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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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10  
11    DEPOSITION OF: JAMES P. WALDRON  
12  
13  
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15                       Friday, February 18, 2022

16  
17                       Washington, D.C.  
18  
19

20                       The deposition in the above matter was held via Webex, commencing at 11:14  
21                       a.m.

22                       Present: Representative Aguilar.

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2       Appearances:

3

4

5       For the SELECT COMMITTEE TO INVESTIGATE

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

7

8       [REDACTED], STAFF ASSOCIATE

9       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10      [REDACTED], CHIEF INVESTIGATIVE COUNSEL

11      [REDACTED], CHIEF CLERK

12      [REDACTED], PROFESSIONAL STAFF MEMBER

13

14

15       For the WITNESS:

16

17      S. MICHAEL MCCOLLOCH

18      KAREN COOK

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2           Mr. [REDACTED]. Let's go on the record.

3           This is the -- ah, yes, I meant to mention that beforehand. The meeting is being  
4           recorded. While there is a -- there'll be a recording of this video, the official record will  
5           be the transcript that's prepared by the official reporters, who you'll see are participants  
6           here in the meeting. I'll talk a little bit more about sort of the ground rules as we move  
7           forward.

8           Mr. McColloch. I hate to interrupt but just before I forget, as with most  
9           depositions, we will need to review the transcript draft before it goes final, and I assume  
10          we can get a copy of the recording once it's -- once this is concluded?

11          Mr. [REDACTED] So, no, I'm going to cover that. Let me get to that. Let me just  
12          sort of introduce the deposition and the players, and then I'll talk a little bit about the  
13          ground rules and the transcript, Mike.

14          This is the deposition of James P. Waldron, conducted by the House Select  
15          Committee to Investigate the January 6th Attack on the United States Capitol pursuant to  
16          House Resolution 503.

17          This deposition is being conducted remotely through the Webex platform. This  
18          will be a staff-led deposition, though members may choose to ask questions as they so  
19          desire. At the present time, no members are present. I will try to keep my eye on the  
20          participant list. The members may come and go, and I'll try to introduce them or note  
21          their presence when they arrive.

22          My name is [REDACTED]. I'm a senior investigative counsel with the select  
23          committee. Joining us remotely also from the select committee are [REDACTED], who is  
24          the chief investigative counsel; [REDACTED] and [REDACTED] who are staff for the  
25          select committee; and [REDACTED], who's the chief clerk. Other members of staff may

1 join from time to time.

2 We'll be holding the deposition under House rules that we previously provided to  
3 Mr. Waldron's counsel. Under those rules, Mr. Waldron, you're permitted to have your  
4 attorneys present. I'll note for the record that your attorneys are present, and in a  
5 moment I'll ask them to identify themselves. But counsel for other persons or other  
6 government agencies may not attend. So, in other words, only the lawyers who are  
7 present today are the select committee counsel and your counsel.

8 At this time, I'd ask counsel to identify themselves.

9 Mr. McColloch. Mike McColloch for the witness.

10 Ms. Cook. I'm Karen Cook for the witness.

11 Mr. [REDACTED]. Before we get started, let me cover a few ground rules. As you  
12 heard me mention earlier, we are recording this, but the official reporter will be  
13 transcribing it, and that will be the official record of this proceeding. You will have an  
14 opportunity to review the transcript after it's prepared. You will not receive a copy of  
15 the video recording.

16 Because the reporter is taking down all the testimony, it's important that you wait  
17 until I finish my question before responding, and I will do my best to wait until you finish  
18 your answer before I ask another question, just to avoid any cross-talk, which makes it  
19 very difficult for the reporters to take down.

20 The reporters cannot note any nonverbal response, such as shaking or nodding of  
21 your head and so forth, so it's important that you respond to each question with an  
22 audible verbal response.

23 Any questions on any of that?

24 The Witness. No.

25 Mr. [REDACTED]. If you need to take any breaks to discuss anything with your

1 attorneys or just take a break at any time, just let me know and we'll accommodate that  
2 as best we can. And I hope to be as efficient as we can to go through this process today.

