the campaign?

10 A I think that's typical. I don't know exactly the rules of if you have to stop  
11 fundraising at a certain time or day when the elections over. I'm not really sure how that  
12 works.

13 Q So, and so we have that and you said you didn't have the authority to decide  
14 to continue fundraising. So, who did tell you that fundraising will continue?

15 A I don't remember a specific conversation that was happening. But knowing  
16 that the election wasn't over at that time, I think it was common knowledge to continue  
17 fundraising.

18 Q Remind me, I'm so sorry. Remind me when stopped working for the JFC? You  
19 continue working for the RNC. But when did you stop working for the fundraising part of  
20 the JFC?

21 A Again, I was an employee at the RNC throughout this entire time. I don't  
22 remember exactly when the JFC ended but I remember we were working fundraising  
23 emails for the JFC post-election day.

24 Q Up through January 6, right?

25 A I don't remember exactly when it ended, but it went for, I believe towards

1 until that time. I don't remember exactly when.

2 Q Well, to be fair, I think you recall that you told the team to stop sending  
3 emails on January 6, correct?

4 A I don't know if that's exactly what I said. But yes, we stopped sending emails  
5 on January 6.

6 Q It's fair to say that TMAGAC sent fundraising emails from post-election from  
7 post-election, from election day through January 6th. Is that fair?

8 A I really --

9 Q And just before you answer, it's not meant to be a trick question, right? We  
10 have the emails. The emails were sent by TMAGAC to January 6. So, it's not a trick  
11 question or meant to be, I'll proffer to you that that's a fact.

12 TMAGAC sent emails to January 6. And just for the sake of speeding things up, you  
13 previously told us that you told, that you gave a directive to people to stop fundraising,  
14 because what was happening at the Capitol. Anything I just said seem inaccurate to you?

15 A It doesn't seem inaccurate, no.

16 Q Okay. So, let's go back to the decision to keep fundraising. When you  
17 prepared copy for the post-election period about trying to steal, did you do that because  
18 you just, was that you being proactive or did someone indicate to you that you reported  
19 to that fundraising would continue? Because what it looks like here is that this  
20 preparation to keep fundraising no matter, to keep fundraising no matter what. Was that  
21 the case?

22 A I think --

23 Q It's a question for you. One, is who gave you directive to continue  
24 fundraising and was the expectation that fundraising will continue regardless of the, of  
25 the outcome?

1           A     For the first question, I don't remember getting specific direct to like keep  
2 fundraising or I don't remember getting anything direct like that.

3           For the second one, I think we were being prepared for any scenario and you  
4 know, knowing what was going on with the news and how long it was going to take to  
5 count mail-in ballots and all of these, these other things, I think a lot of people didn't  
6 expect the election to be called that night. So, I think it's pretty common knowledge that  
7 we were going to fundraise after that, until the election was over.

8           Q     Am I misremembering or wasn't there a meeting that was held right after  
9 the election that Mr. Colby lead that was kind of a keep on keeping on meeting?

10          A     Yeah, I remember, I don't remember when it was. I believe it was after  
11 election night. We had like a digital all staff meeting and he, you know, I don't remember  
12 exactly what he said, but it was essentially, we're still working until the election's over.

13          Q     As you said it was common knowledge that mail-in ballots and that may not  
14 all be counted the night of the election and results made, the election might be called  
15 after election night, but I want to hone in specifically on the trying to steal messaging.  
16 Prior to the election even being over, why that messaging? Why not keep fundraising?  
17 We need money because the election isn't over until it's over. Why trying to steal?

18          A     I mean that would have been messaging we would have grabbed from  
19 President Trump or surrogates and, you know, President Trump had been talking about it  
20 for a while. There were RNC lawsuits for months before that. So, I don't know exactly  
21 where that, that phrase came from.

22          Q     I'm not asking about the phrase. I'm asking is that, Darren says, there are  
23 three categories. He says victory, trying to steal and still trying to figure out the results.  
24 Look at number three. That suggests to me which initially said because everyone knew  
25 that the election was very unlikely to be called election night. So, there's a route that says

1 still trying to figure out the results.

2 Then Darren has option two, trying to steal, which isn't trying to figure out the  
3 results. It indicates someone is trying to steal the election from President Trump, suggest  
4 a coordinated effort. And what you say is that what you had approved -- this is election  
5 day -- is the -- that how they are planning to try and steal the election and it's approved.

6 So, go into election day with you knowing that the lecture was not going to be  
7 called and it wouldn't be a surprise to you the election wasn't going to be called because  
8 everyone expected it not to be called, you had and your team approved try and steal the  
9 election emails. Why? Why that messaging?

10 A Like I said, I, we probably would have gotten it from the surrogates or from a  
11 statement. I don't know exactly when. I'm sure we could see President Trump's Twitter at  
12 the time. But we would have wanted to use the messaging that he was using. I think  
13 we've determined that it's aggressive language. We would want to use that for this.

14 Q Because it would be, it would be more effective than the other messaging as  
15 fundraising.

16 A Well, we wanted to plan for all three scenarios. So, if President Trump was  
17 talking about option two here, we would obviously want that prepped. But if he was just  
18 talking about number three of still trying to figure it out, and that was kind of the general,  
19 the messaging that was going on, we probably would have went with that route instead.

20 Q So, is it fair to say that what you were attaching yourself to was purely  
21 President Trump's messaging, not what was in fact happening on the ground, but what  
22 you expected to happen? It was really about what he was saying.

23 A I didn't have a great understanding of what was going to happen or what  
24 happened on the ground. I wouldn't have really any knowledge into that. But yeah, it  
25 would -- it would have come from President Trump or not just him, obviously surrogates,

1 the campaign manager put out statements and those type of things.

2 Q Did anyone give you evidence or information that there was a plan to try and  
3 steal the election when you had these messages pre-approved for post-election?

4 A I don't remember receiving anything specific like that.

5 Q So, is it fair to say that you didn't, that it wasn't part of your job to engage  
6 with the question of factually whether anyone was trying to steal the election. Your job  
7 was to decide what President Trump said, and what would be effective with fundraising.

8 A We wanted to get President Trump's messaging out, of course, and at the  
9 time, we weren't really sure what's happening. We thought it could be possible that that  
10 was the case. So, obviously President Trump would have more information than I would  
11 have on such things. So, that's why we would send out the messaging.

12 Mr. Steggerda. Let me ask you a question with respect to this document, this tab  
13 26. Is, from best you, as best that you can recall, is this just a reactive comment to the  
14 question or does this indicate that you actually within the day or two prior to the election,  
15 had come up with, with copy?

16 Mr. Boedigheimer. I mean, this is I guess reactionary and me replying to him  
17 since I said the copy is approved. It was obviously approved before that period.

18 Mr. Steggerda. And my question is your reference as best you can remember  
19 you wrote this, right?

20 Mr. Boedigheimer. Mm-hmm.

21 Mr. Steggerda. With respect to saying that that copy had been approved, do you  
22 remember if that's copy that you had approved in the day or two before the election, or is  
23 it possible that you were also referencing approved copy from some time before that, if  
24 you remember specifically?

25 Mr. Boedigheimer. I don't remember specifically. It could have been any time

1 before this message would have made sense. Because I'm saying it's approved here. So, it  
2 could have been days. It could have been hours. I'm not really sure.

3 BY [REDACTED]

4 Q Were they meant to approve for the purposes of sending post-election,  
5 Correct?

6 A I mean, from looking at this, I'm not sure when he was planning on sending  
7 it, but and it could have been on election day or after.

8 Q Well, we're going to look at messaging --  
9 that we've shown you in the past. This is November 3rd and early on November 4th. It's  
10 exact messaging about trying to steal the election. Those exact words almost verbatim  
11 comes out from TMAGAC. So that's the messaging you were talking about here that's  
12 approved; correct?

13 A I don't know if it's that specifically, but it could be, yeah.

14 Q Well, let's look at exhibit number one. And this is the email that comes from  
15 President Trump on November 4th. And the email says, and to say the first paragraph, or  
16 the first longer sentence, despite the numbers that are very obviously of your president,  
17 the, and is says in all caps, the Democrats will try to steal this election.

18 Mr. Steggerda. That definitely captures the voice.

19 BY [REDACTED]

20 Q Yeah. So I'll say this is the messaging you were talking about to Darren that's  
21 been pre-approved coming into election day; correct?

22 A It could be. Again, you know, we use this phrase quite a bit. It could have  
23 been a different email as well.

24 Q Well, it sounds like when you were talking to Darren, you're not talking  
25 about one specific email. It sounds like you're saying when there's copy out that it's

1 approved because when you send the approval emails, it's multiple emails and multiple  
2 attacks often in one approval chain; correct?

3 A Correct. It'd be multiple emails. I guess my point is that this email could have  
4 been approved after that conversation or before. Either are possible.

5 Q Yes. But is it fair to say this is the kind of messaging that you're saying was  
6 pre-approved for post-election sending?

7 A Yeah. Generally speaking, I think it's the kind of messaging.

8 Q So it's fair to say that prior to election day, the digital team prepared, had a  
9 way to prepare it and was the first plan of email kind of sending the digital team had, was  
10 to try and distill a messaging. That's what you first got approved. That's what you're  
11 telling Darren; correct?

12 A I mean, the message that says, I don't know if the other ones got approved.  
13 Obviously the victory one was on hold. I'm not sure from reading the message if option  
14 three was also approved though.

15 Q Did you recall any, getting any messaging approved of still trying to figure  
16 out the results?

17 A Not that I can remember specifically, no.

18 Q And that's because President Trump didn't speak that way; correct?

19 A We would've gotten the messaging from President Trump and I, I'm not sure  
20 if he said something like that, but he said more stuff along these lines.

21 Q Do you recall him saying something as measured as still trying to figure out  
22 the results?

23 A Not that I can recall.

24 Q And that trying to steal a message was happy spoke that Democrats tried to  
25 steal the election; correct?

1           A     Yeah. He'd send messages like that. I don't know if he used that exact  
2 phrase, but.

3           Q     So if we look at exhibit two, it's another email from the fourth as well, that  
4 says it's no secret that Democrats will try to steal this election. This is another example of  
5 the kind of messaging that you would have gotten pre-approved prior to knowing how  
6 the election would turn out; correct?

7           Mr. Steggerda.   Objection. I don't think that's what he said. That, and I want the  
8 record to be very clear on what his best recollection is. So objection. There's a foundation  
9 problem with that question. I want him to be really, really clear and if they did it, then say  
10 that you did that.

11          But if what the investigators are asking you is, do you remember if you had a plan  
12 and pre-approved the messaging of this type that relates to Dems trying to steal the  
13 election before the election was actually conducted? Do you remember if you had a plan  
14 to do that?

15          Mr. Boedigheimer.   I don't remember specifically having a plan. But from reading  
16 Darren's message, it looks like we had a plan for three scenarios.

17           BY [REDACTED]

18          Q     Well, that's not what Darren message says though; right? Darren asked you  
19 whether you have copy for three scenarios. And your response is, on victory you said you  
20 were waiting until it gets closer as we can't get it approved until then. And that's election  
21 day. So on the election day, you tell Darren we can't until we get victory messaging  
22 approved yet. That's what it says; correct?

23          A     I believe that's what it says. Yeah.

24          Mr. Steggerda.   Right. Thanks.

25           BY [REDACTED]

1           Q     But on election day at 2:00 p.m.; right? So at 2:00 p.m., at 2:05 p.m., you  
2     can't get victory messaging approved yet. You got to wait until you get closer. But at that  
3     time you said you can give him some copy about how that they are planning in trying to  
4     steal the election. It's approved; right?

5                 So when we use a word plan or there's not a plan, clearly the digital team going to  
6     election day has approved, has drafted an approved copy about Democrats trying to steal  
7     the election. That's correct; isn't it?

8           A     It looks like we had copy approved for that scenario.

9           Q     All right. I want to turn a bit, I want to turn to talking again about, just about  
10    the approval chain. Let's go to exhibit three. And this is the email that you haven't seen  
11    before, but it's a, you know, approval chain email.

12          A     Okay.

13          Q     And it's from November 4th and it's subject line is for approval election  
14    defense fund. Now, I'm going to ask you to turn to the, to look at the bottom email from  
15    Julia Trent, do you see that?

16          A     Yes.

17          Q     So Julia Trent sends an email and it goes to approvals@donaldtrump.com  
18    and approvals@gop.com and CC Kingsley Cortez, Mark, and Mark Lauter [ph]. And she  
19    says, good afternoon all. Can you please approve as soon as possible? Thank you. And I'm  
20    happy to -- you can scroll through, but it shows various text messages, it appears, and  
21    emails; correct?

22          A     Yeah. It looks like there are emails and text messages on here.

23          Q     Okay. And then Alex Cannon responds approved on the first page. And that's  
24    Alex Cannon. That's Alex Cannon, the lawyer we're talking about; correct?

25          A     Correct.

1           Q     And then Cassie Schmidle [ph], Schmidle, I don't know how you say her  
2     name, by chance?

3           A     I'm not sure how to say it, no.

4           Q     But that's Cassie, C-a-s-s-i-e. Oh, it's up there, actually. And it says  
5     comm/research. Do you know who that person is?

6           A     It's possible I've met her before, I recognize her name from emails, but that's  
7     about it.

8           Q     And then Kingsley Cortez also sounds good. Do you know who that person  
9     is?

10          A     Similar thing. I recognize seeing her email, but it's possible I've met her  
11     before, but don't know her well.

12          Q     So when we look at the approvals@gop.com listserv, let's call it, that's the  
13     one you would be on as RNC employee; is that right?

14          A     That would make sense that I'd be on that one. Yeah.

15          Q     And this looks like your typical, when we talk about the approval chain, is  
16     this look typically how we would go the initial email from Julia Trent goes out, the  
17     individuals who you wait on to respond, respond, and then when you have the necessary  
18     people approving, it can then get out the door?

19          A     Typically it'd look like this. Their -- it looks like there's no edits on this one,  
20     but sometimes they would have edits, as well.

21          Q     Okay. So let's look at exhibit four, which is another email from the next day,  
22     the fifth, and it has subject line for approval election defense. Now on page two, Julia  
23     Trent, again sends the email, good afternoon all, can you please approve soon as  
24     possible? Then Jenna Kirsch [ph], says notes below. And it looks like she has some edits,  
25     she has some notes she puts in, then Alex Cannon writes, "isn't it halt h-a-l-t, not hault

1 h-a-u-l-t"? Did you have an understanding of what Alex Cannon was reviewing these  
2 emails for?

3 A I mean, my understanding was that he was in the legal perspective is what  
4 he was reviewing them for.

5 Q And what did that mean to you?

6 A I don't know what their whole process is, but essentially making sure that  
7 there's no legal issues with the content.

8 Q So, and then the comms folks, what did you understand them to be doing?

9 A Making sure that it's on message and good from a comms perspective.

10 Again, I don't know their full process either, but.

11 Q And then the research folks to the extent that they may be comms or  
12 separate, where did you understand research to do?

13 A For the research aspect, from my understanding is, you know, looking for  
14 things that are accurate or maybe things that are inaccurate, and making sure that those  
15 fact-checking in some sense.

16 Q Mm-hmm. So here later in the email, you respond and say Julia Trent replies  
17 to just you and Alex and says, just making sure you're okay with the rest of the content  
18 here outside of halt edit, and then you respond, Alex, you good with the rest? Hoping to  
19 send any minute.

20 And he responds, good. Is it fair to say that when people waiting on edits, it was  
21 your job to review those edits and then you would follow up just like this to make sure  
22 that they were -- that there was then good to go?

23 A Usually kind of like this chain here, Julia would do the initial follow-up. If we  
24 still weren't hearing back, someone like me or maybe Gary or Kevin would, you know,  
25 reach out and try to get somebody to respond, basically, that was unresponsive.

1           Q     Mm-hmm. Let's go to exhibit five, another approval chain from the sixth.  
2     And we can start on page, on the bottom of page one, Zach Parkinson says good. Did you  
3     recall whether, was Zach Parkinson one of those people that needed to respond before  
4     an email could go out?

5           A     I'm not positive. I, sometimes he was. I'm not sure if he always was.

6           Q     So who were the people that you would, who would be the person to know  
7     that this email's good to go? So you're seeing, we see chains like this. Alex Cannon says  
8     good. Cassie says good. Mike Reed says, okay. Who knows when that email is now good  
9     to go?

10          A     So Julia would, the one running the approval chain, would know kind of the  
11     checklist or the groups that we need to make sure have signed off before.

12          Q     Okay. Sorry. And did you know those people?

13          A     I knew a few of them. Like we went over earlier. I'm recognizing some of the  
14     names now that you're showing me this, but I didn't remember like specifically which  
15     ones were, which.

16          Q     Okay. Mike Reed, was that someone you remember?

17          A     I remember Mike Reed. Yeah.

18          Q     And what did Mike Reed do?

19          A     Well, I'm not sure exactly what his role was. I think comms or research, one  
20     of the two.

21          Q     All right. Let's go to exhibit six, another email chain, this is from November  
22     11th, subject line for approval, defend the election and vaccine. And we can start on page  
23     two, which at the top, Justin Reimer says a few suggested edits below. And when you go  
24     to page, page ending in 61, it appears there that he deletes President, it says President  
25     Trump won.

1           The original text appears to say President Trump won this election by a lot. He got  
2       71 million legal votes, and then Justin Reimer makes it President Trump got 71 million  
3       legal votes. Do you recall edits like this, getting edits like this back from the approval  
4       chain that removed the suggestion that President Trump had won the election?

5           A     I don't remember these specific edits, but he would make, legal edits would  
6       make little edits like that to change phrasing or to delete a line that, that was pretty  
7       common.

8           Q     But this doesn't seem like a change in phrasing. It seems like a change in  
9       meaning; right? The original line says President Trump won the election and the edit here  
10      is that he just got 71 million votes. And it removes and he won the election.

11           So do you recall discussions or do you recall changes like this that, that altered the  
12      copy that your team sent up from President Trump winning the election to purely  
13      commenting on how he performed?

14           A     I don't remember that specifically, but like I said, it was common for them to  
15      make edits like this.

16           ██████████ A moment ago, unless I misheard you, you said it was pretty common  
17      for them to make little edits like this and understanding that you may not remember at  
18      the time then, and I'm just speaking right now. It's interesting to me that reading  
19      President Trump won this election by a lot, he got 71 million legal votes versus President  
20      Trump got 71 million legal votes, seems like a legal edit to you.

21           And I'm not asking you about your politics. So let me be clear. But I am asking  
22      about your perception as a copywriter. Does that seem as a copywriter, like a little, or  
23      non-substantive edit to you based on your experience in copywriting?

24           Mr. Boedigheimer. I think little was a poor choice of words. I met little in size. It  
25      was.

1 [REDACTED] Ah, okay.

2 Mr. Boedigheimer. Just a couple of.

3 Mr. Steggerda. It was an easy edit to make.

4 Mr. Boedigheimer. A couple of words. Yeah.

5 [REDACTED] So.

6 Mr. Steggerda. And by the way, I mean, that does, I mean, I don't know how  
7 that gets produced, but I mean, legal advice that went to this group from the RNC Chief  
8 Counsel's Office, I think that's privileged under any scenario.

9 Whether that's a fact check or not, we can debate, but I just want to be clear,  
10 he's -- doesn't intend to waive any privilege of legal advice that he got from the RNC  
11 during the course of his RNC employment.