3 You may refuse to answer questions to preserve a privilege if that privilege is  
4 recognized by the select committee.

If you refuse to answer a question based on privilege, staff may either proceed with the deposition or pause the deposition to seek a ruling from the chair on the objection at that time. If the chairman overrules the objection, either after it's made or at the end of the deposition, you'll be required to answer the question.

9 I want to remind you -- and we do this for all witnesses, so I don't want you to  
10 read anything into this admonition -- that it's unlawful to deliberately provide false  
11 information to Congress. And because you will be taking an oath to tell the truth at this  
12 deposition, a knowingly false answer could subject you to prosecution for perjury.

13 Any questions about anything I've said thus far?

14 The Witness. No.

15 Mr. ██████████ Madam Reporter, could you swear the witness, please.

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

## 19 The Witness. I do.

20 EXAMINATION

21 BY [REDACTED]

22 Q Sir, could you state your name and spell it for the record, please?

23 A James P. Waldron, J-a-m-e-s, middle initial P, last name W-a-l-d-r-o-n.

24 Q From time to time today, Mr. Waldron, I'm going to show you some exhibits.

25 And because we're not in the room together, we're going to have -- [REDACTED] is going to put

1 them up on the screen and share his screen with us all.

2 And I think we'll start with exhibit 1. Seems like the right one to start with. Can  
3 you see that okay?

4 A Yes.

5 Q Now, I understand this is only a portion of the document, and we'll scroll  
6 through them. And if there's -- with any of these exhibits, if you want us to scroll up or  
7 scroll down to see the document better, we can do our best to accommodate that.

8 And although we're only seeing just the very top of the first page of this  
9 document, do you recognize it? Have you seen this before?

10 A It appears to be a subpoena that was received by counsel.

11 Q And you understand that you're appearing here today pursuant to this  
12 subpoena, correct?

13 A Correct.

14 Q Have you produced any documents to the committee pursuant to the  
15 subpoena?

16 A No.

17 Q [REDACTED] if we could put up exhibit 2.

18 And, [REDACTED], is there a way for us to expand that page so we're seeing -- maybe  
19 even in portrait mode? Maybe that's better. Great. Thank you.

20 So, Mr. Waldron, do you recognize this document? And I'll represent to you this  
21 is the first page of an 18-page document.

22 A Yes.

23 Q And is that a document that was prepared by you and/or your counsel?

24 A It appears to be a document that was prepared by counsel.

25 Q And submitted in response to the subpoena?

1           A     Correct.

2           Q     Did you or your counsel search to see whether you had custody or control of  
3     any documents that would be responsive to the subpoena?

4           A     Because the select committee has asserted that the promotion of claims of  
5     election fraud in connection with the 2020 election is among causes of violence on  
6     January 6th at the Capitol, a position that I understand has been adopted, in substance,  
7     by the Department of Homeland Security and the Department of Justice, and because  
8     causation or intended causation is a direct or implied element of inchoate offenses of  
9     various prosecution theories under Federal statutes which have been applied to  
10    defendants who were actual participants in the violence on January 6th at the Capitol,  
11    upon the advice of my counsel, I must respectfully decline to answer that question and  
12    instead assert my rights under the Fifth Amendment of the U.S. Constitution, since an  
13    answer could be exploited by prosecutors under these theories to assert a claim of  
14    liability under such statutes.

15          Q     Are you asserting that the act of producing documents as opposed to the  
16     content of the documents would somehow incriminate you?

17          A     Because the select committee has asserted that the promotion of claims of  
18     election fraud in connection with the 2020 election is among the causes of violence on  
19     January 6th at the Capitol, a position that I understand has been adopted, in substance,  
20     by the Department of Homeland Security and the Department of Justice, and because  
21     causation or intended causation is a direct or implied element of inchoate offenses of  
22     various prosecution theories under Federal statutes which have been applied to  
23     defendants who were actual participants of the violence on January 6th at the Capitol,  
24     upon the advice of my counsel, I must respectfully decline to answer that question and  
25     instead assert my rights under the Fifth Amendment of the U.S. Constitution, since an

1        answer could be exploited by prosecutors under these theories to assert a claim of  
2        liability under such statutes.