12 [REDACTED] That's fair. And we'll make clear that this document was not produced  
13 by you. And so we -- we're not representing in any way that, that it was. I just was -- I  
14 wanted to clarify your use of the word, little understanding that you meant easier, simple,  
15 but sitting here today, I'm asking you, as you review this, does this seem as a copywriter,  
16 how would you describe the substantive change here? Large? Significant?

17 Does it strike you as a significant substantive change or just based on your  
18 experience, copywriting substantively, is that a significant change or a minor one?

19 Mr. Boedigheimer. I think we relied on the approval chain a lot. So any edit that  
20 they made, we took with extreme importance to make sure that it was edited. As far as if  
21 it was simple to change or not, it was just a couple of words. So yeah, it was a simple  
22 change.

23 [REDACTED] I'm not wording this well, so this is on me, not you. We're not  
24 copywriters. And so, to the extent you have expertise and experience in this area, your  
25 knowledge is helpful for us here. A lay person could read this and say, wow, that is a huge

1 substantive change; right? Because we come with our own perceptions or our own  
2 understanding what copywriting might be.

3 I'm asking as a copywriter, as you look at that in copywriting world, does that  
4 seem like a large substantive change or no, a small substantive change?

5 Mr. Boedigheimer. I think I would say it was pretty common to get edits like this.  
6 So it's obviously changing this sentence. I don't know if I could judge how big of a change  
7 it is. I think that would be up to whoever's reading it. So I don't know. I don't really know  
8 how to answer that, I guess.

9 Mr. Steggerda. Well, when when she asked you earlier and with respect to your  
10 reference to little changes.

11 Mr. Boedigheimer. Mm-hmm.

12 Mr. Steggerda. I think you already said what you meant by that, but what did  
13 you mean when you referenced little change? And this -- is that a little change to you?  
14 And what does that mean to you?

15 Mr. Boedigheimer. What did I mean when I said little change?

16 Mr. Steggerda. Yeah.

17 Mr. Boedigheimer. Yeah. I meant it was just, it was small and something that we  
18 could change easily.

19 [REDACTED] No. No. That I understood. Then when I asked the question, you  
20 clarified what you meant by little. One hundred percent I understood that when you said  
21 that you meant it was simple and not difficult.

22 What I was asking is, I'm sitting here as a lay person who does not do copywriting.  
23 And my job is not to constantly read draft emails and figure out the changes that I need  
24 to make in order to be consistent with communications, or get them approved; right? I  
25 apologize. I know I'm talking too fast. I hear it, I'm going to slow down.

1           What I'm trying to get at is in the world of somebody who does copywriting, I'm  
2 assuming that some of these changes when they came back, some are a typo. You ignore  
3 it. You move on. Some are, oh, that's a small thing. Maybe some of them are substantive  
4 where, oh, stealing the election versus trying to steal the election, note to self going  
5 forward, need to use, try. What I'm asking is you had a lot of experience seeing what  
6 would go through, what wouldn't go through.

7           And I'm asking based on your knowledge and experience as a copywriter, does this  
8 change here? The one that we're using as an example, sitting here right now, as a  
9 copywriter, does that strike you as a substantive change or a minor change of substance,  
10 not, there's really no substantive difference between those two things.

11          Mr. Boedigheimer. I mean, it's a legal change. That's one that we would have to  
12 make. I would, I mean, it changes the meaning of the sentence in a way. So it's kind of a  
13 substantive change. You know, sometimes they could cross out an entire email or the  
14 entire idea. So this is a change that we would at least take of note, if that's what you're  
15 asking.

16           [REDACTED] And that is what I'm getting at, because it wouldn't make sense, if you  
17 consistently sent the same thing, that's going to have a problem. I imagine part of the  
18 goal was to adapt and learn what did clear and what didn't clear. So from this  
19 substantively, I understand you may not be able to remember though, if you can, that  
20 would be great.

21          But sitting here today, based on your experience, would you have substantively  
22 taken away, oh, maybe we don't say did win by a lot. We just give a number like that is a  
23 substantive change that we need to take note of going forward.

24          Mr. Boedigheimer. I think it would be our goal to not make them make edits if  
25 they don't need to. Obviously we were writing so many emails and texts that it's possible

1       that they probably had to make the same edit multiple times, but yeah, this would be  
2       something that would be our goal to not make them edit again.

3                          [REDACTED] That makes sense.

4                          [REDACTED] Going to look at exhibit --

5                          [REDACTED] Sorry.

6                          [REDACTED] It's okay.

7                          [REDACTED] Just one more thing on that. A minute ago, when you said like  
8       because legal would correct it, our understanding is there's a difference between what  
9       legal would do and what research would do. Did you ever understand the difference  
10      between when an edit was legal versus research?

11       Mr. Boedigheimer. I would only know. I mean, I don't know what their approval  
12      process is on their end, but I would know by who's making the edit, generally. I don't  
13      remember who made this one, but if it was like Justin, for example, who's a lawyer, could  
14      be a legal edit. I mean he would fix typos if he saw them too. So, and --

15                          [REDACTED] I'm sorry, I didn't meant to cut you off.

16       Mr. Boedigheimer. Yeah. That's pretty much all I had.

17                          [REDACTED] And if Parkinson made an edit, what did that mean to you?

18       Mr. Boedigheimer. I don't remember his exact role, either comms or research. I  
19      don't think he was part of the legal team. But it would be for comms or for research, for  
20      messaging or for checking certain things.

21                          [REDACTED] If somebody said it was for checking truth or veracity, or accuracy,  
22      would you disagree with that?

23       Mr. Boedigheimer. What do you mean? Sorry.

24                          [REDACTED] So a minute ago you said, and I'm using your example. I think you said  
25      Justin was the lawyer. Your understanding was legal would check things. Sometimes it

1 was typos, whatnot, your understanding is that that was a lawyer reviewing something  
2 for legal. I asked you what Parkinson, what his review would be for?

3 And I'm asking you if somebody said his review would be for truth accuracy,  
4 whether it was in fact true, what was being represented? Would you disagree with that  
5 characterization?

6 Mr. Boedigheimer. I'm not sure exactly what their role was in the approvals, but  
7 I understood it to be checking for the comms messaging and then research for things that  
8 are inaccurate.

9 [REDACTED] This is a somewhat personal question, not reflecting your politics. Did  
10 you ever think about which edits were typos, etc., versus which were edits for inaccuracy  
11 because what you were writing was not true?

12 Mr. Boedigheimer. Most of the time, I wasn't the one reviewing the edits and  
13 even putting them to copy, that would have been Julia or somebody else on the team. So  
14 for me, it was making sure that we got the edits done and that they were then applied to  
15 be the new approved copy with the changes.

16 [REDACTED] I understand like the procedural aspect of it. I guess what I'm more  
17 asking is when you got these emails back and if Parkinson responded and said, this isn't  
18 accurate, we can't verify this, etc., to the extent that you saw them not get through  
19 approvals because they were inaccurate, couldn't be verified, or you couldn't make that  
20 representation because nobody could verify it as true. Did that ever register with you or  
21 bother you?

22 Mr. Boedigheimer. I don't know how often it happened like that, where they  
23 just completely turned something down. But, you know, kind of why we have the  
24 approval process in place is I have trust that the research, the comms, and the legal team  
25 are going to do their processes to make sure it's accurate.

1 BY [REDACTED]

2 Q I just want to note, Austin, at the top of this email right, you reviewed the  
3 email; right? The second to last email is you saying to Alex Cannon, hey, Alex, wanted to  
4 check in to see if you're good with the below chain? You see that right?

5 A Yes. I see it.

6 Q So it's, and you know, we've seen a variety of these emails, and you do  
7 weigh in on them at times to confirm if people aren't responding, what needs to get out  
8 the door. So you were reviewing edits that came from legal; is that fair?

9 A I would review some edits. I can't say I reviewed all of these. There is a lot of  
10 emails and texts and these I didn't review every edit.

11 Q Do you remember this email?

12 A I don't remember this email.

13 Q Do you remember that you reviewed the content that's reflected in this  
14 email.

15 A I don't remember.

16 Q Or not.

17 A I don't remember.

18 Mr. Steggerda. Is it, I believe you said this earlier, but I just want the record to  
19 be clear. Were you involved in all the approvals process or was it, were you brought in at  
20 times when you were still trying to get approval for an email to help move the -- I mean,  
21 walk us through that just a little bit more so I'm clear on it.

22 Mr. Boedigheimer. I wouldn't have been involved in the approval, like me saying  
23 good in this chain would mean nothing essentially, but I was used to, and used, but to  
24 basically say like, hey, can you reply? You know, they're not replying to Julia. So maybe  
25 they'll reply to me and kind of just like the next step, trying to get them to reply, chase

1 down the approval.

2 [REDACTED] And just to be clear on that, I understood that part, that your job was  
3 to draft. Others jobs were to review, approve, and clear. The thing that I was getting at  
4 was a moment ago, it sounded like you were saying, and I don't want to put words -- bless  
5 you. I don't want to put words in your mouth, but I do want to kind of get at the role that  
6 you had, which it did not seem was to care about truth per se or accuracy, because it was  
7 somebody else's job to catch that.

8 Mr. Steggerda. Object, objection. I know we're not in a deposition. I don't, I  
9 didn't hear you. He can clarify, but I didn't, I think the foundation of that is not right. I  
10 don't think he said he didn't care about the truth to the message.

11 [REDACTED] No, no, no. That's why I'm saying, I'm asking you now that underlying  
12 what you were saying earlier, in terms of stringing together pieces of your testimony,  
13 you've said I took -- from the president I took from comms, I took from messaging; I took  
14 the most successful things and took what we thought would raise money.

15 I took what was established to raise money. I put it in emails. Emails came back  
16 and said, this was not accurate. This was not true. It was not your job to worry about  
17 truth in the accuracy of the emails. You establish what was your job to grab consistent  
18 with comms, to grab things that would raise money. It was somebody else's job in the  
19 chain to actually verify whether that was true. Did I get that wrong?

20 Mr. Boedigheimer. Yeah. I think the, it was the approval chains job to see what  
21 the accuracy of the email is and whether it's true or not. We wouldn't want to knowingly  
22 send out false information. We were sending information and then leaning on our  
23 approval chain to make sure that it's accurate.

24 [REDACTED] And I --

25 [REDACTED] Sorry, go ahead.

1 BY [REDACTED]

2 Q I just want to note, Austin, so the time of this email, because it's important  
3 to understand what the copywriting team took from this. This is November 11th, the  
4 election is the November 3rd, November 7th, that's Saturday, Joe Biden is  
5 president-elect, is declared the winner publicly by the.

6 A The media.

7 Q Media stream. Every mainstream media source, including Fox News declares  
8 President Biden the winner. So this is now November 11th, and then legal tells you, you  
9 have to take out that President Trump won this election. And instead, just how many  
10 votes he got. That reads like a big change. When you reviewed that, what did you think?

11 A I mean, I don't remember reviewing this specifically, this chain, so.

12 Q Because I'm going to show you more chains in a minute that show consistent  
13 edits from legal that suggest to change language suggesting a second term would even  
14 happen, to change language suggesting President Trump won, and instead, basically  
15 water down the language a bit to be as you, I think said, so you're not putting out  
16 inaccurate information. And your job as a copywriter is to not send back the same  
17 problems to legal that legal has told you don't fly; correct?

18 A I didn't say that was our job. I mean, it was our goal to not constantly make  
19 them remake edits.

20 Q So is it fair to say that if legal gave you an edit, that was not a typo, but was  
21 instead a substantive change from meaning of a message, that that's something you  
22 would try to implement in your copy going forward?

23 A We would try to obviously use their legal advice on future emails. I've  
24 referenced it earlier, but there were a lot of emails. And as you guys can see in these  
25 chains, that wasn't always going to be accomplished. So we were leaning on the approval

1 chain, legal to be able to catch those things. Even if they were the same edit, it would  
2 happen at times.

3 [REDACTED] Let me be clear about something, because I want to make sure from  
4 something I said earlier. My understanding from what you said earlier was that part of  
5 what you were grabbing, actually a large part of what you were grabbing as the copyright  
6 team, were things that the president was saying publicly.

7 So when I say it wasn't your job to worry about truth, what I mean is President  
8 Trump, I believe at the time was on television saying I won this election by a lot. So you  
9 could grab his statement, put it in an email saying President Trump won this election by a  
10 lot. And it would literally be the words of the president.

11 When I say it wasn't your job to worry about truth, it was because even if you  
12 knew that statement was wrong, the president had just said it. You put it in a copyright  
13 email and send it up because it's the president's message. It'll fundraise well. And it was  
14 somebody else's job to say, no, we can't say that. Or that's not true. It was somebody  
15 else's job in the approval process to say that you couldn't use that; is that fair?

16 Mr. Boedigheimer. I would also add to that, that at the time the election wasn't  
17 over and President Trump has a much greater understanding and insight than I did  
18 obviously as being president, so knowing that I didn't have a reason to believe that it was  
19 false. So at the president saying it, we would want to use that messaging in the emails,  
20 and then as you said, let the approval chain catch whatever from there.

21 [REDACTED] So it was your belief that on November 11, the election had not been  
22 decided.

23 Mr. Boedigheimer. I -- from my understanding, the election wasn't fully decided  
24 until January 6th.

25 [REDACTED] Until January 6th.

1 BY [REDACTED]

2 Q Well, I think, and we'll get to this, but let's clarify what you mean here. We  
3 understand that there are legal formalities that have to occur in every election cycle  
4 before an election, potential election is legally over. But traditionally, is there  
5 understanding that election is over before January 6th; correct? In prior years, prior  
6 cycles, as a citizen, you understood there to be winners and losers of election prior to  
7 January 6th; is that fair?

8 A In prior years, the election may have been called earlier, or somebody may  
9 have obviously, like Hillary Clinton, for example, in the past, like she forfeited or said that  
10 she wasn't going to be the president-elect, but this was obviously a different election.  
11 And we did not know that it was over and so not being an election lawyer or anything, I  
12 was learning about these new steps about January 6th and all of these things that needed  
13 to take place. So from my understanding, it still wasn't over at that time.

14 [REDACTED] So just, I just want to -- is it fair, because I think that's actually a really  
15 important point. People don't appreciate sometimes that we are fact gatherers. Our goal  
16 here is slightly different that we are gathering facts from the story and not necessarily the  
17 who, what, where, when of an incident.

18 But I actually think it's important to understand that a moment ago you said  
19 something that struck me, that you were looking at what your president was saying. You  
20 assume that your president was telling the truth and knew more about this than you. So  
21 that on November 11th, when he continued to say, I won, I won by a lot.

22 Your understanding was that the process was not over, that the election had not  
23 ended. And even after the litigation, and even after December 14th, all the way up into  
24 January 6th, your president told you that he had won and that this election had been  
25 stolen. And you believe that? And I'm not questioning that. I'm just saying, it sounds like

1 you believe that.

2           Mr. Boedigheimer. My understanding, like I said, was the election wasn't over  
3 until January 6th. Through that process, obviously I was watching the news. I was  
4 watching different lawsuits and cases fail. I think they won some as well. So admittedly, I  
5 was less hopeful as we got closer to January 6th, but from my understanding, he still had  
6 a chance to become president at that point.

7           [REDACTED] And is it fair to ask, was that understanding coming largely because  
8 you were monitoring everything that he was saying to pull it for these fundraising emails  
9 or for these digital ads that you were sending. Is it fair to say you were looking at  
10 everything he was saying, everything he was writing, everything he was tweeting, and  
11 everything that your president was telling you was that he had won? And this was not  
12 over until January 6th.

13           Mr. Boedigheimer. I don't think it was just President Trump. A lot of, from what I  
14 remember in the news, there was lots of talk about January 6th, being the finality of  
15 when this would actually be over.

16           [REDACTED] That was not the majority of the news. I'm just saying if there was  
17 news that you were seeing that was saying that, it would be helpful to kind of understand  
18 what news, just from like a factual understanding point of view.

19           My understanding, because I'm terrible and I wasn't watching the news at this  
20 time. I didn't even know January 6th was a thing, but my understanding was that most  
21 people were saying that even Mitch McConnell on December 14th was saying it's over?  
22 So what I'm trying to understand is if a lot of the news was saying it was over, Mitch  
23 McConnell says it's over on December 14th, who are you getting from that it is not over  
24 until January 6th?

25           Mr. Boedigheimer. I don't remember exactly where I got it from, remember.

1 [REDACTED] Majority of it, who are you getting it?

2 Mr. Boedigheimer. I mean, President Trump was obviously saying it; surrogates;  
3 the campaign manager. I don't remember what stations, but I do remember seeing things  
4 on the news.

5 [REDACTED] That's -- that grouping is incredibly helpful to understand. Thank you.

6 BY [REDACTED]

7 Q Just to close out this point, when you get an edit from legal like this, are your  
8 copywriters on this email chain, on the approvals chain?

9 A I don't know that all of them were, believe that Hannah was, but I don't  
10 know that every copywriter was.

11 Q So here you get an email in November 11th, your copywriters think it's  
12 perfectly kosher to say, President Trump won the election. Legal comes back and says,  
13 you can't say he won. And then one by one, all these people in leadership positions, Zach  
14 Parkinson says, he's good. Yeah. Remove President Trump won. Mike Reed, head of  
15 comms, he says he's good. Remove President Trump won.

16 Mr. Steggerda. Did he say that to him?

17 [REDACTED] He -- they say okay with the edits. Yeah. Zach Parkinson  
18 says good with edits.

19 Mr. Steggerda. I'm just -- to be clear.

20 [REDACTED] To be clear, they say.

21 Mr. Steggerda. They say they're -- to the extent they're signing off they're good.  
22 They don't reference specifically what part of the.

23 [REDACTED] Well, Zach Parkinson says he's good with edits. And those  
24 edits say that President Trump remove that President Trump won.

25 BY [REDACTED]

1           Q     So when you get an edit like that, is it fair to say that you would want, in  
2 order to not repeat the same edit, you would have to reflect that with to your  
3 copywriters?

4           A     Usually Julia would share the edits with the team. So she would share those  
5 edits and then the copywriting team would try to make them going forward. Obviously,  
6 not consistently.

7           Q     Did she sent an email listing out, hey guys, don't do, these are the three  
8 things or how would she share them?

9           A     She would share the new, new, as in with edits being made. She would share  
10 that new copy with them in our system that was called Trello at the time. It basically  
11 sourced the documents.

12          Q     But would she highlight the change because some of these emails can get  
13 pretty long pretty quickly. Would she say here's the change? Would you tell folks here's  
14 the change? Or how would an Ethan Katz know that, hey, I wrote an email that said  
15 President Trump won, legal says no, remove that. Don't say President Trump won the  
16 election. How does an Ethan Katz learn that to be an edit?

17          A     I'm not sure how Julia would have shared it with him if she would've done  
18 red lines or if she should've just given the new copy, I'm not really sure.

19          Q     Would you make sure they knew about the change?

20          A     I mean, it's possible that I would have in some instances, but for the most  
21 part, the changes were being from Julia and then to the copy team and also the email  
22 team.

23          Q     So let's look at exhibit eight. This is another -- this is the same day and it's  
24 subject line For Approval, Alaska and Election Defense. And if we go to page two at the  
25 bottom, Julia Trent sends an email, Jenna Kirsch legal from GOP responds and it's below.

1           And if you go to the next page, which is page three, you can see that the edits  
2 include removing secure four more years and writing defend the election and taking out  
3 secure four more years.

4           Then you see she changes, stop the left from, she makes it stop the left from  
5 stealing the election from stop the left from trying to steal the election. And then on the  
6 next page, she changes, we can't allow the radical left to, and she adds, try to steal the  
7 election. And later below, she changes secure four more years to finish the fight.

8           And then, so let's go to exhibit number nine. This is now 3:00 a.m. This is, says  
9 later that same night, edits below, this caption. The subject line is For Approval, NCGA  
10 Election Defense. Again, Ms. Kirsch from legal has edits on the first page. She adds, try to.  
11 And if you go to the fourth page at the top, she again removed secure four more years  
12 and makes it just finish the fight. The money is not for four more years, it's for finish the  
13 fight.

14           And I'll show you again, exhibit 10, which is an email that says defense fund and  
15 GA/NC victory. Again, Ms. Kirsch has edits below and in this email, she again changes  
16 secure four more years to finish the fight. So when we look at the emails or the edits that  
17 are coming from legal on this day, there are numerous examples where legal saying  
18 remove that President Trump won the election, change four more years to finish the  
19 fight; right?

20           So it seems on multiple instances, legal seems to be telegraphing soften the claims  
21 that he won. Walk him back. Don't assert that we're going to have four more years, to say  
22 we need money to finish the fight. What did you do like; right? These are just some  
23 examples, but you, clearly, legal is telling the copy team change in substantive messaging.  
24 What did you do in response to this?

25           A      I don't remember what these specific examples, but you know, the edits

1 would have been made. And then I think this is an example of exactly why we have the  
2 approval process, that if the edits aren't made again in the future, then it's being sure to  
3 be caught, whether that's maybe a copywriter not knowing, or maybe, you know, using  
4 language from a previous email, whatever the case may be.

5 I think that's why we have the approval process in place. Ideal situation, they don't  
6 make the same edits, but you know, that's not always the case at this volume.

7 Q What I want to really drill down on though, is did you see it as part of your  
8 job to kind of stop and analyze why are they making these edits? Are these edits all seem  
9 consistent in aim, which is, this is pretty early on in the process. This is November 11th.  
10 It's not December 14th. It's not January 5th. On November 11th, legal is saying from my  
11 characterization, pull it back. Did you understand it that way?

12 A I don't remember how I understood it at that time, but you know, when  
13 edits were made, usually we assume that they wanted us to make those edits in the  
14 future.

15 Q And would you -- when you saw those edits, would you, is it fair to say that  
16 was it part of your job to stop and really, what I'm trying to understand from you, Austin,  
17 is -- is the copywriting team engaging with the substance of these edits or is it not?  
18 Because did you look at this? Because we have two examples, really. We have Alex  
19 Cannon saying, how do you spell the word halt? That edit comes in. Does it have a U or no  
20 U?

21 Then you have an edit on the other side of basically don't say it as four more  
22 years. Don't say President Trump won the election. So when you get that second  
23 category, are you and the fundraising team, do you have discussions about that? Does it  
24 matter?

25 A I don't remember if we would have had discussions about it. I mean, when

1 there was an edit like that made, I wouldn't be analyzing all of these edits, you know, I  
2 would kind of depend on the team to make the edits going forward.

3 And then, you know, in the cases that they weren't, you know, we'd like to make  
4 them, but obviously it can, I mean, we're sending as you guys know many emails and texts  
5 per day and not all of the edits will be made. So that's kind of where I'm at with it.

6 [REDACTED] Can you help me with something? Remind me, and I'm sorry, you may  
7 have said this. At this point in time, are you all present and working in an office together?

8 Mr. Boedigheimer. This is --

9 [REDACTED] November 11th.

10 Mr. Boedigheimer. -- November 11th. The office would have been open. Some  
11 of us would have been in there. Some of us may have been remote at the time or working  
12 from home.

13 [REDACTED] To the best that you can remember after the election, was the default  
14 that most people were in the office working together, or was it hit or miss or paint me a  
15 picture of kind of what was the standard practice for this group in terms of whether you  
16 were in office working or remote working?

17 Mr. Boedigheimer. At this time, there was a fair amount of people in the office,  
18 but some people would work from home or maybe work from home for a day or, you  
19 know, whatever. But the most people that would be in the office were in the office.

20 [REDACTED] And, because we don't know this, describe for us the copywriters. Are  
21 you sitting in a pod? Are you talking to each other? Do you have your own offices? Is it  
22 like a collaborative newsroom setting or is it like a law firm where everybody's in their  
23 own offices with doors? Like describe it for us. Not -- I'm not slandering law firms in terms  
24 of the siloing of individuals or offices, but --

25 Mr. Boedigheimer. The copywriting team, as well as other teams are kind of in a

1 bullpen format, so to speak. So the copywriting team was sitting in the same section, I  
2 guess. I don't know if they're all sitting directly by each other. I would have been, I had an  
3 office at the time.

4 [REDACTED] And so I will tell you, we sit in a bullpen and when things come in  
5 we're, oh, my goodness, this, we talk to each other; right? We don't even have walls. It's  
6 just, face-to-face, it's insane; right? And I'm picturing you guys sitting in a bullpen and  
7 you're sending out emails, emails, emails. Is there no, oh, my goodness, secure four more  
8 years out, finish the fight in. Ah, I left it in there today.

9 There's no communication about what's getting kicked, what's getting accepted.  
10 There's no discussion to smooth out the process? Your description of it makes it sound  
11 very siloed. We each looked at these things. We each, but realistically in my head, based  
12 on just the nature of bullpen work to work effectively, you're talking to each other.

13 So can you describe to us, how is this process working with a group, sitting in a  
14 bullpen, getting this constant feedback of what works, what doesn't. Are you not  
15 discussing it, are you not sharing it? Are you not having a collaborative process at all?

16 Mr. Boedigheimer. I mean, I don't know if they had conversations about that,  
17 obviously how I described it, I would have been in the office. But I, you know, they could  
18 have had conversations like that. I think in this instance, it probably wasn't  
19 communicated. But again, I think that's why we have the approval process for things like  
20 this.

21 [REDACTED] Well, don't get me wrong. As somebody who's left some things in  
22 emails and forgotten to change them, but I guess the overall process taking it out of this  
23 email, we see all these emails where things are getting stopped or, hey, don't use this,  
24 use this. And I understand you may not based on what you've said, were you not sitting  
25 with them in the bullpen?

1           Mr. Boedigheimer. I was in an office. Yeah. Different room.

2           ██████████ And did you ever see them interact with each other?

3           Mr. Boedigheimer. Yeah. I saw them interact with each other.

4           ██████████ Sorry, I did not make them, I did not mean to make it sound like  
5           zooming, but presumably you were walking around; right? The bullpen. And you kind of  
6           saw how they interacted together. Was it collaborative? Did they talk to each other?

7           Mr. Boedigheimer. I think it's important to understand at this point, everybody  
8           was so busy. There was a lot of people just like working really hard and getting, and you  
9           know, so maybe the communication wasn't as high as it was earlier, but we, everyone  
10          was so busy. There were so many emails, so many texts.

11          ██████████ Okay. So that's -- but that's a helpful description. So when we asked  
12          you to kind of paint us a picture, if you're saying everybody's sitting there just pounding  
13          through all of their Trello assignments, because it's fast and furious, it's Trello; right?

14          Mr. Boedigheimer. Yeah.

15          ██████████ Everyone's just pounding through these Trello assignments because  
16          they've got all these emails to send. So there's not this communication. That's helpful for  
17          us to understand.

18          So that's why I'm trying to figure out all these people are sitting together. These  
19          things are coming back. Is it just such an inundation of getting these emails out that they  
20          don't even have time to coordinate over what's getting kicked and it's just send it, send it,  
21          send it and see what gets through? Like help us understand what's the mentality there to  
22          the extent that you know or got that impression.

23          Mr. Boedigheimer. And I can't say exactly why this one didn't happen, the office  
24          did collaborate at times. I think at that time, it was a lot of just super busy people working  
25          really hard. So that's kind of how the workflow was. And then obviously copywriters, or

1 maybe not all copywriters, but at least one copywriter is on the approval chain. So they're  
2 seeing it. So.

3 BY [REDACTED]

4 Q Now when you say you're, you're testifying that you recall not collaborating  
5 when it came to this messaging, you just don't recall; correct?

6 A I don't, yeah. I don't recall if we collaborated on this.

7 Q So, okay. And when did we talk about the copywriters, the relevant  
8 copywriters for the emails, from TMAGAC, at this time, you're talking about you, Hannah,  
9 Alex Merglin, Alex Blinkoff, and Ethan Katz; correct?

10 A Yeah. Those are the copywriting team.

11 Q Right? And by the third week or so in November, Alex Blinkoff and Ethan  
12 Katz are fired; correct?

13 A I don't remember exactly when they were fired, but I remember they were  
14 let go at some sometime.

15 Q So when we talk about late November on and the team, we're talking about  
16 you, Hannah Allred, and Alex Merglin, three people; correct?

17 A I believe so.

18 Q Right.

19 A Yeah.

20 Q So we are talking about, so when this edit of secure four more years versus  
21 taking out President Trump won the election, that edit isn't coming to, it's not relevant  
22 for 40 people. It's relevant for a handful of people that have to digest that going forward;  
23 correct?

24 A Be relevant for the copywriters.

25 Q And that's a handful of people. That's three people at its height, plus

1       Hannah; is that right?

2           A     I believe so at the time. Again, I don't know when the, those other two left,  
3       but.

4                      [REDACTED] Just to clarify, they're not on the approval emails; right?

5           Mr. Boedigheimer. I'm not sure which of them are. I said earlier that I think  
6       Hannah may have been on, but I'm not positive.

7                      [REDACTED] If all, if they said they weren't on them, do you have any reason to  
8       think they are wrong and they were, in fact, on them?

9           Mr. Boedigheimer. I don't have any reason to believe what they say to you.

10                  [REDACTED] Well, no, I'm just.

11           Mr. Boedigheimer. Yeah.

12                  [REDACTED] Saying sitting here right now, can you remember any of the junior  
13       copywriters actually being on those approvals emails?

14           Mr. Boedigheimer. I don't remember if they were or not.

15                  [REDACTED] Okay. And if we could go back a moment, if you had to describe, it  
16       sounded like from what we understand and from other testimony that the pace and  
17       intensity actually got higher for the emails after the election; is that a fair  
18       characterization?

19           Mr. Boedigheimer. I think really during the leading up to election day and post  
20       election, there were a lot of more emails sent than earlier, but I think that volume was  
21       very high during that entire time, not just after. It was before election day as well.

22                  [REDACTED] And I can't remember, but based on your experience, was that normal  
23       for that level of digital fundraising activity to stay so consistent for two and a half months  
24       after the election?

25           Mr. Boedigheimer. I mean, all of my experience has been working at the RNC. So

1       in the 2016 election, we were not fundraising at that same extent, but we continued to  
2       fundraise afterwards.

3                          [REDACTED] You did? After the 2016 election?

4       Mr. Boedigheimer. When I was at the RNC and then RNC.

5                          [REDACTED] At the RNC. Apologies.

6       Mr. Boedigheimer. Yeah.

7                          [REDACTED] I forgot it would be different than a campaign. But at the RNC, you  
8       continued fundraising at that level for two and a half months after the 2016 election?

9       Mr. Boedigheimer. I will, I should clarify. I wasn't saying at that same level, but  
10      we did continue to fundraise.

11                         [REDACTED] Any idea how long after the 2016 understanding that's six years ago  
12      now?

13       Mr. Boedigheimer. I think for the next six years.

14       Mr. Steggerda. They kept going.

15       Mr. Boedigheimer. Yeah.

16       Mr. Steggerda. Well, I think with regard to the RNC, it's fair to say the RNC never  
17      stops fundraising because it's.

18                         [REDACTED] It doesn't stop.

19       Mr. Steggerda. It doesn't operate like any national committee; right?

20       Mr. Boedigheimer. Yeah.

21       Mr. Steggerda. And we're sure that.

22                         [REDACTED] And we say that factually with no judgment or assessment.

23                         [REDACTED] Yeah. I say any party committee.

24       Mr. Steggerda. Yeah.

25       BY [REDACTED]

1           Q     But what we're talking about is with regard to the TMAGAC function of the  
2 campaign, were you involved with T -- I think TMAGAC was around in '16. Were you  
3 involved with fundraising for TMAGAC in '16?

4           A     In 2016? Yeah.

5           Q     Okay.

6           A     I was involved with.

7           Q     And our understanding is that there was not a directive to continue  
8 fundraising in 2016. Does that sound right through the TMAGAC function?

9           A     I don't remember when TMAGAC ended or when we stopped, to be honest  
10 with you.

11          Q     Well, do you recall post-election TMAGAC moving forward without a break,  
12 the way it happened in 2020?

13          A     In 2020, it was more fundraising than it was then. So I don't, I know that we  
14 kept fundraising. I'm not sure if it was for TMAGAC or RNC or both at that time.

15          Q     And I want to return back to something [REDACTED] was getting at earlier,  
16 because what we want to do here is just understand your role and know who's doing  
17 what. When it came to a change like this, which to us reads as incredibly substantive.  
18 Well, we understand you to be saying that was that your role, if Austin is effective at his  
19 job, he's writing or overseeing the writing of effective copy that leads people to donate or  
20 otherwise take wanted action; is that fair?

21          A     That would be part of my job. Yeah.

22          Q     Yeah. And as part of your job, is it fair that it is not, you didn't view your role  
23 as determining what's true on the political landscape when it came to what President  
24 Trump was saying; is that fair?

25          A     I think what I said earlier was, at the time the election wasn't over, President

1 Trump was saying those things. I didn't have a reason to believe it was false. So as far as  
2 the accuracy of that in the approval chain, that was up to them to decide.

3 Q Well, I'm trying to parse out two points. One is looking at President Trump  
4 and saying, I, Austin, have weighed evidence and I decided what President Trump says is  
5 credible. So I'm going to go with it. Versus my job, Austin, is to write, for example, an  
6 effective email for President Trump, relying on his message as a candidate and there are  
7 other processes in place to assure that it's both consistent with legal comms, mess, you  
8 know, like messaging and whatnot; right?

9 Those are two different things. The former you're engaging you in analysis; right?  
10 Versus the latter you're in a sense, an effective medium, and then someone else you're  
11 relying on to gauge in the analysis. Which one did you see yourself as doing?

12 Mr. Steggerda. Or something in between?

13 [REDACTED] Or, yeah. Or something else.

14 Mr. Steggerda. It's not a, they want to get your perspective, not just paint you  
15 into one approach or the other.

16 Mr. Boedigheimer. Well, I would think it would be a combination of the both,  
17 because at the time I, you know, I did have real concerns about what was going on with  
18 the election. And knowing that it wasn't over yet, it was a different election than others in  
19 the past. So on that part of it, yeah, it was taking President Trump's messaging, crafting it  
20 into a fundraising email.

21 And then to the second part of your question, you know, I'm not doing extents, I  
22 didn't have the resources nor the time to do that much amount of research on any given  
23 statement that Trump made, obviously. So for the actual research of that, I would rely on  
24 the approval team.

25 [REDACTED] I would posit to you, and you can tell me if you agree or disagree, that

1 there is a third bucket. And in that third bucket is an expression that we've heard said  
2 multiple times, which is that Democrats took President Trump, literally, but not seriously.  
3 And Trump fans took him seriously, but not literally.

4 And you could make the argument that in that scenario, if one was a fan of  
5 President Trump, one could consistently see, he said wrong stuff all the time. He said stuff  
6 that was fact-checked that turned out not to be right. But you could be a fan of him  
7 regardless of that overall. And take him seriously, if not literally.

8 In that third bucket is the possibility of folks who believed in him, overall believed  
9 in what he was doing, saw things that he said, maybe saw some news articles, maybe saw  
10 some data, maybe looked into things and said, not sure if that's true. But overall, still  
11 believed in what he was doing and the concern about his winning or losing the election.

12 Do you think that's a fair bucket? And do you think that if you're in that bucket,  
13 grabbing what the president says, putting it in an email, especially if it's a successful  
14 fundraiser, and then somebody else being responsible for verifying the accuracy makes  
15 perfect logical sense; doesn't it?

16 Mr. Boedigheimer. I guess, I don't fully understand what the question is with all  
17 of that. Are you asking if I'm in one of the buckets or?

18 [REDACTED] No. In the original two buckets, to your counsel's point, that there is  
19 somewhere in between there. There -- that those were somewhat kind of either-or's, but  
20 in between there, I believe -- and this is what I'm saying, tell me if you disagree -- is a  
21 bucket where you're a supporter of the president, you believe in what he's doing, but you  
22 know, every once in a while he says stuff that's not true.

23 And it's somebody else's job to catch that. He says a lot of stuff, you grab a lot of  
24 stuff. You put it in emails, it's super successful at fundraising. And it's somebody else's job  
25 to catch it. Is that a fair or unfair characterization of where you were at at the time that

1 you were drafting these emails?

2 Mr. Boedigheimer. I guess I would say that, like I said, I still thought President  
3 Trump had a chance. I believe that the election wasn't over and that there may have been  
4 some issues with fraud or mail-in ballots. So as far as what he was saying, I don't think it's  
5 unique to him.

6 I think not every president hasn't always said the truth. But from what he was  
7 saying, you know, I had no reason to believe what he was saying was false. And from  
8 what I was seeing on the news, some of it could have possibly been true.

9 Some of it later was proven not to be. I didn't know that at the time, I didn't know  
10 that about every fact. And then to kind of your last part of it, yeah. If there was something  
11 that was just completely not true or whatever it may have been, but I couldn't have  
12 caught that would like realistically, obviously, I would want that's what the approval  
13 chains for.

14 [REDACTED] And I guess to what my colleague was referring to earlier, what we're  
15 trying to figure out is as the person or possibly one of two, I think maybe Hannah may  
16 have gotten the emails, but you can't remember who else, but let's just assume for a  
17 moment that you're the person on the email seeing these approvals.

18 Does the person on these approval emails that see time after time after time  
19 edits, modifications, qualifications, limiting, watering down, changing. Is it impacting you  
20 in any way seeing that? Like help us understand if there's any impact on you?

21 Because the answer could be, it had zero impact and that's okay. We are trying to  
22 understand the impact that it had on you when emails came back, substantively changed  
23 and different, because what you were writing was not passing legal or wasn't passing  
24 research for verification, that it was true. Did it have an impact on you?

25 Mr. Boedigheimer. I think first off, I don't think we should suggest that I've, I saw

1 all of those edits. It's very possible that I wouldn't have seen some of them. So as far as  
2 impacting me, I -- you know, if I would have noticed them, I would, you know, have  
3 probably reiterated to the team to change them, probably assume that they were in  
4 some cases. But as far as impact, it would be more just, we should change that, we should  
5 take legal's counsel there and make sure that it's edited.

6 [REDACTED] And so let me -- those are helpful qualification to the extent that you  
7 saw those edits, because obviously we're not holding against you the ones that you didn't  
8 and maybe the approval emails went through and you just didn't see them.

9 But to the extent that you saw them, it sounded like in what you just said, it didn't  
10 have any, you weren't concerned in the sense that you made changes and you kept going,  
11 they didn't generate any concern in terms of the veracity of the messaging that you were  
12 putting out in terms of whether what you were proposing in those emails was factually  
13 true to millions of people getting those fundraising emails.

14 It really wasn't concerning you, that you possibly were putting false statements in  
15 those emails to you, unless it was going to hinder the next email that came out.

16 Mr. Steggerda. Objection. That's not what he said.

17 [REDACTED] Then let him clarify and correct me because I want to make sure we  
18 get this right. And this is really important.