3            Q     I'm going to ask you a series of questions, Mr. Waldron, and if your answer is  
4        the same as the one you've given to the first -- or my last two questions, it's fine with me  
5        if you'd like to say "same answer" or you can read the answer again or any other answer,  
6        of course, is fine. Any other truthful answer is fine. But if you'd like to say "same  
7        answer" rather than read that over and over again, that would be acceptable.

8            A     Understood.

9            Q     Do you know Russell Ramsland?

10          A     The same reply.

11          Q     Did you ever work for Russell Ramsland?

12          A     The same reply.

13          Q     Do you know Adam Kraft?

14          A     Same reply.

15          Q     Did you ever work for or with Allied Security Operations Group?

16          A     The same reply.

17          Q     Were you involved in any meetings or discussions prior to 2020 regarding  
18        vulnerabilities of electronic voting machines?

19          A     The same reply.

20          Q     Did you meet with any government officials regarding electronic voting  
21        issues prior to November 2020?

22          A     Same reply.

23          Q     Are you going to assert your Fifth Amendment privilege not to answer any  
24        questions I would ask you about your work with Russell Ramsland or Allied Security  
25        Operations Group?

1           A     The same reply.

2           Q     And is that because you believe the answers to those questions may tend to  
3     incriminate you?

4           A     The same reply.

5           Q     Do you know Michael Flynn?

6           A     The same reply.

7           Q     How do you know Mr. Flynn?

8           A     The same reply.

9           Q     Did you speak with him at any point in 2020 about the Presidential election?

10          A     Same reply.

11          Q     Did you work with Mr. Flynn on developing a strategy to overturn the results  
12     of the Presidential election?

13          A     The same reply.

14          Q     Were you involved in drafting Presidential findings related to the proposed  
15     seizure of voting machines?

16          A     Same reply.

17          Q     ████████ if we could pull up exhibit 3.

18          Mr. Waldron, are you able to see or make out the first page of that document?

19          A     Not clearly.

20          Q     It's kind of small print. Okay, let's try and zoom in on it if we can.

21          How about that? Are you able to make it out?

22          A     Yes.

23          Q     And I'll represent to you that this is a four-page document, which the first  
24     page is what you see on the screen, and then behind that is a three-page document dated  
25     December 16 -- there it is -- with the first line being "Presidential findings."

1           Have you seen this document before?

2           A     Same reply.

3           Q     Did you send the email that is the first page of this document to Mr. Flynn  
4 and others on December 16th, 2020?

5           A     The same reply.

6           Q     Did you copy Bernie Kerik, Katherine Friess, and Michael Flynn on this  
7 document?

8           A     The same reply.

9           Q     Excuse me, on this email.

10          A     Same reply.

11          Q     Have you discussed the contents of the document that's attached to this  
12 email with Mr. Kerik, Ms. Friess, and General Flynn before you sent them the document?

13          A     The same reply.

14          Q     Did you have any role in drafting the document that's attached to this email?

15          A     Same reply.

16          Q     The document proposes that the President use his authority under certain  
17 executive orders to direct the Secretary of Defense to seize voting machines and election  
18 materials throughout the United States. Is that a fair characterization of this document?

19          A     Same reply.

20          Q     The justification that's set forth in this document for that action by the  
21 military is that Dominion Voting Systems and related companies are, quote, "owned or  
22 heavily controlled and influenced by foreign agents, countries, and interests."

23          Did you write that?

24          A     Same reply.

25          Q     The document refers to issues in Antrim County, Michigan. Were you

1       relying on the situation in Antrim County to justify the seizure of voting machines by the  
2       military?

3           A     Same reply.

4           Q     At the time you wrote this, were you aware of any evidence that the voting  
5       machines in Antrim County had been hacked or otherwise manipulated by any foreign or  
6       malign actor?

7           A     Same reply.

8           Q     Were you aware at the time that you wrote this document that all of the  
9       leading election security experts, as well as CISA and other agencies, had determined that  
10      there had not been any hacking of our election system?