19 Mr. Steggerda. Could -- just with all due respect, if you could say exactly what  
20 you're trying to get him to admit here, I just want him to be clear because that's not what  
21 I've heard him say for the last two hours.

22 [REDACTED] No. No.

23 Mr. Steggerda. So I understand what you're doing, but I want it to be very clear  
24 what that question is.

25 [REDACTED] I'm not trying to get you to admit anything. What I'm trying to

1 understand is there is a spectrum of people who have political beliefs, feelings, thoughts;  
2 right? And that it's part of the story of what happened. And right now I'm just trying to  
3 understand you and your thoughts and your feelings at this time.

4 What I'm trying to understand is if I understood you correctly, you thought all the  
5 way up until January 6th that there was a chance that the president could still win and  
6 that the election had not been decided. I think that I got that correct; right?

7 Mr. Boedigheimer. Yes. I believe that there's still a chance on January 6th is  
8 when it was final.

9 [REDACTED] Right. And presumably thought that because a number of things that  
10 you were seeing in the news or that the president was saying were indicating those things  
11 to you; right?

12 Mr. Boedigheimer. President Trump, the news, surrogates; others.

13 [REDACTED] A bucket of people and a bucket of news sources that were telling me  
14 things that supported the proposition that he had not lost the election, that it was not  
15 over, and that January 6th would decide it.

16 What I'm trying to figure out is that based on those buckets, you and your team  
17 are grabbing things from that and putting it in e-mails. And those e-mails are coming back  
18 to you as the supervisor of the copywriting team, possibly coming back maybe to Hannah.

19 But you, as the copywriting team, received these statements made by the  
20 president, made by the surrogates, that you're grabbing from these news sources, that  
21 are alleging these things.

22 And they're getting dinged by legal and they're getting changed substantively and  
23 they're getting watered down by research and they're being modified, because we can't  
24 say they're true. We can't prove it. We need to make it clearer because what this says  
25 won't pass legal or won't pass research.

1           And all I'm trying to get from you is, did it concern you in that process about what  
2        you were putting in the e-mails without concern for how much was getting caught or  
3        stopped because that was somebody else's job? I'm trying to get your mindset. Were you  
4        just drafting the e-mails and it didn't matter because that wasn't your job?

5           Like, help me understand what you were thinking. Because from an outsider's  
6        perspective, you can understand how it looks from somebody not involved in that  
7        process. It's changed, it's modified, and the copywriting team just keeps grabbing and  
8        putting in and getting dinged and dinged.

9           And the inflammatory language and the extreme language or the untrue, it just  
10      keeps getting in there. And legal and research just keeps changing it. And it's okay to say,  
11      because that was my job and it wasn't my job to worry about it. We're literally just trying  
12      to understand, how does that process work and how does it work for you? How do you  
13      see it? How do you see your role? Does that make sense or clarify anything?

14          Mr. Steggerda. Objection, compound. Objection, foundation. But you can  
15      answer the question. Try to give her your sense of exactly what she's talking about.

16          Mr. Boedigheimer. Okay. Well, I think in the -- the example that we're going  
17      over where these edits are, for the most part, they're very identical or almost exactly the  
18      same.

19           ██████████ I'm sorry. Let me just stop you for a second because this has been a  
20      while. The example that we're talking about, Exhibit 10?

21          Mr. Steggerda. Is that the November 13 one?

22           ██████████ Because he said they're nearly identical and mostly the same and I  
23      just want to make sure we're talking about the same one.

24          Mr. Steggerda. Is that the November 13th one?

25          Mr. Boedigheimer. Yeah.

1 [REDACTED] Because I thought we were on Exhibit 10.

2 BY [REDACTED]

3 Q Well, is it fair to say, Austin, that we have one e-mail that indicates removing  
4 the President Trump won language and then we have the group of e-mails in the same  
5 day indicating removing four more years and instead saying finish the fight. Those are  
6 what we've been talking about.

7 A Those are what I'm, yeah. Those are what I'm talking about here.

8 Q Okay. All right.

9 [REDACTED] So I just want to clarify, when you're referring to the ones that are  
10 nearly identical, secure four more years versus finish the fight, you think that's nearly  
11 identical?

12 Mr. Boedigheimer. I thought that we had seen that twice.

13 [REDACTED] No. What he's saying is that there are numerous examples  
14 of that edit in multiple exhibits I showed him.

15 Mr. Boedigheimer. Correct.

16 [REDACTED] So we've seen that specific edit on numerous occasions  
17 and we saw one edit that removed the language of President Trump saying, we won.

18 [REDACTED] Okay.

19 [REDACTED] So I'll throw it back to you.

20 [REDACTED] And apologies, because I really wanted to make sure I understood  
21 when you said the nearly identical part. You don't mean the edit. You mean the similar  
22 instances of this edit.

23 Mr. Boedigheimer. The same or similar edit multiple times.

24 [REDACTED] Thank you. Okay. That is a super helpful clarification. I promise I will  
25 try not to interrupt you again. But please continue.

1           Mr. Boedigheimer. So I think in that example, normally the team would have  
2 made some of those edits in the future but for whatever reason here, I don't know why, it  
3 didn't happen immediately. I think in other examples if it, none that we've gone over  
4 today, but if there were different edits, sometimes we wouldn't know what would be  
5 approved or maybe we weren't sure what their legal reasoning was for editing it.

6           An example like this, it would have made sense to change the language going  
7 forward. But other times, like if we were grabbing new information that we hadn't sent  
8 that exactly through approval and we believed that it was something that, you know,  
9 could be happening or could be possible, we would send that through.

10          And we weren't really sure if legal would have an issue with it. We didn't really  
11 know because from what we were seeing it was, you know, there were a lot of concerns  
12 with the election. Trump was saying it. Surrogates were saying it. Different news  
13 organizations.

14           Without getting into the discussions that you had with legal, do you  
15 actually remember having any of those discussions to get feedback of what's the issue  
16 here to try to do it differently in the future?

17          Mr. Boedigheimer. Are you talking about these examples that we went over or --

18           No. And I don't want you to feel tied to these examples because we  
19 just have a few included. I'm just talking generally and with regards to the approvals  
20 process. Without getting into the substance of what they told you, do you remember ever  
21 having conversations with legal about, what is it that is the issue here that we're not  
22 getting right, that we could do differently or fix in the future?

23          Mr. Boedigheimer. I can't remember any specific examples. It was probably  
24 pretty rare where we would get feedback like that. Usually the edits were just made and  
25 then we made them. But as you can see from looking through some of these approval

1 chains, it just says, edits below. It doesn't say, edits below, this is why x, y, z.

2 Mr. Steggerda. She's asking you, do you remember any specific questions where  
3 you remember talking to legal and working through an issue?

4 Mr. Boedigheimer. Okay.

5 Mr. Steggerda. [Inaudible] do you remember any?

6 Mr. Boedigheimer. I believe it was with legal but a specific example that I  
7 remember, don't know if it was a conversation or e-mail [inaudible] --

8 Mr. Steggerda. And just give me the, if you think it was with legal, just try to  
9 pinpoint as best you can what time of month it was or give me something like that.

10 A Yeah.

11 Mr. Steggerda. And then, obviously, if you can remember, just generally what  
12 you were talking about but obviously without [inaudible] --

13 A Yeah. I believe it was with RNC legal sometime from November to  
14 December, January. Sometime in that period. And it was changing some of the steal  
15 language that we were using.

16 [REDACTED] This is the changing it from steal to trying to steal?

17 Mr. Steggerda. And I just want general content. I don't want specific legal advice  
18 that they gave you. But did it relate to the steal language?

19 Mr. Boedigheimer. It related to steal language. Yes.

20 [REDACTED] Sitting here right now, not using these examples, to the extent that  
21 you remember the e-mails between the November to January period, do you remember  
22 who had more edits, legal or research?

23 Mr. Boedigheimer. I don't think I could say who had more.

24 [REDACTED] It didn't feel like one was heavier than the other, that you can notably  
25 be like, edits tended to come from so-and-so, not so-and-so?

1           Mr. Boedigheimer. I don't think I could give an estimate of that.

2           ██████████ Okay. And earlier, you gave the example that legal tended to be like  
3        typos. With the exception of the one that we just talked about, and without getting into  
4        the substance, do you remember legal actually substantively really saying like, this isn't  
5        true? Or was it more kind of like these language edits?

6           Mr. Steggerda. Just general answer. I don't want you to give any legal advice.

7           Mr. Boedigheimer. Generally, it was edits like this where they say edits below  
8        and then you could see them in red line or highlights or however they formatted it.

9           Mr. Steggerda. So minor word changes.

10          ██████████ Don't put those words in his mouth, Todd. I think if you don't mind,  
11        would you mind either a lunch or a comfort break?

12          Mr. Steggerda. Yeah. A break would be great. Yeah.

13          ██████████ We just want to take your temperature on a break.

14          Mr. Steggerda. Let's go off the record. We can talk about timing.

15          ██████████ All right.

16          Mr. Steggerda. Are we off? Okay.

17          ██████████ We have to recess.

18          ██████████ What's funny, Todd, yeah. We don't go off the record. We  
19        go into recess.

20          Mr. Steggerda. I'm only a one-trick pony when it comes to depositions.

21          ██████████ Trust me. It's taken me several months to get [inaudible] --

22          Mr. Steggerda. How much longer do you, I do need to take a quick bathroom  
23        break, but how much longer do you guys think you have?

24          ██████████ I would guess at least an hour.

25          Mr. Steggerda. Maybe one more session?

1 [REDACTED] Yeah. I mean, I'll say this. As we laugh on our team a lot,  
2 I'm always the guy who's like, let's take the lunch break. But we want to be respectful of  
3 everyone. We're happy to power through but it's going to be at least an hour I suspect  
4 and it would not surprise me if it's a little longer than that. But I don't think we're going to  
5 go to five or anything.

6 Mr. Steggerda. Yeah.

7 Reporter. I have until 3:00 but -- I mean, I'm here whenever. But I just have  
8 until 3:00.

9 [REDACTED] Yeah. I hope to be done by, I think we'll be done by 3:00  
10 for sure.

11 Mr. Steggerda. Yeah. I think we have to be done by three.

12 [REDACTED] I don't see us going past that.

13 [REDACTED] Do you have a hard stop?

14 Mr. Steggerda. Yeah. I really, maybe because it's the second round with Austin.

15 [REDACTED] We'll be done.

16 Mr. Steggerda. You know most of what he's already said. But.

17 [REDACTED] Well, he's right. We should do first. I think if we're going  
18 to power through, let's keep going because then we can get it done.

19 Mr. Steggerda. Let me ask you this right in front of the whole crowd. Would you  
20 rather take a break and keep going or do you want to stop for an hour, go find some  
21 lunch and come back?

22 [REDACTED] With the total understanding that you will not hurt our feelings either  
23 way. There's no judgment for your answer whatsoever.

24 Mr. Boedigheimer. Yeah. I'd rather go to the bathroom and then keep going.

25 Mr. Steggerda. Okay.

1           Mr. Boedigheimer. That works.

2           Mr. Steggerda. Okay.

3                                  But like a good lawyer, I would offer a third round of the  
4 short [inaudible] --

5           Mr. Steggerda. It's hard for us to do that.

6           Reporter. Maybe like 10 minutes.

7                                  Let's take a longer break. Yeah.

8           Reporter. Until like one. It's only 12:53 so it's only seven minutes.

9           Mr. Steggerda. All right. Let's do 10 minutes although there's nowhere for us to  
10 go.

11                                 So what did we say? One or 1:15?

12           Mr. Steggerda. We don't have anyplace to go so we're just [inaudible]

13                                 All right. I mean, I just say if we're going to power  
14 through --

15                                 One? Okay.

16                                 Definitely one.

17                                 Okay.

18                                 Because we go 1:15, I'm going to get a sandwich so  
19 there's, at that point, I'll go get a sandwich across the street. Yeah.

20           Mr. Steggerda. I need to miss a few meals.

21                                 If you guys do need something, there is a place on 3 that has like small  
22 snacks that we can take you to.

23           Mr. Steggerda. Well, let me check with Austin.

24                                 Okay.

25                                 And Todd, if you, the folks want to chat sometime

1 [inaudible] right here [inaudible].

2 [recess]

3 [REDACTED] All right. Austin, are you feeling you're ready to go, keep  
4 going?

5 Mr. Boedigheimer. Yep. Ready to go.

6 [REDACTED] All right.

7 [REDACTED] By the way, it is a hard G. I've been saying Boedigheimer, but it  
8 sounds like you say Boedigheimer.

9 Mr. Boedigheimer. Boedigheimer. Yeah.

10 [REDACTED] Boedigheimer. Okay. I've been mispronouncing it.

11 Mr. Steggerda. Oh. It's Boedigheimer?

12 [REDACTED] Boedigheimer.

13 Mr. Steggerda. It's not Boedigheimer?

14 [REDACTED] I feel like he's saying something different [inaudible] --

15 Mr. Steggerda. He's my client and I've been saying it wrong.

16 Mr. Boedigheimer. It's Boedigheimer. But like when you say, it's a German  
17 name. So yeah. It's a little more aggressive when it's a German name.

18 [REDACTED] [Inaudible] Boedigheimer. Yeah. Oh. I can say it in German. Yeah.

19 Boedigheimer. Yeah. Okay.

20 [REDACTED] Okay. I don't know if he said that.

21 [REDACTED] [Inaudible] --

22 Mr. Steggerda. You guys are [inaudible] to forget his name right after this.

23 [REDACTED] [Inaudible] actually. You're being [inaudible] We're back on.

24 [REDACTED]

25 Q All right. Austin, I want to go back a bit to November 4th/5th, or 5th/6th. I

1 believe previously you testified, you said in your prior informal interview that there was  
2 an all-hands meeting that Gary Colby led. Do you recall that?

3 A Yeah. I recall the meeting.

4 Q Okay.

5 A It was kind of an all-staff meeting.

6 Q All-staff.

7 A Yeah.

8 Q Do you recall Ethan Katz standing up and asking some questions of Gary  
9 Colby in front of everyone?

10 A I do recall Ethan, yeah, speaking up.

11 Q And would it be fair to say that he was questioning Mr. Colby about the  
12 instructions Mr. Colby had made about the campaign going forward?

13 A I don't remember exactly what he said but from what I remember, it was  
14 kind of general concerns about like, what are we doing? What's going on? He felt like he  
15 needed more context is kind of what I remember.

16 Q Do you recall whether Mr. Katz, Ethan Katz, expressed something to the  
17 effect of, why would the campaign and President Trump say continue counting in some  
18 states but stop counting in other states?

19 A I don't remember that specifically. I just remember him having some  
20 concerns in what we were going to do going forward.

21 Q And do you recall whether those concerns, which way those concerns come  
22 down? That the campaign should do more or the campaign was saying something it  
23 couldn't do? Like, do you recall any kind of, what side he was on?

24 A I don't remember exactly. Like I said, I just remember he had some concerns  
25 and seemed like he needed more context as to what was going on.

1           Q     I'm going to turn to Exhibit 11 which is a November 5th e-mail that indicates  
2 from the campaign that we have won Pennsylvania. And you received information that,  
3 well, first of all, President Trump lost Pennsylvania, right?

4           So this e-mail came out prior to Pennsylvania being called for President Biden. Do  
5 you recall discussions you had as to an e-mail to preempt the media call of Pennsylvania  
6 for Joe Biden by releasing this e-mail?

7           A     I don't remember any specific conversations about that. I remember seeing  
8 it from surrogates on Twitter. I don't remember exactly when but I remember people  
9 saying that we had won Pennsylvania or something to that extant.

10          Q     But you knew that the media, whatever that, use that term, had not called it  
11 for President Trump. Correct?

12          A     From my understanding, yeah. They had not called it for President Trump.

13          Q     And the point of this e-mail was to preempt a media call possibly going the  
14 other way. Correct?

15          A     I mean, the point of this e-mail was for fundraising and to obviously send out  
16 what their message was.

17          Q     When you say their message?

18          A     Surrogates. President Trump.

19          Q     So do you recall this message or sending this e-mail or not?

20          A     I don't recall this specific e-mail. No. But I remember the general theme of  
21 this happening. I don't recall it specifically though.

22          Q     Of trying to get an e-mail regarding the Pennsylvania win out?

23          A     Of sending stuff about the Pennsylvania.

24          Q     Okay. And do you recall discussions as to the media calling the race?

25          Concerns about that?

1           A    I don't recall any specific conversations about that.

2           Q    Did you have any conversations as to the timing of why it was important to  
3    send this e-mail at this time?

4           A    Not that I can remember.

5           Q    Did you have any discussions, do you have any knowledge of Ethan Katz  
6    pushing back on receiving this assignment and saying that he didn't want to write an  
7    e-mail trying to preempt the call?

8           A    Not that I can remember. I don't remember him saying anything like that.

9           Q    Do you remember any copywriter pushing back on post-election messaging  
10   of things they didn't want to write or didn't feel comfortable with?

11          A    Not that I can remember. No.

12          Q    And in this e-mail here, we see the mention of an official election defense  
13   fund. Is it fair to say, I think in a prior interview we talked about different marketing  
14   tactics that can be effective, that an election, the use of an election defense fund, like  
15   many funds, is meant to be a marketing tactic to make people more invested and make  
16   them more likely to donate?

17          A    I believe it was, I don't remember exactly what I said in the last interview,  
18   but it was a fund that we used for fundraising. I don't know that that specific name of that  
19   fund existed but I think at the time, there was kind of a general understanding that there  
20   was lawsuits going on and things that needed to be paid for. So there was kind of a  
21   general understanding that money was being raised to help defend the election.

22                 [REDACTED] Just to be clear, we've had several people in digital fundraising say  
23   that it was a marketing tactic. So please don't feel alone in your earlier comments.

24          Mr. Boedigheimer. Mm-hmm.

25                 [REDACTED] So to the extent that you're kind of, I don't want you to feel alone out

1       on that tree. Nobody else is pretending that it was anything other than a marketing tactic.  
2       So separate and aside from whether there was a fund or whether there were funds being  
3       used for legal payments, at the time that you created the official election defense fund,  
4       was it a marketing tactic?

5           Mr. Boedigheimer. To some extent, it was a marketing tactic but I'd also add to  
6       that what I said earlier, that there, you know, there was money being used for election  
7       defense and so that's what the money was being raised for.

8           ██████████ But what I mean by that is that you didn't know at the time that the  
9       official election defense fund that you were putting in an e-mail was tied in any way or  
10       that those funds that you were raising would in fact go to that legal defense fund or the  
11       funds being used for litigation, did you?

12          Mr. Boedigheimer. From my understanding, the money was going towards, I  
13       believe this is a TMAGAC e-mail. So it was going to TMAGAC. And then how the money  
14       was spent from there, you know, that's not something that I would do or have knowledge  
15       to.

16          But generally speaking, I think there's an understanding that it was going towards  
17       election defense in some capacity. I just don't know exactly how.

18           ██████████ Where did you actually get that understanding?

19          Mr. Boedigheimer. I don't know where I got that exact understanding. I just  
20       know that there were a lot of lawsuits going on and typically lawsuits cost money. And  
21       there was a reason to fundraise for it.

22           ██████████ And I guess what I want to make clear, because, you know, your  
23       counsel has noted this and it's a very important one, there are times where, to the extent  
24       that you're speculating, we want to make that clear. To the extent that it's your feelings,  
25       we want to make that clear.