11          A     Same reply.

12          Q     ██████████ if you could pull up exhibits 9 and 10. We'll start with 10, actually.

13          Are you able to make out the print on that, Mr. Waldron? I know it's kind of  
14      small.

15          A     It's pretty small.

16          Q     If we can zoom in a little bit.

17          How about that?

18          A     Good enough, I guess.

19          Q     Are you able to tell whether you've seen this document before?

20          A     Same reply.

21          Q     The document is a joint statement from Elections Infrastructure Government  
22      Coordinating Council and the Election Infrastructure Sector Coordinating Executive  
23      Committees. It was issued on November 12th, and I've highlighted a portion of it in the  
24      third paragraph that says: There is no evidence that any voting system deleted or lost  
25      votes, changed votes, or was in any way compromised.

1           Were you aware of that determination by the Coordinating Council at the time  
2       that you prepared the document that is part of exhibit 3?

3           A     Same reply.

4           Q     Let's look at exhibit 9.

5           Have you seen exhibit 9 before?

6           A     Same reply.

7           Q     Exhibit 9 is a statement that was issued on November 16, 2020, signed by  
8       more than 50 election security experts. The title of the document is "Scientists say no  
9       credible evidence of computer fraud in the 2020 election, but policymakers must work  
10      with experts to improve confidence."

11       If we can scroll down a little bit.

12       And that's about the fourth or fifth paragraph down. There's a highlighted  
13      section that says: To our collective knowledge, no credible evidence has been put forth  
14      that supports a conclusion that the 2020 election outcome in any State has been altered  
15      through technical compromise.

16       Had you heard by December of 2020 of this statement by election security experts  
17      regarding the absence of evidence of technical compromise of the 2020 election?

18           A     Same reply.

19           Q     Did you consider this statement by the country's foremost experts in that  
20      area when you wrote the document that's referenced in exhibit 3?

21           A     Same reply.

22           Q     When you wrote the memo that's attached to exhibit 3, did you intend for  
23      Mr. Flynn to present it to President Trump for his signature?

24           A     Same reply.

25           Q     Do you know if the document was presented to President Trump for his

1 signature?

2 A Same reply.

3 Q I'm going to pull up exhibit 4. This is an email dated December 17th, 2020.

4 It's from the letter █ and then the rest of the email address is blacked out.

5 Did you send this email?

6 A Same reply.

7 Q Did you use -- strike that.

8 Did you work with Mr. Ramsland on the document referenced in this email?

9 A Same reply.

10 Q Did you -- actually, I will -- and we can scroll down to the second page, █

11 Pages 2 through 4 of this document appear to be a document entitled

12 "Presidential Findings to Seize, Collect, Preserve and Analyze National Security  
13 Information Regarding the 2020 General Election." And it seems to roughly correspond  
14 to the document that was attached to exhibit 3, but there have been some changes  
15 made.

16 Did you make the changes to this document?

17 A Same reply.

18 Q Did you communicate with Mr. Ramsland using encrypted email or  
19 messaging apps during this time period?

20 A Same reply.

21 Q Exhibit -- if we can go back up to the top of this one again, █, exhibit 4.

22 The body of the email says: Final draft finding - includes DHS switch language as  
23 well as foreign interference expansion and warrant issuance language.

24 Why was the Presidential findings document switched to provide for DHS seizure  
25 of voting machines as opposed to Department of Defense?

1           A     Same reply.

2           Q     The body of the email looks as if it's signed off by PW. Is that you?

3           A     Same reply.

4           Q     Are you going to assert your Fifth Amendment privilege to any questions I  
5     would ask you about these exhibits, exhibits 3 and 4, or your role in drafting Presidential  
6     findings relating to the seizure of voting machines?

7           A     Same reply.

8           Q     So you are going to refuse to answer those questions?

9           A     The same reply.

10          Q     Well, let me -- I'm hoping for a yes or no answer on this. Are you refusing  
11        to answer questions about -- any other questions about exhibits 3 or 4 or your role in  
12        drafting Presidential findings relating to the seizure of voting machines?