1           Sitting here today, at the time that you created the election, the official election  
2        defense fund in the fundraising e-mails, did you have any idea whether in fact those funds  
3        were being raised to fund the litigation efforts or were going into any designated funds  
4        for recounts?

5           Mr. Boedigheimer. I think, like I said earlier, I knew it was going to TMAGAC. I  
6        didn't know how it was being spent beyond that.

7           [REDACTED] Okay.

8           Mr. Steggerda. At the time, were you generally aware of the range of lawsuits  
9        and recounts being filed in the couple of weeks after the election?

10          Mr. Boedigheimer. Yeah. I knew there were lawsuits and recounts and things  
11        going on.

12          Mr. Steggerda. At the time, what was your assumption as how those lawsuits  
13        were getting funded if you had a, even a general impression?

14          Mr. Boedigheimer. My general impression would be that it would come from  
15        the money that we raised through TMAGAC. Other places possibly too. That's my general  
16        understanding.

17          Mr. Steggerda. Do you know precisely how the money raised at TMAGAC flowed  
18        through the allocations and ended up in the, any funding of litigation in particular?

19          Mr. Boedigheimer. I don't know precisely how it would have been allocated. No.

20          [REDACTED] And I guess, you know, your counsel is doing a really good job of  
21        teasing out what I was trying to get at which is we're trying to figure out exactly where  
22        your understanding came from. Because there's seeing a bunch of litigation and seeing  
23        lawsuits being brought and assuming who's paying for them rather than having any actual  
24        idea of who in fact was paying for them and where the money was going.

25          So what I'm asking, something along the similar lines, is at the time that you put

1 the official election defense fund in fundraising e-mails, did you in fact know at that time  
2 whether those funds would go to pay for those litigation efforts? Or you saw litigation  
3 efforts and just figured funds raised would go towards that?

4 Mr. Boedigheimer. I didn't know specifically where it would go but I had the  
5 assumption that it would go towards those legal fights.

6 [REDACTED] Okay. And sitting here today, do you actually in fact know whether  
7 the funds that you raised for the official election defense fund in fact went to pay for  
8 those post-election litigation efforts?

9 Mr. Boedigheimer. I'm not sure how the funds went or how they were allocated.  
10 I don't know precisely.

11 [REDACTED] Okay.

12 BY [REDACTED]

13 Q All right. So we have, this is a November 5th e-mail. As I mentioned earlier,  
14 November 7th is a Saturday, President-Elect Biden at that time. Do you recall November,  
15 that would be 6th, that Friday, giving a directive to Hannah Allred or anyone else about  
16 kind of going home or kind of suggesting that things were getting packed up?

17 A I don't remember giving a specific directive like that and I don't know if I was  
18 in the office either.

19 Q Or general. Because by that point, right, is it fair to say that by that Friday,  
20 things were not looking good for President Trump. Right? He had lost I think Arizona. He  
21 was on the way to losing all the states he did. I mean, is it fair to say that by that Friday,  
22 things didn't look ideal for President Trump?

23 A I think things looked less hopeful, as I said earlier, but, you know, it was still  
24 our belief that he still had a chance to become, I should say my belief that he still had a  
25 chance to become president on January 6th or up until that point.

1           Q     What I'm asking though is that do you recall, because I think you said  
2 specific, do you recall any directives to Hannah about standing down or anything of the  
3 sort?

4           A     I don't remember having a conversation with her like that.

5           Q     Did you have a conversation with Hannah about the state of the race that  
6 week?

7           A     I don't know if I did that week. I spoke with Hannah a lot. It's possible we had  
8 conversations about the state of the race.

9           Q     Okay.

10          Mr. Steggerda.   Do you remember that first weekend? So that's the, what, the  
11 7th or the 8th of November.

12          [REDACTED]      7th. It was a Saturday.

13          Mr. Steggerda.   Do you remember having any uncertainty about whether the  
14 group was going to come back into the office and keep raising money on Monday? Is that  
15 anything that triggers any recollection?

16          Mr. Boedigheimer.   No. I don't think I remember anything like that. I think we  
17 were going to continue fundraising until we were kind of told not to. So that's kind of  
18 what my memory of it is. And at that time, we hadn't heard anything, so.BY

19          [REDACTED]

20          Q     And who would you have been waiting to hear something from?

21          A     Typically, it would have been Kevin or Gary that would have given a directive  
22 like that.

23          Q     All right. So let's go to, so now President-Elect Biden is declared president.  
24 Excuse me, declared president-elect. When things happen on the national stage, meaning  
25 the news changes, President Trump loses a lawsuit, President Biden's declared the winner

1 of the race and you're seeing all that, does that impact the copy or is that to you kind of a  
2 separate information flow? Does that make sense?

3 A I mean, at that time, I think the copy was still heavily influenced by what  
4 President Trump was saying. And the example you gave of like a state being called or that  
5 a lawsuit was lost or something, we obviously wouldn't continue to send content out on  
6 that specific topic unless it was approved or whatever the case may be.

7 But as far as influencing it, again, you know, the surrogates, the campaign  
8 statements, the messaging, obviously that changed when those things changed as well.  
9 So we kind of followed suit there.

10 Q So November 9th, I'll tell you Save America PAC, the president's leadership  
11 PAC, was formed. Do you recall that in real time, knowing the Save America PAC had been  
12 formed or had joined the Joint Fundraising Committee agreement?

13 A I don't recall that date. I remember from our last conversation, I believe you  
14 reminded me that it was Save America. And at some point, I remember, yeah, we  
15 included them into the disclaimer.

16 Q Okay. And in the disclaimer, because Save America PAC would be sort of  
17 taking the funds, started receiving donations from, that were given to TMAGAC. Is that  
18 fair?

19 A Yeah. My understanding was they joined the Joint Fundraising Committee so  
20 they were a part of that allocation.

21 Q And did that impact how you viewed the state of the race, the fact that the  
22 campaign was no longer raising money and now President Trump's future leadership PAC  
23 was now taking the money the campaign was raising? Did that impact your view of the  
24 state of the race?

25 Mr. Steggerda. Objection. Foundation.

1           Reporter.     I'm sorry. Did that.

2           Mr. Steggerda.   I'm not sure that's right. I think in the Joint Fundraising  
3         Committee, you still had technically the campaign in if I'm not mistaken. But.

4                          [REDACTED] Well.

5                          [REDACTED] I was just going to say I don't think she caught it so you need to  
6         [inaudible] --

7                          [REDACTED] Yeah. Let me just rephrase the question.

8           Mr. Steggerda.   I just want to, I don't want to be right on the premise of the  
9         question because I'm not, the premise of your question was that, was he aware that the  
10       campaign was no longer raising money or something like that? And it was all about Save  
11       America. And I'm not sure you know, but you can tell him what you know, but I don't  
12       want you to suggest what he says is automatically factually correct.

13                        BY [REDACTED]

14           Q     Let me ask you this. Were you aware of how much of the fundraising totals  
15       Save America was getting from TMAGAC?

16           A     No. I don't remember the specific amounts. I know that when they joined,  
17       there were some allocations that were changed. I don't remember what like the  
18       percentages were or, I'm not sure.

19           Q     Is it fair to say that it didn't matter to the substance of the e-mails how much  
20       money was going to TMAGAC, excuse me, was going to the campaign, versus Save  
21       America PAC?

22           A     From my perspective, we continued to raise money for TMAGAC. I don't  
23       know if, you know, during the approval process if maybe things changed now that that  
24       was involved. And so maybe there were different legal edits or research edits. I'm not  
25       really sure. But from my perspective, we were continuing to send TMAGAC e-mails.

1                    [REDACTED] If I could just follow up on that. Is that because to the extent that  
2 feedback that you received presumably from Mr. Zambrano or Mr. Colby came in the  
3 format of total digital fundraised dollars as opposed to X amount for this bucket, X  
4 amount of this bucket, X amount of this bucket?

5                    Mr. Boedigheimer. I guess we were primarily raising for TMAGAC and so that  
6 was kind of what we looked at for how well we were doing. And so how it was allocated  
7 off of that, I wouldn't really know or that wouldn't really impact my decision making.

8                    [REDACTED] Well, I guess what I'm trying to figure out is, how did you get feedback  
9 from your boss in terms of, oh. We raised X dollars, or, this e-mail campaign raised X  
10 dollars. Like, how did you know that you were doing your job well? Fundraising dollars  
11 wise, let me clarify.

12                  Mr. Boedigheimer. Yeah. We would know like by going into the reports, looking  
13 in Datarama and seeing how much money was being raised. Because those reports were  
14 still set up for TMAGAC so that was all still in place.

15                  [REDACTED] And so to your point, the Datarama reports just did total dollars? They  
16 just said how much was raised per e-mail, not, or per campaign I guess, not where the  
17 buckets went?

18                  Mr. Boedigheimer. From the reports that I looked at, yeah. It would be by  
19 campaign. It wouldn't say how the money was distributed after that in the JFC. That's not  
20 something that we would look at in those reports.

21                  [REDACTED] So is it fair to say that in terms of one of the indicia of your success  
22 was the amounts raised per e-mail campaign?

23                  Mr. Boedigheimer. That's one metric we would use. Yeah.

24                  [REDACTED] And while we're on the topic, and I'm sorry if I'm skipping ahead, but  
25 what were the other metrics that you used?

1           Mr. Boedigheimer. Also just raised in a day would be another one. I think we've  
2 talked some about, you know, open rates, click rates. You said revenue for, or money  
3 raised for an e-mail, similar thing on text, how much money a text raised.

4           ██████████ So do me a favor because that was a lot in there. I wasn't expecting so  
5 many. Can we go one by one for each of those? And just tell me where did you get that?  
6 And if it was a person or an e-mail, like, what was the source of that feedback metric?

7           Mr. Boedigheimer. So for all of those metrics, we could view those in Datarama.  
8 You log into the dashboard and there were different reports where you could view them.

9           ██████████ Was that for texts too?

10          Mr. Boedigheimer. Text reporting would be in there as well.

11          ██████████ Okay.

12          Mr. Boedigheimer. Yeah.

13          ██████████ And so text reporting, fundraising, e-mail reporting, all of the  
14 effectiveness reporting for those was in Datarama? Were the daily totals in Datarama or  
15 would you get those from someone?

16          Mr. Boedigheimer. I don't know if the daily totals were in Datarama. We could  
17 either look in WinRed, which is the donation platform that we used. So you could see how  
18 much was raised that day in there. Or people on the reporting team, whether it was RNC  
19 of FP1, they would send screenshots of essentially what we did yesterday or what we did  
20 that day. And that would show how much we raised.

21          ██████████ What was the word you used? Whether it was RNC or FP1?

22          Mr. Boedigheimer. FP1. Yeah. It was one of the vendors that did reporting.

23          ██████████ Okay. And they would produce reports to you about the totals raised?

24          Mr. Boedigheimer. Sometimes. Also, RNC people as well.

25          ██████████ Okay. And did Mr. Colby ever send updates to you directly? Hey

1 Team, great job, X was raised.

2 Mr. Boedigheimer. It's possible that he did. We had a screenshot that was  
3 shared with a large chat so, you know, people would see it. So people would be aware of  
4 the numbers. He wouldn't necessarily have to say them. But, again, it's possible that he  
5 could have.

6 [REDACTED] Were there goals in those, in the Datarama system? Were there  
7 fundraising goals? Text goals? Were there objectives to it? You know what I mean? Like, I  
8 guess goals is somewhat straightforward. I should have stopped at goals. Apologies.

9 Mr. Boedigheimer. I don't know that there were goals in Datarama. On the  
10 screenshot I was describing, there would be a goal in there.

11 [REDACTED] The screenshot?

12 Mr. Boedigheimer. Yeah. Like I said, FP1 or RNC would have taken a screenshot  
13 of either report in Datarama or maybe they'd, you know, create the report outside of it.  
14 And that would have a goal that would say like, this was your goal yesterday and this is  
15 how much you raised yesterday, or something like that.

16 [REDACTED] Do you know who set those goals?

17 Mr. Boedigheimer. I don't know that I, we kind of collaborated them as a senior  
18 team. I think they were kind of finalized by Gary. That's where they'd be finalized by.

19 But it was, you know, getting to those numbers was a collaboration of Gary and  
20 Chris Georgia and Kevin and myself helping out with, you know, the numbers that I was  
21 seeing on e-mail to kind of help guide them in setting the goals. But ultimately with Gary  
22 being in charge, he was the one that kind of at least said the goal was good to go or use.

23 [REDACTED] Did you set those goals at that weekly leadership meeting that you  
24 had?

25 Mr. Boedigheimer. I don't know that we set them specifically in there. We may

1 have. As I said, we had daily goals so they were constantly changing.

2 [REDACTED] And I guess that was my next question is, what was the time period?

3 So like how did you set daily goals together as a group?

4 Mr. Boedigheimer. I mean, a lot of it was based off of math from FP1 and their  
5 teams. But, you know, essentially how much money we've raised in the past on certain  
6 days, if we send, you know, e-mails and they succeed at this rate, we'll raise this much  
7 and kind of, you know, bringing the math out in that way. That's where they set the goals  
8 and gave them to Kerry and the rest of the team.

9 [REDACTED] I know this is going to seem silly but was it like a group pow wow or is  
10 there somebody who's like initially proposing a goal and it's like object if you see anything  
11 wrong with that, do you know what I mean? Do you see what I mean the difference? Is it  
12 like a collaborative creation or somebody who's proposing the goal and it's like, oh, does  
13 anybody see anything wrong with that?

14 Mr. Boedigheimer. I don't know if it was specifically either of those. Chris, I  
15 know Chris Georgia would propose goals sometimes or maybe Gary or Kevin would say,  
16 this is the number we want to hit. And then whether it was a meeting or a chat or  
17 whatever it would have been. Maybe there was some back-and-forth other times, maybe  
18 not.

19 [REDACTED] Okay. Do you remember the goals being changed in the time period  
20 after the election?

21 Mr. Boedigheimer. I don't remember what our goal was during that time. As I  
22 said earlier, the goal was different each day so I guess in that sense they probably would  
23 have changed during that time.

24 [REDACTED] I think we had a communication, you wouldn't have been on this. I'm  
25 just proffering this to you. There was a communication I believe that Mr. Colby sent that

1 three of the highest fundraising days I believe were post-election. Is that right?

2           Mr. Boedigheimer. Well, yeah. Three of the four biggest days in the election  
3 cycle happened in the week after election day and that subsequent time.

4           [REDACTED] Do you remember conversations about that in terms of exceeding  
5 goals, surpassing goals, adjusting the goals?

6           Mr. Boedigheimer. Not specifically. I mean, I remember that fundraising was  
7 doing well at that time and those were big days, but I don't remember specific  
8 conversations about that.

9           [REDACTED] Do you remember conversations about what made them really big  
10 days?

11          Mr. Boedigheimer. Not that I remember, but I guess them being bigger than  
12 previous days would.

13          [REDACTED] No. I understand what the concept of largest three days means. I  
14 guess what I meant is more kind of, these were huge days. Three of the four biggest days  
15 in the election cycle were after the election. That wasn't notable? There wasn't discussion  
16 around, whoa, our three biggest election days were actually after the election?

17          Mr. Boedigheimer. What I'm saying is that I don't remember conversations  
18 about it. It was definitely common knowledge that we were having really good  
19 fundraising days though and we would have, you know, we had access to all these reports  
20 so we could all easily see that.

21          [REDACTED] Was there celebrations? Was there high fives? Was there, I mean, in  
22 my head, I'm picturing my time in the private sector. But I'm just trying to picture like  
23 when somebody does that well raising funds, there's usually a, whoa, atta boys' kind of  
24 thing or shoutouts or -- was there an acknowledgement that you had just had three of the  
25 four largest fundraising days in the election cycle?

1           Mr. Boedigheimer. I don't remember if there was a specific acknowledgement  
2 or anything like that. I mean, we were obviously excited with having great fundraising  
3 days, but there was a lot going on. We had an election still that hadn't been decided and  
4 we were all working a lot. So I don't remember like, as you said, like, a specific atta boy or  
5 anything like that.

6                         [REDACTED] Not even a great job?

7           Mr. Boedigheimer. I don't know.

8                         [REDACTED] Sorry. That came out judgy. Everybody values their staff in their own  
9 way. Apologies. I'm just trying to -- these were huge, huge days and I just was curious that  
10 any kind of remarks to the staff or any communications or any discussions about it, I just  
11 was curious if you remembered that. Nothing though.

12           Mr. Boedigheimer. I don't remember anything specific. Like, directors and Gary  
13 have given me compliments before or given other people on the team compliments, but I  
14 don't remember like one then.

15                         [REDACTED] And you don't remember discussions about whether the goal should  
16 be adjusted given what was happening after the election?

17           Mr. Boedigheimer. I don't remember specific conversations about that. No.

18                         [REDACTED] Okay.

19                         BY [REDACTED]

20           Q      Let's look at Exhibit 12. And this is a November 10th e-mail from you to  
21 Hannah Allred. And you forward an e-mail that is from Candace Owens, subject line, voter  
22 fraud update. And in the e-mail, it says, friend, here's how the media is reporting on clear,  
23 undeniable election fraud.

24                         And it says the New York Times calls it a torrent of falsehoods. CNN calls it  
25 baseless voter fraud claims. NPR says false claims of fraud, rigged election. CBS News says

1 voter fraud complaint is garbage. So it's fair to say at that time, November 10th, you were  
2 aware that these mainstream media sources did not find President Trump's claims about  
3 voter fraud to be credible. Is that fair?

4 A Yeah. It's fair to say I saw headlines that weren't believing what he was  
5 saying.

6 Q And would you review these articles, review these headlines and stories to  
7 get more information? Or was that outside the purview of what you saw yourself as  
8 doing?

9 A I don't remember if I reviewed any of these ones or articles in general but  
10 I'm sure I looked at some articles and reviewed what they had to say.

11 Q And would you typically, and would you determine -- you know, kind of  
12 referring back to our prior point, whether you would review these things and draw your  
13 own conclusions? Or did you see your job as deputy digital director as to not be the  
14 referee of whether there's election fraud and instead to be really an e-mail marketer?

15 A I mean, I guess it's a combination of both where obviously I'm a digital  
16 director and working towards the e-mail fundraising and those are our goals. I'm also  
17 seeing what's happening on the news. I'm seeing, you know, at this time, it's still only a  
18 week after the election. I'm not sure what to believe.

19 There's a lot of lawsuits going on. President Trump is saying that we still have a  
20 chance, you know, we could still win, there's lots of voter fraud. There's videos going  
21 around of, you know, people moving ballots and all types of stuff during that time.

22 Mr. Steggerda. Let me ask you a question. In tab 12, the reference here is that  
23 CNN apparently has declared that the voter fraud claims are baseless. Because CNN says  
24 that, do you believe that to be true at that point?

25 Mr. Boedigheimer. I mean, no, I wouldn't believe exactly, like, just what CNN

1 said just because they said it.

2 BY [REDACTED]

3 Q Now, you tell Hannah we should do similar e-mail, at the top, calling out  
4 headlines that the fake news has put out and also how big tech is censoring POTUS. Says  
5 it right here you're saying the copywriters might want to mockup a similar e-mail for  
6 TMAGAC to use. Is that fair?

7 A Yeah. I mean, it looks like -- I don't remember the specific conversation but  
8 I'm saying let's do an e-mail that calls out the fake news and then maybe big tech about  
9 what's going on with the election.

10 Q Now, when you say here calling out the headlines that the fake news has put  
11 out, the subject line below, unless I'm incorrect, doesn't use the term fake news here. So  
12 I'm trying to get a sense of when you were writing to Hannah, calling out the headline  
13 that the fake news has put out, is that kind of your personal view? And again, I'm not  
14 trying to wade into your personal politics, but is that you kind of expressing to Hannah  
15 that you yourself believe these to be fake news?

16 A I think at the time, that was -- I mean, and even still now, that's a very  
17 common term to use. So I was just using it to describe what these news outlets were  
18 putting out and stuff.

19 Q I know it's common, but I'm asking when you used it what you were trying to  
20 say to Hannah. Right? Are you here, this report lists four mainstream sources and they say  
21 the voter fraud claims were baseless. And then you say, let's do a similar e-mail calling out  
22 the headlines that the fake news has put out.

23 So it sounds there that you aren't in a, I don't know what to believe. It sounds like  
24 you do know, you have a belief, and the belief is that the claims discrediting the fraud  
25 claims are not true, that the fraud is true. Is that fair to say that was your, at least on

1 November 10th, that's where you were?

2 A Again, I don't remember this exact conversation but from what I said here, it  
3 seems that I'm pointing out things that have had fake news in the past and that we  
4 should reference certain like similar articles to that in our e-mail.

5 [REDACTED] Because you were a part of this in the sense of being present and  
6 working there, it makes you relevant, and unfortunately that's what brings you here  
7 today, in the sense of why we're interviewing you.

8 And I don't want to, I'm curious, if you look at the bottom of the Owens e-mail.  
9 Excuse me. Yeah. The Owens e-mail that you forwarded, kind of the middle, it says,  
10 meanwhile, big tech is getting in on the scam too. Facebook has banned the  
11 300,000-person Stop the Steal group by ludicrously claiming they were, quote, "inciting  
12 violence."

13 And then when you forward the e-mail, you said, we should do a similar e-mail  
14 calling out headlines that the fake news has put out and also how big tech is censoring  
15 POTUS. After January 6th, when there was violence, do you see this differently in any way  
16 now? Or is it still big tech censoring POTUS, seemingly interpreting from your e-mail,  
17 unjustifiably? Does it seem justifiable now?

18 Mr. Boedigheimer. I mean, at the time going through this, obviously as I've said,  
19 I wasn't sure if the election was over. And then to your question, after January 6th, I knew  
20 that the election was then over. And I don't think I can speak on behalf of Twitter's  
21 policies, if they're going to ban somebody or not.

22 [REDACTED] No. I'm talking about Facebook, where it says, Facebook has banned  
23 the 300,000 person Stop the Steal group by ludicrously claiming they were inciting  
24 violence. And you refer to that and some of the other big tech headlines. You say, and  
25 also how big tech is censoring POTUS.

1           There's a tone there that I'm interpreting, correct me if I'm wrong, that you  
2           thought this was unfair censorship or wrong -- censorship connotes saying they shouldn't  
3           be doing that. They should have the freedom to post whatever they want.

4           And I'm asking you, do you still think that it's big tech censorship of POTUS? Do  
5           you still think presumably that it's, did you think it was unjustifiable censorship at the  
6           time that you sent the e-mail?

7           Mr. Boedigheimer. I mean, I don't remember sending this e-mail and when I said  
8           that big tech is censoring POTUS here, I'm not necessarily referring to exactly what's said  
9           in the below e-mail. I'm more saying that, at the time, whether justified or not, like,  
10          POTUS was being censored and so we would use that in a fundraising e-mail.

11           BY [REDACTED]

12          Q      Let's go to Exhibit 15. So this now takes us to November 30th. So at this  
13          point, it's, correct me if I'm wrong, but it's just you, Hannah and Alex Merglin left as far as  
14          e-mail copywriting. Is that fair?

15          A      I believe that's right.

16          Q      And then here you tell Hannah November 30th, thinking for Georgia runoff.  
17          We start showing polling numbers like this. Good to include line like we need the  
18          resources to make sure they don't try to steal this election. We saw what happened on  
19          election night. We can't let them take the Senate too. Is it fair to say that here, you're  
20          directing Hannah to use language that you believe to be effective at fundraising?

21          A      I don't remember sending this specific e-mail either but, you know, as we're  
22          approaching the GA runoff, basically saying, here, it's good to include these lines that  
23          we've seen, we've been using and they have been working, and it's also just a general  
24          theme at the time, trying to steal the election.

25          President Trump's saying it, surrogates are saying it, everybody's saying it. So my,

1 you know, I don't remember exactly this but it seems like it was, you know, we should do  
2 something like that since it's been working.

3 Q At this point, November 30th, I do want to ask about your personal views  
4 here. Did you believe, if you can answer this, and you may not have the answer yet, was  
5 the words you're using in your professional sense here about trying to steal the election,  
6 was that consistent with your personal views at the time or not consistent?

7 A I think at this point, I don't remember exactly how I was feeling but I was  
8 definitely less hopeful than I was earlier. I had a lot of concerns about what was  
9 happening potentially with fraud and mail and ballots, ballot harvesting.

10 So I thought it was possible that the election could be trying to be stolen. But, you  
11 know, at this time also, as I've said, I still have the understanding that, you know, we had  
12 another essentially month and six days until the election would be completely over.

13 Q So is your testimony that you thought January 6th would end the election in  
14 November? That's what you thought?

15 A What do you mean by that?

16 Q Well, multiple times today, you've said that you thought the election  
17 wouldn't be over until January 6th. And I've never heard, January 6th has not, I'm not that  
18 old, but January 6th has not been ever relevant in any election I was cognizant of. Right?  
19 This is the first election I know of where folks talk about January 6th.

20 Was it your view then that election wouldn't be over until January 6th in  
21 November? End of November, was that what you were thinking? That no matter what I  
22 see, no matter how many election states are called, no matter how many election  
23 lawsuits President Trump loses, this isn't over until January 6th no matter what?

24 A I think, as I've said, I was less hopeful at the time, as what you said, some of  
25 the lawsuits were failing or not being successful. But it was my understanding and belief,

1 just from what I'd seen, from what the president was saying and what, you know, others  
2 were saying, that it wasn't final, it wasn't finality until January 6th.

3 Q Well, I understand that.

4 Mr. Steggerda. Let me help you clarify. Do you remember when you  
5 started -- it's a very good question. Do you remember when you, put yourself back. I  
6 know it's 15 months ago. I get all that. But put yourself back in November, December.

7 Do you remember when you first started hearing, as you've testified to, or reading  
8 or whatever, that this thing wasn't going to be over until January 6th? Was that in  
9 November? Was it December? Was it January 5th? Like, what's your best recollection of  
10 that, I think, is what the question is going towards.

11 Mr. Boedigheimer. Yeah. I don't think I have a great memory of exactly when it  
12 happened. It seems like there were, I can't remember what the first day was, but when  
13 the states certified the election, that was a date, whatever that date was. And sometime,  
14 maybe it was before then or after then, but then January 6th became a much more  
15 prevalent date that people were talking about.

16 BY [REDACTED]

17 Q But what we're trying to understand here, and I don't want to put words in  
18 your mouth, but the way it looks from our vantage point is a losing campaign that moves  
19 a goalpost. And when the goalpost moves, everyone then points at the new thing. Right?  
20 So first it was all the states weren't called. And the states were called. And then it  
21 becomes, the states have to certify. The states do certify. And then a new date becomes  
22 January 6th and then January 6th happens.

23 So is it fair to say that you were taking your guidance there from President Trump  
24 essentially as to what the goalpost would be as opposed to Austin, being a constitutional  
25 law scholar, knew it's never over until January 6th? Is it fair to say it's the former, that

1       folks tell you, here's what matters next, and you find those folks credible and then you  
2       believe them?

3           A     Yeah. I think as, you know, President Trump was talking about the dates that  
4       were coming up, those were dates we were obviously focused on. But I didn't have a  
5       great understanding, still really don't, of how the entire election process works.

6           So when the state certified was a thing, that was, you know, not something I knew  
7       a lot about. And I was feeling less hopeful. But then the next day was, you know, January  
8       6th and that was when it was final-final.

9           Q     So is it fair to say that it wasn't over because President Trump said it wasn't  
10      over. That's why you didn't think it was over?

11          A     I didn't say that.

12          Q     Well, I was asking you, is it fair to say that? That's the reason why you didn't  
13      think it was over, because the president said it wasn't over? Because you said you don't  
14      know much about the constitutional process. You don't, it seems what you're saying, you  
15      don't know the significance really of December 14th or January 6th. So is it fair to say that  
16      you didn't think it was over because President Trump said it wasn't over?

17          A     I didn't think it was over on January 6th not only because he said that but  
18      others had said that as well, surrogates and I'm sure I saw it on the news somewhere.

19          Q     Is there a surrogate you can think of whose word you would take over  
20      President Trump?

21          A     I don't know. I don't know how to answer that.

22          Q     Well, because you've mentioned surrogates multiple times.

23          A     Mm-hmm.

24          Q     Can you think of a single surrogate who, if they said something inconsistent  
25      with President Trump, you would say, I believe that? Or is it fair to say that the persons

1 whose word matters here, not surprisingly because he is the president of the United  
2 States, that the person whose words matter as to what you thought was the state of the  
3 race, was President Trump's words?

4 A I would say that obviously, as you said, he's the president of the United  
5 States. He's going to know more than I do or probably anybody at that time. And then I  
6 was also seeing a lot that was going on with the RNC and the lawsuits.

7 So I knew that there were still battles being had. Yeah. Some of them failed. I think  
8 they probably won some too. But as I was going through that process, that, you know,  
9 kind of all generated towards my belief that it wasn't over until January 6th.

10 Mr. Steggerda. But the question is essentially, did -- back in this time, do you  
11 remember viewing any surrogates who, when they spoke, they trumped Trump's words,  
12 is really what the question is.

13 Mr. Boedigheimer. I don't know. Not that I can remember. I remember  
14 obviously hearing like Rudy Giuliani would say about cases and listening to him talk. But  
15 for the most part, like, what President Trump was saying, it's, you know, coming from the  
16 president.

17 [REDACTED] We're making this artificially complicated because the definition of a  
18 surrogate is one who stands in like the place of another. It's somebody who speaks for  
19 another. There were no surrogates who were speaking something different from  
20 President Trump. The nature of a surrogate is it's somebody who reiterates and stands in  
21 place of the president.

22 So there's a false separation here as if there was a surrogate saying anything  
23 different than President Trump. Right? Because if they did, what happened to them? That  
24 doesn't get quite caught on the record, but I think you can get what I'm saying in the  
25 sense that you're not a surrogate to President Trump for very long if you substantively

1 disagree.

2 And if people disagreed with the status of the election, they did not remain  
3 surrogates. So I'm assuming that the surrogates that you're referring to are the ones who  
4 are consistent with President Trump. Correct?

5 Mr. Boedigheimer. I mean, I think so. I don't know that they were always  
6 consistent. But yeah. They had a lot of the same messaging as him.

7 Mr. Steggerda. Well, when you -- help me clarify the record. You're in, you  
8 worked in a fundraising capacity, right?

9 Mr. Boedigheimer. Yes.

10 Mr. Steggerda. When you think of the term surrogate as the fundraisers use it,  
11 what does the term mean to you?

12 Mr. Boedigheimer. As a fundraising person, it would be somebody that signed  
13 an email or signed a text. And in the way that I'm using it here in some cases, though, it  
14 would be the, those same people, like, tweeting or, you know, sending out messages.

15 [REDACTED] But I want you to play this out and logically think about, right -- some  
16 guy retweets President Trump, not a surrogate. The surrogates are largely high-profile,  
17 well-known people who agree with the president, send out the president's thoughts,  
18 message consistently with the president.

19 Do you know of any Trump surrogates who are still Trump surrogates after they  
20 disagreed with President Trump's position?

21 Mr. Boedigheimer. I don't know that I can think of any at, like, right now. There  
22 could be. I'm not sure, though.

23 [REDACTED] Could there be? Or do they cease to be a surrogate when they have  
24 their own ideas differing from the person that they served as a surrogate to?

25 Mr. Boedigheimer. I think that'd be President Trump's decision. Not, like, I

1 wouldn't know how, why he decides that.

2 [REDACTED] And that's fair. What I'm trying to get at is --

3 Mr. Steggerda. He said he can't think of any.

4 [REDACTED] And that's fair. I guess, what I'm saying is sitting here right now,  
5 you're treating the surrogates as if they're people with separate independent views of the  
6 president.

7 Mr. Steggerda. He didn't. Foundation. He did not say that.

8 [REDACTED] Well, I think what my colleague was trying to get at is, is there a single  
9 surrogate that you can think of, you mentioned Mr. Giuliani. Were there views that Mr.  
10 Giuliani had that you're aware of that were inconsistent with the president where you  
11 were, like, I agree with Mr. Giuliani, but not President Trump?

12 Mr. Boedigheimer. Not specific views I can think of right now.

13 [REDACTED] Can you think of a single view that you agreed with a surrogate that  
14 was different from President Trump?

15 Mr. Boedigheimer. There's not, like, a specific or single view I can think of right  
16 now.

17 [REDACTED] Can you think of a single time that you're aware of a surrogate  
18 disagreed with President Trump who stayed a surrogate?

19 Mr. Boedigheimer. Again, I'm sure it's possible, but not one that I can think of  
20 right now.

21 BY [REDACTED]

22 Q Austin, you mentioned numerous times about election lawsuits. Is it fair to  
23 say you were not tracking how the lawsuits were turning out?

24 A I wasn't tracking them, you know, very specifically each of them, but I would  
25 see updates on some of them.

1           Q     Are you aware -- I think the current numbers say that the president lost 61  
2       out of 62 lawsuits, him or his allies, and the one lawsuit I believe he won came shortly  
3       around the election or after and it pertained to the amount of days you could count  
4       ballots I think in Pennsylvania. It was not dispositive for the election results.

5                   So are you aware generally of that being the result of the election lawsuits that he  
6       lost almost every single one?

7           A     Wasn't aware of those specific numbers, but I was aware that he lost more  
8       than he won.

9           Q     Did that impact any of the copy that you were writing?

10          A     I mean, I guess I can't think of specific examples to that. Like, you know, we  
11       still knew the election wasn't over at that time. So we were still writing copy as if there  
12       was still a chance.

13          You know, I imagine if one, if we were talking about one lawsuit and then it was  
14       lost, we probably wouldn't have talked about it again. But I can't remember.

15          Q     And also, what we're trying to understand is, you know, we're not making  
16       this about your views. What we want to understand is in doing your job, did you view  
17       your job as looking at what the candidate's saying and making that into effective  
18       fundraising separate from whether or not you believed what the candidate was saying or  
19       whether or not you thought it to be true, right?

20          That's what, we want to understand your process because as we look at it now,  
21       the writing on the wall becomes more and more apparent as the weeks go on, which  
22       you've agreed to. You said it becomes less and less likely.

23                   ██████████ I believe he said less hopeful, right? You lost hope.

24          Mr. Boedigheimer. I believe that's what I said.

25                   ██████████ I don't want to mischaracterize your words.

1           Mr. Boedigheimer. I don't remember.

2           ██████████ Is it the same?

3           Mr. Boedigheimer. Yeah. It's less hopeful. We'll use that.

4           ██████████ Is that the same as less likely?

5           Mr. Boedigheimer. I mean, they're different, but it was also, I was feeling that it  
6        was less likely as well.

7           ██████████ We just want to be clear.

8           BY ██████████

9           Q     And what I'm trying to understand is just, is there a world where you  
10       could've said it was over if President Trump said it wasn't over? Or by definition, if there,  
11       if President Trump says it's not over, it's not over.

12          And I'm asking how you view yourself as a copywriter because that's what we  
13       want to understand. I'm not trying to suggest that the correct answer is that on this date,  
14       you should've said it's over. And if you read the article closely, you would've decided  
15       differently.

16          I just want to know how you did your job. So when you, so my question is, when  
17       you looked, as the time went on, is it fair to say that the, by definition, if President Trump  
18       said it wasn't over, that for you meant it wasn't over for the purposes of tracking the  
19       messaging in your copyrighting?

20          A     I mean, President Trump, along with my general understanding what I had  
21       seen other people say in the news that January 6th was the finality date.

22          Q     But you didn't know anything about what January 6th is, and you don't know  
23       anything about it now really; is that fair?

24          A     I mean, I know that it was the finality of the election.

25          Q     But I guess, what I think, and I'm speaking for I think how I think about it,

1       January 6th was not a day of significance until President Trump made it a day of  
2       significance. Is that fair?

3           Mr. Steggerda. That's a false premise, [REDACTED].

4           [REDACTED] I'm asking for your --

5           Mr. Steggerda. January 6th has always been --

6           [REDACTED] Well, wait.

7           Mr. Steggerda. Just, I know

8           [REDACTED] That's what he's [inaudible] --

9           Mr. Steggerda. Hold on. The -- every election is different because sometimes  
10       you get a McCain conceding that night or you have Hillary, you know, in 2016. You know,  
11       the elections are concluded at different parts of the process over time.

12           The January 6th event has always been a date of significance. So to say that, and  
13       to premise the question, try to get him to admit that it was never a day of significance as  
14       if it wasn't a meaningful day, I don't agree with that, and I have an objection to it.

15           In his mind, fair to ask at what point did he get some understanding that that was  
16       a date of relevance. I'm okay with that. But I just, I don't, to premise the question to say  
17       that January 6th wasn't an established part of the electoral process is just not true.

18           BY [REDACTED]

19           Q     And that was not what I'm trying to suggest, Todd. When did you think that  
20       January 6th was a day of significance? When did you first learn that?

21           A     I don't remember exactly when. It was after the election at some time.

22           Q     Is it fair to say it was when President Trump first started talking about it?

23           A     That could've been why. Somebody else could've said it first. I'm not sure.

24           Q     And what is your understanding of what December 14th was in 2020?

25           A     From my understanding, I don't know a lot of it, but that's the day when

1 states are certified.

2 Q And did that have a significance on the copy you were writing?

3 A Again, I don't know that it changed the copy dramatically. Like, we were, it  
4 was obviously a different day, whether January 6th was the date probably that was more  
5 focused on at that time.

6 But the election still wasn't over. So there was still going to be copy and emails  
7 sent.

8 Q And when you say the election is not over, do you just mean all of the Ts  
9 kind of been crossed? Or did you think that there was a significant likelihood that  
10 President Trump could still be president for another term?

11 A I think as I described earlier, closer to election day or after election day, I  
12 thought there was a good chance that he could, you know, still win the election. As we  
13 got closer to December 14th, I became less hopeful. And as we got closer to January 6th, I  
14 was even less hopeful at that time.

15 But from my understanding and again, don't know everything about it, but the  
16 vice president or they could do something on January 6th to kind of change the results  
17 and, you know, make President Trump president.

18 Q They could do what?

19 A I'm not sure what they could do. I don't know exactly how it works.

20 Q Do you know anything about what they would do or could do?

21 A I don't have a good understanding. No.

22 Q Do you have a basic understanding?

23 A No. Not really. Just from what I know that, or what I've heard or read was  
24 that there's something that vice president could've done. I'm not sure exactly what it was.

25 Q And leading up to January 6th, is that, is what you're saying now your

1 understanding leading up to the sixth?

2 A Yeah. That was my understanding leading up to the sixth.

3 [REDACTED] So I just want to read you something. This is a post-litigation analysis.