13          A     Yes, it'll be the same reply.

14          Q     Thank you.

15          Have you ever spoken with John Ratcliffe?

16          A     Same reply.

17          Q     Have you ever discussed the 2020 election with Mr. Ratcliffe?

18          A     Same reply.

19          Q     If we can pull up exhibit 5, please.

20          Mr. Waldron, have you seen this document before? And if you need us to scroll  
21        down a little, we can.

22          A     The same reply.

23          Q     Did you play any role in the preparation of this document?

24          A     Same reply.

25          Q     The first paragraph of the document says that former DOD and IC analysts

1 have gathered evidence that foreign entities were involved in altering the vote counts in  
2 the 2020 election. What evidence do you have of that?

3 A Same reply.

4 Q Are you aware of evidence that suggests that foreign entities were involved  
5 in altering the vote counts in the 2020 election?

6 A The same reply.

7 Q Does the claim of foreign involvement in altering votes relate to the false  
8 Antrim County claim that was referenced in exhibit 4?

9 A Same reply.

10 Q When did you first meet Rudy Giuliani?

11 A Same reply.

12 Q Were you ever retained to work for the Trump campaign?

13 A The same reply.

14 Q Were you ever retained to work on any aspects of challenging the 2020  
15 election?

16 A The same reply.

17 Q Were you ever retained by Sidney Powell?

18 A The same reply.

19 Q Were you a -- did you consider yourself part of the legal team that was being  
20 run by Rudy Giuliani?

21 A Same reply.

22 Q Did you consider yourself part of any legal team that was seeking to  
23 challenge or overturn the results of the 2020 election?

24 A Same reply.

25 Q Were you paid for any of the work that you did in challenging the results of

1       the 2020 election?

2           A    Same reply.

3           Q    By whom were you paid?

4           A    Same reply.

5           Q    During what period of time did you work for the Trump campaign?

6           A    Same reply.

7           Q    During November and December of 2020, were you working for any  
8       individual or company other than the Trump campaign?

9           A    Same reply.

10          Q    Are you going to -- are you going to refuse to answer any questions about  
11       your relationship with Rudy Giuliani or your work to assist the Trump campaign?

12          A    The same reply.

13          Q    I'm just trying to avoid going through too many more questions on this topic  
14       if your answer will be the same.

15           Are you able to tell me whether your answer will be the same to any questions I  
16       ask about Rudy Giuliani or work to assist the Trump campaign?

17          A    Yes, it will be the same reply.

18          Q    I'm going to ask you about some allegations of election fraud that I believe  
19       you've made publicly. First, let me ask you, who asked you to appear at public hearings  
20       where you discussed claims of election fraud?

21          A    The same reply.

22          Q    Who prepared the materials that you used at those hearings?

23          A    Same reply.

24          Q    What investigation did you personally conduct regarding claims of election  
25       fraud?

1           A    The same reply.

2           Q    Are you aware of any evidence that fake ballots were brought into Fulton  
3         County, Georgia, in connection with the 2020 election?

4           A    The same reply.

5           Q    You've made that claim publicly, haven't you?

6           A    Same reply.

7           Q    Are you aware of any evidence that voter turnout exceeded 100 percent in  
8         certain precincts or counties during the 2020 election?

9           A    Same reply.

10          Q    Have you made that claim publicly?

11          A    The same reply.

12          Q    Are you aware of any evidence that there were improper injections of votes  
13         in contested States during the 2020 election?

14          A    Same reply.

15          Q    Have you made that claim publicly?

16          A    Same reply.

17          Q    Are you aware of any evidence that an algorithm was used to manipulate  
18         votes during the 2020 election?

19          A    Same reply.

20          Q    Have you made that claim publicly?

21          A    The same reply.

22          Q    Are you aware of any evidence that votes were improperly switched from  
23         Trump to Biden in the 2020 election?

24          A    Same reply.

25          Q    Have you made that claim publicly?

1           A   The same reply.

2           Q   Are you aware of any evidence that votes were counted on servers in foreign  
3   countries?

4           A   Same reply.

5           Q   Did you ever tell Representative Louie Gohmert that votes were routed  
6   through Frankfurt, Germany?

7           A   Same reply.

8           Q   Have you ever publicly claimed that voting machines manufactured by  
9   Dominion Voting Systems were used to switch or delete votes?