4 In 2020, excuse me.

5 For the 2020 presidential election, December 8th was the safe harbor deadline,  
6 the date by which states must have resolved all election contests and finalized an  
7 electoral slate to ensure that the dust has cleared in time for the electoral college which  
8 meets six days later. Part of the logic of the Supreme Court's opinion in Bush v Gore in  
9 2000, and of Vice President Gore's concession at the time, turned on the fact that  
10 Florida's recount was not on pace to meet the safe harbor deadline of 2000.

11 Both the Supreme Court and the Vice President acted to resolve the election  
12 before the safe harbor deadline.

13 In 2020, by contrast, new lawsuits were filed even after the safe harbor deadline.  
14 On December 14th itself, electors for the electoral college met in their respective states  
15 and cast their votes as outlined in Article II, Section 1 of the Constitution, which  
16 establishes the candidate who receives the sufficient threshold of votes becomes the  
17 president.

18 Joe Biden, having won 306 electoral college votes to Republican Donald Trump's  
19 232, became the country's president-elect. Nevertheless, even after the electoral college  
20 votes were cast, lawsuits persisted. And at the end of December, President Trump's  
21 campaign took legal aim at Congress's largely ceremonially January 6th count by the  
22 electoral college votes, filing lawsuits that sought to empower Vice President Mike Pence  
23 to exercise greater autonomy during the count.

24 I say that to say that sitting here right now, in history, prior to this election, prior  
25 to the president making the ceremonial act on January 6th, that to my colleague's point,

1 nobody ever paid attention to, prior to this election, making it an issue. Do you remember  
2 it ever being relevant in any way the way it was here?

3 As a voter, did you have any idea that an election could possibly end on the day  
4 that the vice president ceremoniously announced what the electoral college had decided?  
5 Because I believe the characterization given early as if this wasn't historic and different  
6 even for somebody completely ignorant of the process like me who read this could say,  
7 when on earth had that happened before the president made it a thing in 2020.

8 Mr. Boedigheimer. What's the question overall there?

9 [REDACTED] In your life, do you remember January 6th ever being relevant to a  
10 presidential election in any substantive way prior to President Trump making it so in  
11 2020?

12 Mr. Boedigheimer. It's not something I've studied. So I wouldn't have known of  
13 that date before. And again, I don't know if President Trump said it first or somebody else  
14 did.

15 [REDACTED] Sitting here today, do you even know what happened on that day?  
16 Not referring to the attack. Do you know what transpired in the Capitol that day? What  
17 was supposed to happen mechanically or legally?

18 Mr. Boedigheimer. I'm not sure legally exactly what happens there.

19 [REDACTED] So somebody just keeps telling you that something happens on  
20 January 6th that can change an election that was certified by the electoral college  
21 pursuant to our Constitution and just something that's going to happen that gives us hope  
22 on January 6th that we can turn that election around. Is that a fair characterization of  
23 what you were thinking as you were drafting these fundraising emails?

24 The president just keeps saying something's going to happen on January 6th.

25 Mr. Boedigheimer. I think a fair characterization would be what I've saying, that

1 I was less hopeful at that time, but from my understanding, admittedly the limited  
2 knowledge I had about how it worked, that January 6th was the finality of it.

3 BY [REDACTED]

4 Q Is it fair to say that in your roles at the RNC that you'd have kept fundraising  
5 until someone told you to stop fundraising?

6 A What, at what time? Or what do you mean?

7 Q At this time. I'm going to try to explain --

8 Mr. Steggerda. He was paid as a fundraiser.

9 BY [REDACTED]

10 Q Exactly. Yeah. And so I'm trying to simplify this because our line of  
11 questioning here, what we just want to understand is there's one view of Austin marching  
12 towards January 6th as if, like, Austin is up all night thinking, man, this is the day of all  
13 days. Versus a different view of Austin is doing his job, which means that's the campaign  
14 messaging, that's what the emails will reflect.

15 Is that what's going on here?

16 Mr. Steggerda. Well, you, please offer him the middle ground, too. It's  
17 constantly an either or.

18 [REDACTED] Or somewhere in the middle. Sorry. Let's be clear.

19 Mr. Steggerda. Yes.

20 BY [REDACTED]

21 Q Yeah. I mean, Austin, for every question, it is always about your feelings or  
22 views, your thoughts. Because we see emails, for example, Austin. Do you recall any email  
23 that does a poll where the recipient is asked whether or not, about Joe Biden being  
24 illegitimate president, right?

25 Like, whether they want Joe Biden, the illegitimate president, to take office or

1 something like that. Do you recall that poll? It comes up numerous times post-election.

2 A Don't recall that specific poll, but generally I remember a theme like that.

3 Q And so that post, we see that poll come up December 22nd. If you look, let  
4 me see if it's, actually, it might not be in here. Hold on.

5 Mr. Steggerda. It looks like you're at the end of your outline, [REDACTED].

6 [REDACTED] I know.

7 [REDACTED] So close.

8 [REDACTED] We're so close.

9 [REDACTED] So close.

10 Mr. Boedigheimer. I'll try to be quiet.BY [REDACTED]

11 Q If you look at exhibit 22, please. So, you know what? Let's start with exhibit  
12 21. Let's start with that.

13 So this is a fundraising email from TMAGAC that goes out on December 22nd. So  
14 22nd. Yes.

15 Subject line says we're taking this to the supreme court. The fight isn't over. And  
16 then it then indicates that President Trump is going to the supreme court.

17 Do you recall this email? Or this messaging, I should say.

18 [REDACTED] And also, if you can't see it, it is on the screen. If you can see it, I want  
19 your eyeballs.

20 Mr. Boedigheimer. Got to lean in a little.

21 BY [REDACTED]

22 Q And then the last paragraph of this, it again recites a line, the Democrats are  
23 trying to get away with stealing this election and only you can stop them. So at this point,  
24 the states have certified President Biden's win. That's on December 14th.

25 So a full week later, we're now three days from Christmas, we're now almost two

1       months from the election. It's now just you and Hannah and Alex left, correct?

2           A     I believe so.

3           Q     And then you all write this email that says the Democrats are trying to get  
4       away with stealing this election. What is that based on?

5           A     I don't know who specifically wrote that message. But again, at the time,  
6       there was, from my understanding, there were still lawsuits taking place and the election  
7       wasn't final yet. So it was messaging we had used previous to that, as you guys had seen.

8           Q     But I'm asking you more specifically. Can you sitting here today recall  
9       anything that is a basis of saying just repeated language, the Democrats are trying to steal  
10      the election and what you understood that to be pointing towards?

11          A     I mean, it's a pretty broad term. It could point to the way mail-in ballots  
12      were counted. It could point to the lawsuits that happened months before the election.

13          Q     When you wrote it, when you approved it to be written --

14          Q     Mr. Steggerda. He didn't say he wrote it.

15          BY [REDACTED]

16          Q     Well, I think it's fair. You would've approved this, though; correct?

17          A     I don't know that I would've approved this. I didn't read and approve every  
18      message.

19          Q     So did Hannah -- did Alex sometimes write emails that went straight to the  
20      approval group?

21          A     It's possible that he would've. It's possible that Hannah would've as well.

22          Q     So Alex wrote emails that he drafted, and he sent from himself to the  
23      approvals group to get approved by Zach Parkinson, Jenna Kirsch, and all them, and you  
24      wouldn't have reviewed it.

25          A     No. He would've sent them to Julia who would've packed it up on the

1 approval chain, and then she would've sent it.

2 Q So Alex Merglin had the, I just want to be clear. Alex Merglin had the  
3 authority to draft copy and submit it to Julia Trent without ever running it by you.

4 A I guess to clarify what I'm saying, he would've submitted it to either myself  
5 or to Hannah. But I'm not saying here that I've read all of these messages or I, like, fine  
6 tooth combed all of them or really, my approval is kind of a strong word here because it  
7 goes to the approval chain after me.

8 So this message would've been ran by Hannah or me, maybe, but I can't say that I  
9 read this specific one.

10 Q Here's what I said about the maybe. Can you give me a situation when Alex  
11 Merglin would draft copy and you or Hannah would not review it, but he would send it  
12 directly to Julia Trent to go to the approval chain?

13 A I think a situation where that could've happened would've been where I was  
14 busy doing other things in my role and I would've said, Hannah, like, you can just push  
15 this through the approval chain or something like that.

16 Q So Hannah would've reviewed every email, all the copy at least from Alex  
17 Merglin; is that fair?

18 A I mean, you'd have to ask her if she reviewed them all. I don't know. But --

19 Q Well, I'm asking you as her supervisor. What was your expectation?

20 A Yeah. My expectation was she would've reviewed in some capacity.

21 Q And your expectations of Alex Merglin would not bypass Hannah and send  
22 copy directly to the approval chain, correct?

23 A I don't know if he did that, but my understanding would be that he wouldn't  
24 have done that.

25 Q Okay. So it's fair to say, it's not a stretch, that when we look at copy, the

1 messaging, which is consistent with prior messaging that it's likely that you would've  
2 approved either the email or given Hannah the authority to approve perhaps some  
3 substance the email; is that fair?

4 A I think it's fair to say that I wouldn't have read all of them, but yes. Hannah  
5 would've reviewed them or maybe I would have reviewed them, but I didn't review all of  
6 them.

7 Q And in late December when you're writing, when the team is writing this  
8 email, is it fair to say that you aren't basing this on specific instances or specific theory of  
9 a stolen election? You're following the president's message, which is still consistent in late  
10 December.

11 A Again, don't remember how this exact email was crafted, but we were  
12 following the president's messaging and, you know, general concerns at that time that  
13 the election wasn't over.

14 Q So here, we go to exhibit 22, and this email shows up numerous times. It also  
15 comes out on December 22nd. And it says, do you want our country to be run by Joe  
16 Biden, who would be an illegitimate president. Do you recall this poll that showed up  
17 numerous times post-election?

18 A I don't recall this specific one, but the general theme.

19 Q Okay. In this claim here that Joe Biden would be an illegitimate president,  
20 now, this is now late, this is now December 22nd, is that again another example of  
21 messaging you would've gotten from the president? Or did you, Austin, have reasons why  
22 you think Joe Biden would be an illegitimate president?

23 A I don't know how this one is written, but it was obviously very common for  
24 us to take the messaging directly from surrogates, President Trump, and/or campaign  
25 statements.

1           Q     Did you have the view yourself in late December that Joe Biden would be an  
2     illegitimate president?

3           A     My view at that time was that the election still wasn't over at that time. So,  
4     you know, wasn't president at that time.

5           Q     That's not the question. I'm not asking when the election was over. I'm  
6     asking you in that period here, this poll, come from TMAGAC, effectively asking about a  
7     world that we live in now, which is Joe Biden is our president. And a poll that shows up  
8     numerous times says, do you want our country to be run by Joe Biden, who would be an  
9     illegitimate president.

10          So I'm asking your view. Did you believe that Joe Biden would be an illegitimate  
11     president? Which is not reliant to whether the election is over or not.

12          Let's take your premise. It's over January 6th. What did you think?

13          A     At the time, there was still, obviously, lawsuits going on. It wasn't over yet.

14          Q     What lawsuits were going on?

15          Mr. Steggerda.   Do you remember writing that language?

16          Mr. Boedigheimer.   I don't remember writing this language.

17          BY [REDACTED]

18          Q     But you remember this messaging, correct?

19          A     I mean, from seeing it now, I remember the general theme of it.

20          Q     Okay. So that's a yes. You do recall this messaging from that time period.

21          A     After you showed me.

22          Q     Yeah.

23          A     I recall.

24          Q     And is it fair to say, though, that you yourself, you didn't, well, withdrawn.

25          Did you have a view as to whether Joe Biden would be an illegitimate president as

1 indicated in this email?

2 A I think at the time, there were still a lot of unknowns. So if, I mean, it'd been  
3 proven that there was fraud or, you know, whatever the case may be, then he would still  
4 be in office, then you could consider that an illegitimate president.

5 Q Yeah. That's not what the email says, though. The email does not say that.  
6 I'm asking you about the representation in this email. It says do you want our country to  
7 be run by Joe Biden, who would be an illegitimate president.

8 So I'm asking you about what this email that came out from TMAGAC says. Did  
9 you have the view that he would be an illegitimate president or not?

10 A I believed that it was possible he could be an illegitimate president.

11 Q So you had the view. Yeah. You had it concluded; is that what you're saying?

12 A Obviously, I wouldn't have concluded who the president was until January  
13 6th.

14 Q That's not, but again, that's not what I'm asking you. I'm not asking you  
15 who's going to be president. This poll puts forward a hypothetical. It basically says  
16 effectively, if Joe Biden is president, he would be illegitimate.

17 It's not saying when it's going to be over if he, it's saying he's going to now win.  
18 What your team put out says if he's the president, he will be illegitimate, right? So I'm  
19 asking you a very precise question. Was that your view or not?

20 Or did you, third option, have no view and you just didn't think or you just didn't  
21 know whether or not he would be an illegitimate president?

22 A Again, I think obviously I couldn't have known at that moment if he was  
23 illegitimate or not. So my opinion was it's possible that at the, when he becomes  
24 president, if he becomes president, he could therefore be illegitimate.

25 Mr. Steggerda. He said, he's answered it three times.

1 [REDACTED] Yeah.

2 Mr. Steggerda. And he didn't even, he doesn't even remember if he wrote that.

3 [REDACTED] So let me, if I could ask a different question, understanding that to the  
4 extent that you remember the gist of this poll, maybe not this specific email, but the polls  
5 that said that Biden would be an illegitimate president.

6 To the extent that you weren't sure, or it was unclear, did you ever think of the  
7 ramifications of if you were wrong that you had pumped email after email to a group of  
8 people saying that if he was president, he would be illegitimate?

9 Did you ever think of the effect or the impact that that could have on the millions  
10 of people receiving these emails?

11 Mr. Boedigheimer. I think it's important to note that, also that the question is do  
12 you want our country to be run by Joe Biden.

13 [REDACTED] Who would be an illegitimate president?

14 Mr. Boedigheimer. It's not asking if he was or if he is.

15 BY [REDACTED]

16 Q Well, it's even worse. Or I shouldn't qualify it. It's saying he would be an  
17 illegitimate president.

18 It didn't ask that question. It just asked whether you wanted him to run the  
19 country. But it's staying declaratively if he's running the country, he is illegitimate.

20 Mr. Steggerda. Objection. The document speaks for itself.

21 He, the, I think that question really gets to the essence of it. What he's answered  
22 three times now is, and he said, you've asked him three or four times probably if you go  
23 back to some testimony 20 minutes ago.

24 By December, he's looking at January 6th that he picked up from the president,  
25 from surrogates, or whatever, and he doesn't think the election is concluded. That's what

1 he said now three times. And you're getting him to try to admit that this is a false  
2 statement, and he knew it to be false at the time it went out. And he hasn't, he's not  
3 saying that. He's, that's --

4 [REDACTED] I actually think I agree with you. I want to clarify that, and I  
5 understand what you're saying. I want to ask a different question.

6 If I understood you correctly, you were saying you did not know. It was uncertain.  
7 You did not know if Joe Biden was a, would be a legitimate or illegitimate president or  
8 not.

9 At the time, if I understood you earlier, you were saying you seemed to be  
10 believing the president and his surrogates and news sources that were saying that there  
11 were problems with the election and that the election may have been stolen.

12 What I'm asking you is, if you read this email that speaks for itself, the poll says, do  
13 you want our country to be run by Joe Biden, who would be an illegitimate president,  
14 which suggests that whether he legitimately won or not, if he becomes president, he  
15 would be an illegitimate one. Is, do you think that's a fair reading of that email?

16 Mr. Boedigheimer. Again, I think at the time, it was still possible that he could be  
17 illegitimate or --

18 [REDACTED] No. No. Listen to the question I'm asking. Okay? Because this is really  
19 important.

20 Reading that statement, whether you were right or wrong, whether you knew or  
21 not, reading that statement, a human reading that statement, is it not fair, isn't it fair to  
22 say they would see that and read, if our country is run by Joe Biden, he would be an  
23 illegitimate president? Is it not fair that that's the reading from that question phrased that  
24 way?

25 If our country is being run by Joe Biden, he would be an illegitimate president. This

1 is a linguistics issue that I'm asking you. That sentence suggests if our country was being  
2 by, run by Joe Biden, he would be an illegitimate president, correct?

3           Mr. Boedigheimer. I mean, I think the question, obviously, like we said, speaks  
4 for itself. But it's asking, do you want our country to be run by Joe Biden, who would be  
5 an illegitimate president.

6                         So is the answer to my question yes?

7           Mr. Boedigheimer. What exactly is your question?

8                         If you read that and you're a pretty educated person, so I'm not going  
9 to even ask, like, what the uneducated average person --

10          Mr. Boedigheimer. I'm not highly educated, but pretty educated.

11                         I -- that's fair.

12          Mr. Boedigheimer. I'm just --

13                         Highly educated. I'm not going to just be highly educated, but highly  
14 educated -- actually, the answer's even more obvious. So I'm actually trying to give you  
15 the benefit of the doubt.

16                         If an educated person reads that sentence, do you want our country to be run by  
17 Joe Biden, who would be an illegitimate president, the reading of that is if our country  
18 were run by Joe Biden, he would be an illegitimate president, correct?

19          Mr. Boedigheimer. I think that, you know, it's worded probably from what  
20 President Trump said, but, or any other surrogate, but that's the possibility. If he were to  
21 run the country and he were to win at this time --

22                         But you just answered my question. I'm not trying to trick you. What  
23 President Trump and those surrogates were saying was that if Joe Biden is president, he  
24 will be an illegitimate president because what's missing there is that the election was  
25 stolen. And I'm literally just asking you, as somebody who drafts things, who writes

1 English, who reads English, who understands basic communication, is there a reading of  
2 that other than the fact that if our country was run by Joe Biden, this says he would be an  
3 illegitimate president?

4 What is the alternate reading of that?

5 Mr. Boedigheimer. I think the reading of it is if he were to win, he would be  
6 illegitimate, and there is a possibility of that at that time.

7 [REDACTED] There is absolutely a possibility that he may win and become  
8 president, and he would be illegitimate based on this email, correct?

9 Mr. Boedigheimer. I don't really know how else to answer your question.

10 [REDACTED] I think you're answering it. And I'm just asking you, I just want to  
11 make clear that you are answering my question that if Joe Biden won and there was a  
12 chance that he would win, based on this email, he would be an illegitimate president.  
13 That's what that says.

14 Mr. Boedigheimer. That is what the copy says.

15 [REDACTED] Thank you. Now, personally, you don't know. You have no idea. He  
16 may be, he may be not.

17 Did you see anything wrong with representing to millions of people that if you  
18 were wrong and the election wasn't stolen that he was still an illegitimate president, that  
19 millions of people would be reading this after he was president thinking he was  
20 illegitimate, did you have any problems with that?

21 Mr. Steggerda. Objection. Did you write that?

22 Mr. Boedigheimer. I don't know if I did.

23 Mr. Steggerda. Do you remember specifically approving that?

24 Mr. Boedigheimer. I don't remember specifically.

25 [REDACTED] This came out --

1           Mr. Steggerda. Were you the source of the comments about Biden being  
2 illegitimate?

3           Mr. Boedigheimer. No. I don't believe so.

4           Mr. Steggerda. Were you aware of Hillary Clinton giving public commentary  
5 within the last year or two that the 2016 election had been stolen?

6           Mr. Boedigheimer. I've heard her say stuff like that before.

7           ██████████ Fine. I really wasn't trying to make it a political thing. I'm trying to  
8 make it a preservation of our democracy thing because I'm not saying either of them is  
9 right.