10          A   Same reply.

11          Q   Have you ever publicly claimed that large numbers of votes were cast on  
12   behalf of deceased individuals?

13          A   Same reply.

14          Q   Did you ever conduct any research to determine if that happened?

15          A   Same reply.

16          Q   Did you ever direct anyone to conduct research to determine whether votes  
17   had been cast on behalf of deceased individuals?

18          A   Same reply.

19          Q   Did you ever tell Rudy Giuliani that you had determined that large numbers  
20   of votes had been cast on behalf of dead people?

21          A   Same reply.

22          Q   Are you aware of claims that votes being cast by dead people have been  
23   debunked in every State in which they've been made?

24          A   Same reply.

25          Q   Are you going to give the same reply to any questions I would ask of you

1       about particular claims of election fraud regarding the 2020 election?

2           A     Yes, the same reply.

3           Q     And the same reply if I ask you questions about the evidence that you  
4       developed to support those claims?

5           A     Yes, the same reply.

6           Q     I'm going to ask you about -- I'm getting an error message here. Can you  
7       still see me okay? Is the camera working?

8           A     No.

9           Mr. [REDACTED]    Okay. Give me one moment. That was the error message I was  
10      getting.

11         Can we go off the record for a moment.

12         [Off the record.]

13         Mr. [REDACTED]. Let's go back on the record.

14           BY MR. [REDACTED]

15         Q     I'm going to ask you about a meeting or -- a meeting and some other events  
16      in November of 2020.

17         Did you attend a public hearing in Gettysburg, Pennsylvania, on November 25th,  
18      2020?

19         A     Same reply.

20         Q     You spoke at several public hearings regarding claims of election fraud.  
21      Isn't that right?

22         A     Same reply.

23         Q     Were you ever sworn in at any of those hearings?

24         A     Same reply.

25         Q     Was your testimony given under oath in any of those hearings or

1       quasi-hearings?

2           A     The same reply.

3           Q     You were presented as a cybersecurity expert.   What specific training do  
4       you have in computer forensics?

5           A     Same reply.

6           Q     Prior to 2020, what experience or training did you have in cybersecurity?

7           A     Same reply.

8           Q     Prior to 2020, what experience or training did you have in election security  
9       matters?

10          A     Same reply.

11          Q     After the November 25th hearing in Gettysburg, did you drive down to  
12       Washington with Bernie Kerik and Katherine Friess?

13          A     Same reply.

14          Q     Did you attend a meeting at the White House that evening?

15          A     Same reply.

16          Q     Who else attended that meeting?

17          A     The same reply.

18          Q     Was the President at the meeting?

19          A     Same reply.

20          Q     Was Mr. Giuliani present at the meeting?

21          A     The same reply.

22          Q     Was Representative Scott Perry at the meeting?

23          A     The same reply.

24          Q     Were members of the Pennsylvania State legislature at the meeting?

25          A     Same reply.

1           Q     What was discussed at the November 25th White House meeting attended  
2     by Scott Perry and members of the Pennsylvania State legislature?

3           A     The same reply.

4           Q     Will you have the same answer to any questions I ask you about a November  
5     25th White House meeting?

6           A     Yes, the same reply.

7           Q     Did you meet with any Members of Congress in either December 2020 or  
8     January of 2021?

9           A     The same reply.

10          Q     And I'm specifically asking about -- well, let me just leave it at that.

11          During those months, December of 2020 and January of 2021, did you meet or  
12     speak with Representative Louie Gohmert?