10          I'm asking you as a person who was working who is sending emails to millions of  
11 people, do you ever think that it's okay after somebody has been declared the president,  
12 that anybody says that the election was illegitimate after they've been declared because  
13 what that says is that even if he won and was running our country, he would be  
14 illegitimate. Sitting here today.

15          I'll put aside whether you ever read any of the several emails that went out, in  
16 fact. Sitting here today, do you have any qualms or problems with representing to  
17 millions of people that a president once declared is still illegitimate?

18          Mr. Boedigheimer. I think at the time of when these were sent out, President  
19 Trump was sending those messages or similar.

20          ██████████ I'm asking Mr. Boedigheimer. I'm not trying to trick you. I'm asking  
21 you sitting here right now reading it.

22          As an American, do you have problems representing to millions of people that a  
23 sitting president who was declared the president is illegitimate?

24          Mr. Boedigheimer. I think at that time, I wasn't sure if he'd be legitimate or  
25 illegitimate.

1                    [REDACTED] And I'm asking you now, sitting here looking at that email, reading it  
2 right now, do you have problems representing anybody representing to the American  
3 public that somebody who has been declared the president of our country is an  
4 illegitimate president?

5                    Mr. Boedigheimer. Again, at the time, it was still up in the air. So I don't think I  
6 had problems with saying that.

7                    [REDACTED] But sitting here --

8                    Mr. Steggerda. Do you believe President Biden today is a legitimate president?  
9 Today.

10                  Mr. Boedigheimer. Yeah. I believe he's the president of the United States.

11                  BY [REDACTED]

12                  Q So when you look back at that email, sitting here today on April 20, 2022,  
13 he's a legitimate president. You look back at that email sent on December 22nd saying  
14 that if what happened, which is that he's running our country, that he would be an  
15 illegitimate president. So is it fair to say that this --

16                  Mr. Steggerda. Objection.

17                  [REDACTED] The location of this email --

18                  Mr. Steggerda. It's asked and answered [REDACTED].

19                  BY [REDACTED]

20                  Q Well, I'm asking a different question. Is it fair to say that this email then was  
21 wrong?

22                  A In the sense that he is president now and the sense of legitimate, then yes.

23                  Q In the sense he's not an illegitimate president.

24                  A He's a legitimate president.

25                  Q So then this email was wrong.

1 A At the time, it was still up in the air. So --

2 Q Well, looking back.

3 Mr. Steggerda. He's not admitting the email was false when it went out, [REDACTED]

4 He's not going to do that here today.

5 [REDACTED] That's not the question.

6 Mr. Steggerda. And I'm not going to let him do it. It's not his view. And I  
7 wouldn't let him answer it if I thought it was his view.

8 [REDACTED]. Respectfully, that's not the question.

9 Mr. Steggerda. And we haven't even got in, and I haven't laid down an entire  
10 range of objections about the ambiguity with the term illegitimate, which I've heard on,  
11 you know, you want to talk about politics and we --

12 [REDACTED] We don't.

13 [REDACTED] We don't.

14 Mr. Steggerda. We don't need to do it here.

15 [REDACTED] We don't want to talk about politics.

16 Mr. Steggerda. But, like, we've heard stuff like this on both sides for years. And  
17 I'm just sitting here and there's only a point --

18 [REDACTED] And Todd --

19 Mr. Steggerda. Where we just can't --

20 [REDACTED] But here's the thing.

21 Mr. Steggerda. Take it anymore.

22 [REDACTED] I get it. And I guess I was trying to make it as clear as possible that  
23 there's a risk in all of that.

24 Mr. Steggerda. Yeah.

25 [REDACTED] I'm not making it political. I'm really not. I'm not saying any of those

1 are right.

2 I'm saying that for the first time in 200 years, this time it led to an attack on our  
3 Capitol, which is why we're sitting here. I don't expect you to comment on the actions of  
4 tons of other people. That's, unfortunately, not our investigation right now.

5 What our investigation is, is the facts that led to the fomenting of people that then  
6 thought on January 6th that the only thing they could do to take back the election that  
7 was stolen from them was whatever magical process was happening in that building on  
8 that day that they had to interrupt it.

9 And all we're asking you right now is sitting here right now with the benefit of  
10 hindsight, having said that he's a legitimate president, do you see anything wrong now  
11 with sending an email like that to millions of people after an election? That's all I'm  
12 asking.

13 Mr. Boedigheimer. And I think my answer was at the time when we're sending  
14 that email, we didn't have the benefit of hindsight. So we wouldn't have known any of  
15 that.

16 [REDACTED] And I'll ask it again. Sitting here now, do you have any problems with  
17 what that email says and says to millions of people?

18 Mr. Boedigheimer. I think messages that happened in the past, since at the time  
19 there wasn't an issue with it, I don't think I have an issue with it now. You know, now, he  
20 is a legitimate president. If we sent out the email today, it would be different, but we  
21 didn't know that then.

22 [REDACTED] It would be different if you sent it out today. Is that what I heard you  
23 say?

24 Mr. Boedigheimer. Something like that.

25 [REDACTED] And if that's the most that you can say, we'll take it. I appreciate it.

1 BY [REDACTED]

2 Q So very quickly, let's turn to exhibit -- we've seen some documents, for  
3 example, in the document 18, exhibit 18. The weekly fundraising meeting report sent on  
4 December -- it said December 1st. What does that document reflect?

5 A I don't remember everything that was on there. There were some stats of  
6 how we were fundraising in the previous week, by various channel, text messages or  
7 email or whatever it may have been. And there were some stats of individual campaigns  
8 as well on there.

9 Q And who got this document? Who, like, edited it? Or the relevant  
10 stakeholders?

11 A I don't know who was all on the document. A lot of members of my team  
12 would've been on it from the email and the text messaging team. And I think in this  
13 example, it was shared with Hannah.

14 Q Was it, would this same document, would this go to your superiors? Gary  
15 Colby, Kevin Zambrano.

16 A Yeah. I'm not sure if this, if the information on this would've been shared  
17 with them.

18 Q So this was more on the fundraising team level?

19 A From what I remember, yeah. It was more that.

20 Q Would you do anything with the information that was in this? Was it used to  
21 set goals or anything else like that?

22 A From what I remember, it was kind of looking at the previous week's results  
23 and what emails or texts were, how much money they had raised.

24 Q Okay. And was it done by email and text? You could see this email was very  
25 effective or this text was very effective or, you know, lucrative?

1           A     I believe part of that was on there. I'm not sure what was on here, what was  
2     on Datarama.

3           Q     Is it fair to say, like, the same way with the Datarama stuff, you would look at  
4     these and decide, all right, these, this email, this messaging was effective, so let's  
5     replicate it?

6           A     I think we would've gotten some of that from here, but Datarama as well.

7           Q     Okay. Thank you. All right.

8           So we, at some point, there were numerous emails regarding, that come out  
9     regarding January 6th. Before we get to that, were you aware of any -- you know, we've  
10    talked to other witnesses who have talked about, folks who were internal to the  
11    campaign who said, one witness said that they saw these emails and they thought that  
12    they were inflammatory and actually talked to someone about them. And we -- you  
13    know, we -- so I want to ask you, are you aware of anyone internally raising concerns as  
14    to the tone of these fundraising emails post-election?

15          A     Not that I can think of right now.

16          Q     Did anyone ever tell you or discuss with you what the proper level of excited  
17    language was for these emails?

18          A     No. Not that I can remember. I mean, as I said earlier, grabbing the  
19    messaging from the president and some of that is aggressive language.

20          Q     Were there times when President Trump's language was too aggressive to  
21    use?

22          A     I don't know that I can think of a time when that was the case.

23                [REDACTED] Just for clarification. In times where that was the case, is that  
24    something that would've been caught by the approvals process presumably?

25          Mr. Boedigheimer. I don't know what their full process is. But if there is some

1 messaging that they didn't want, like, comms or research probably would've taken it out.

2 BY [REDACTED]

3 Q Are you aware of any complaints that SalesForce received regarding the  
4 fundraising emails?

5 A I'm not aware of complaints that they got that I can think of.

6 Q Besides the -- is there any other substantive feedback that you can recall  
7 that you received post-election regarding the election fraud claims and how to frame  
8 them in these emails or texts?

9 A The feedback or changes for that type of messaging would've happened in  
10 the approval chain. I don't remember any other times where somebody said anything like  
11 that.

12 Q So the -- we looked at some changes that came in the approval chain.  
13 Anything we haven't looked at that you can recall where they pushed back on wording or  
14 messaging post-election?

15 A I think the one I referenced earlier that was a legal edit having to do with the  
16 steal language. That's one that I remember.

17 But other than that, I don't remember, like, a specific edit or words that would've  
18 taken place.

19 Q If you look at exhibit 19, there's a reference to a pacing sheet. What is that?

20 A I don't remember the full details of it. From what I remember, it was kind of  
21 a daily sheet that was updated about what we were pacing towards at the end of the  
22 month.

23 [REDACTED] Was this fundraising? I'm sorry. Like, goal amounts?

24 Mr. Boedigheimer. Primarily. That's what I remember from it at least.

25 [REDACTED] But it wasn't pacing with respect to timing of emails or texts.

1           Mr. Boedigheimer. From what I remember, it was more, like, as an example,  
2 like, we're at this amount on X day and at this pace, wind up at X amount by this day.

3           [REDACTED] Oh. Interesting. So was the concept spread it out in order to get to a  
4 goal by the end of the month as opposed to just hit them, hit them, hit them, and possibly  
5 exhaust them? Like, explain the value of pacing.

6           Mr. Boedigheimer. I think in this instance, it's more to say we're on day five of  
7 the month and we're X percent behind where we should be if we want to hit the monthly  
8 go.

9           [REDACTED] So it was --

10          Mr. Boedigheimer. Or ahead.

11          [REDACTED] Oh. I'm sorry. I didn't mean to cut you off.

12          Mr. Boedigheimer. You're fine.

13          [REDACTED] Was the concern more with pacing that you weren't on track for  
14 goals? There wasn't a concern of being too fast, right?

15          Mr. Boedigheimer. If we were too fast, that, sometimes that's when  
16 conversations would happen where you would change the goal or, you know, make it  
17 more realistic to what you're aiming towards.

18          [REDACTED] But do you ever remember a conversation where it's, like, we're too  
19 on track? Throttle it back, tone it down. Like, don't exhaust them.

20          Like, was there a hover point? Or was the idea, you know, go as hard as you can?  
21 We're not hitting our goals. Or if we're going hard, go harder. Do you get what I'm  
22 saying there?

23          Mr. Boedigheimer. I think so. I mean, I think primarily, our goal was to raise as  
24 much money as possible. If it was more than the goals, we would still want to keep raising  
25 money. We wouldn't want to stop.

1                    [REDACTED] So you don't remember anyone ever saying throttle it back, it's too  
2 much, we need to pace ourselves?

3                    Mr. Boedigheimer. Not that I can remember.

4                    Mr. Steggerda. I like the throttle it back reference.

5                    BY [REDACTED]

6                    Q All right. So let's move to January 6th.

7                    So if we go to exhibit 23, we see an email that says, join them in the fight to  
8 defend the election. And it mentions over 100 members of Congress plan to object the  
9 election results because they share the concerns of millions of Americans about voting  
10 irregularities. This is our last line of defense.

11                  Then we go to another email on the same day, which is exhibit 24, and it's, we  
12 have the truth. And then, that's classified, indicates today will be a historic day in our  
13 nation's history. Congress will either certify or object to the election results.

14                  And then, at the bottom, it says President Trump needs his strongest supporters  
15 like you to fight back and defend America. And then, there's a third email that says,  
16 DonaldJTrump.com and its subject line is today, this is our last chance.

17                  And then, that email says Congress will vote this afternoon to certify or object to  
18 the election results. Over 100 members of Congress have vowed to fight with President  
19 Trump and object this, to the results because they are concerned about voting  
20 irregularities and potential fraud. The stakes have never been higher.

21                  So these emails seem quite urgent. Did you have conversations with anyone about  
22 the messaging surrounding January 6th?

23                  A I don't remember specific conversations we had. Followed a similar process  
24 to drafting emails from surrogates and President Trump was saying.

25                  Q So is, are these emails, again, coming bottom-up where it's really you and

1       Hannah that are coming up with these and basically giving them to the approvals and it's  
2       starting with you all? Is that fair?

3           A     From what I remember, that could've been the case. It's -- you know,  
4       occasionally, Kevin or Gary would have an idea that they would send to us. But I don't  
5       remember from this day if they did or not, for the copy on this day.

6           Q     Okay. So you don't recall, when it comes to January 6th, you don't recall  
7       whether it was effectively bottom-up or it was top-down.

8           A     Yeah. I don't know exactly how these emails were drafted.

9           Q     Okay. Tell us about when you first learned that the Capitol had been  
10      attacked.

11          A     I don't remember the time. But from what I remember, I was at my  
12      apartment and I saw that it had happened on the news. I don't know what station I was  
13      watching, but I remember seeing it on TV.

14          Q     And what did you do in response to seeing it on TV?

15          A     I don't remember what my initial response was. I know that I was shocked by  
16      it. Saddened by what I was seeing. And at some point during that time, I don't know if it  
17      was right then, if it was a little after, maybe a little before, but either Gary or Kevin kind of  
18      directed us to stop sending fundraising messages out. And then --

19            [REDACTED]     Do you remember -- oh. I'm sorry. I didn't mean to cut you off.

20           Mr. Boedigheimer.   You're good.

21           [REDACTED]     You sure?

22           Mr. Boedigheimer.   Go for it. Yeah.

23           [REDACTED]     Do you remember how they did that, whether it was email or chat?

24           Mr. Boedigheimer.   I don't remember. I communicate with them a lot of  
25      different ways. It would be common for it to be chat, but I don't know if that's what it

1 was.

2 [REDACTED] And I'm saying chat, but that's not really that specific. Did you have a  
3 Slack channel? Or was it the Signal chat?

4 Mr. Boedigheimer. We did have a signal chat. Sometimes we'd communicate on  
5 Slack, but probably more common it would've been on Signal.

6 [REDACTED] Okay. Sitting here today, do you happen to remember which medium  
7 it was?

8 Mr. Boedigheimer. I don't. I don't remember exactly.

9 [REDACTED] Can we go recess for two minutes?

10 We're almost done, Todd. We want to just make sure we don't have anything else.

11 Mr. Steggerda. Yeah. Yeah.

12 [REDACTED] Austin, as much as I know you enjoy our company, you  
13 don't want to see us again. So we want to make sure we have everything done.

14 [REDACTED] Also, [inaudible] brief comfort break, if you don't mind. It's the coffee.

15 [recess]

16 [REDACTED] We're back from recess. Mr. Boedigheimer, I'm asking sitting here  
17 today, do you believe the election was stolen?

18 Mr. Boedigheimer. I think it's possible that it was stolen. I think that, you know,  
19 depends of what your definition of stolen is as well. But I don't know for sure how all the  
20 votes were counted, if everything was completely accurate. I can't be positive on that.

21 BY [REDACTED]

22 Q Did you research it?

23 A What do you mean by research?

24 Q We're now pretty far out from the actual election. So you have this job, its  
25 time is past. Did you, have you gone back and looked to decide for yourself?

1            You said you're not sure. There's a lot of information out there. Have you gone  
2        back and researched so you can draw a conclusion as to whether the election was stolen  
3        or not?

4            A      I've seen some things. I haven't done extensive research. I haven't spent a lot  
5        of time on it.

6            But again, I think, you know, the term stolen can be such a broad term.

7            [REDACTED] So last year in August, Senator Ron Johnson was caught on videotape  
8        talking to an individual who was saying that the election was stolen and he calmly  
9        explained to her how no, 51,000 Republicans in Wisconsin just didn't vote for Trump. And  
10       then the next week, he went on TV saying how the election was stolen. There's  
11       newspaper articles that come out that then are debunked.

12         Sitting here today, I'm, the people who attacked on January 6th were told over  
13       and over and over sometimes up to, well, just in the fundraising emails alone, sometimes  
14       just up to 15 times a day hit with messaging. News articles, surrogates, President Trump,  
15       fundraising emails over and over and over and over they were told that their election was  
16       stolen from them.

17         And on January 6th, I would guess, and I'm not asking you to confirm this, but I  
18       would guess that many of them also had no idea what was happening in that building.  
19       They just knew that something had to be stopped for their -- for the election not to  
20       happen, that that was the day that something was going to happen, that this was the last  
21       hurrah for President Trump to have a chance of winning.

22         I guess what I'm confused by is, does it -- I guess I'm trying to figure out how a  
23       year and a half later, in 2022, after we see the ramifications of telling people over and  
24       over and over that something has been stolen from them, without any resolution or  
25       without any factual discernment or without actually determining from what happened

1       whether it was in fact stolen or not, does that not seem like a toxic place to end up? Does  
2       that feel like a place that you're okay that we're in?

3           Mr. Boedigheimer. What place is that? What do you mean?

4           ████████ That you're still sitting here unsure in 2022 whether your presidential  
5       election was stolen from you. That you don't know.

6           That you have not made a factual determination either way. That you have not  
7       researched, that you've not looked at articles, that sitting here today, you still can't say  
8       whether your election in 2020 was stolen from you as a citizen. Does that not, does that  
9       bother you?

10          Mr. Boedigheimer. I think I'd prefer to know 100 percent whether it was stolen  
11       or not. But again, I don't know --

12          ████████ Let me ask you something.

13          Mr. Boedigheimer. All of the --

14          ████████ How do you think, if you prefer that we know and to the extent that  
15       you can anything 100 percent, so I'm just, I'm going to leave that one there. But to the  
16       extent that you could know, feel a level of certainty, how do you think we get there?

17          How do you think an individual gets to the point of determining whether an  
18       election is stolen? Because do you think that there are facts that couldn't come out that  
19       people can see, do you think that there's facts that people could look at to determine as a  
20       citizen whether in fact the election was stolen?

21          Mr. Boedigheimer. Is that the end of the question?

22          ████████ Yes.

23          Mr. Boedigheimer. I mean, I don't know if there's specific facts that could come  
24       out and say that. I think, again, stolen could be a broad term of how it was stolen.

25          So I don't think I could say that I know if it was or if it wasn't for sure.

1                    Well, let me make it even more, maybe I'm asking the question the  
2 wrong way. The articles that said ballots were stolen, if they're debunked, the individuals  
3 that get on the news and say it was stolen but they turn around and say to other people,  
4 no, you can't have a stolen presidential election and then have accurate down ballot  
5 voting.

6                    All of the things that come out subsequently, what could come out, what needs to  
7 come out for there to be a resolution for you to know either way whether the election  
8 was stolen? I ask this as a concerned citizen.

9                    Mr. Boedigheimer. I think as I said before, I don't know what those facts would  
10 be. And maybe there isn't an exact resolution from specific fact that seals it.

11                  So there, is there a possibility that there are no facts that could come  
12 out that would ever convince you that the 2020 election was not in fact stolen?

13                  Mr. Boedigheimer. Again, I'm not sure that there could be, like, an exact thing  
14 that would tell me one way or the other.

15                  I feel that answers my question, actually. So we can just leave it there.

16                  Do you have any additional questions?

17                  I think we can go into recess subject to the call of the  
18 chair.

19                  Mr. Boedigheimer. Okay.

20                  [Whereupon, at 2:49 p.m., the interview was adjourned, subject to the call of the  
21 Chair.]

1 Certificate of Deponent/Interviewee

2

3

4

4 I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5 answers made by me to the questions therein recorded.

6

7

8

9

10 Witness Name

11

12

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14

Witness Name

15

Date