13          A     The same reply.

14          Q     Do you know Representative Gohmert?

15          A     Same reply.

16          Q     Did you meet during that timeframe with the White House chief of staff,  
17     Mark Meadows?

18          A     The same reply.

19          Q     Did you meet with Mr. Meadows in his office on December 21st?

20          A     The same reply.

21          Q     Were Members of Congress present for that meeting?

22          A     The same reply.

23          Q     Was Paul Gosar present for that meeting?

24          A     Same reply.

25          Q     Was Mo Brooks present for that meeting?

1           A    Same reply.

2           Q    Was Matt Gaetz present for the meeting on December 21st in the White  
3         House?

4           A    Same reply.

5           Q    Was Andy Biggs present for the meeting?

6           A    Same reply.

7           Q    Was Rudy Giuliani present for the meeting?

8           A    The same reply.

9           Q    What was discussed in the December 21st meeting at the White House that  
10      involved Mr. Giuliani, yourself, Mr. Meadows and several Members of Congress?

11         A    The same reply.

12         Q    Did you request at that meeting that the President issue orders to involve  
13      national security agencies in your search for evidence of election fraud?

14         A    Same reply.

15         Q    Did you meet with the President on December 21st of 2020?

16         A    Same reply.

17         Q    █████, if we can pull up exhibit 6.

18         Have you seen this document before, Mr. Waldron?

19         A    Same reply.

20         Q    The email appears to have been sent from the email address  
21      OmniTen@omnibuffalo.com. Is that an email address that you've used?

22         A    The same reply.

23         Q    Why did you send this -- actually, let me ask one other question before I get  
24      to that.

25         The email is sent to ██████████ Do you see that?

1 A Same reply.

2 Q And do you understand that to be the email address for -- the personal email  
3 address for Mark Meadows?

4 A Same reply.

5 Q Why did you send this email to Mr. Meadows on December 22nd, 2020?

6 A The same reply.

7 Q There's a Gmail account listed in the cc line. It says

8 [REDACTED] Is that an email address for Rudy Giuliani?

9 A Same reply.

10 Q Why did you copy Mr. Giuliani on this email?

11 A The same reply.

12 Q Whose email is [REDACTED]?

13 A Same reply.

14 Q Attached to this email is a 17-page document.

15 And, [REDACTED], if we could just scroll down to see the first page of the attachment.

16 There it is. Actually, just go up to the top so we can just see the date. There it is.

17 Thank you.

18 Did you prepare this document, Mr. Waldron?

19 A The same reply.

20 Q Have you seen the document before?

21 A The same reply.

22 Q Are you going to refuse to answer any questions that I ask you about this  
23 document or exhibit 6?

24 A The same reply.

25 Q So you will offer the same reply to any questions that I ask about the

1 document or exhibit 6?

2 A Yes, the same reply.

3 Q And you'd give the same reply to any questions, any further questions I  
4 might ask you about a December 21st meeting with Mr. Meadows?

5 A Yes, the same reply.

6 Q Have you ever communicated with Mr. Meadows by text?

7 A Same reply.

8 Q On December 23rd, 2020, did you send a text message to Mr. Meadows  
9 advising him of a negative ruling in a court case in Arizona?

10 A Same reply.

11 Q During that timeframe, late December of 2020, were you monitoring  
12 litigation in various States regarding the election?

13 A Same reply.

14 Q Were you keeping Mr. Meadows apprised of court cases?

15 A Same reply.

16 Q Did you tell Mr. Meadows that you were disappointed in the result because  
17 Arizona was, quote, "our lead domino that we were counting on to start the cascade"?

18 A Same reply.

19 Q What cascade were you referring to in your text message to Mr. Meadows  
20 on December 23rd, 2020?

21 A The same reply.

22 Q Did your plan have anything to do with overturning the results of the 2020  
23 election?

24 A The same reply.

25 Q On December 28, 2020, did you text Mr. Meadows regarding election

1 challenges in Georgia?

2 A Same reply.

3 Q Did you claim that there was some sort of election fraud going on in Walton  
4 County, Georgia?

5 A Same reply.

6 Q What was the basis for your claim that there was election fraud in Walton  
7 County, Georgia?

8 A Same reply.

9 Q On December 29th of 2020, did you meet with Mr. Meadows at the White  
10 House at around 3:30 in the afternoon?

11 A The same reply.

12 Q Were you with Representative Scott Perry for that meeting?

13 A Same reply.

14 Q Who arranged the meeting with Mr. Meadows at the White House on  
15 December 29th, 2020?

16 A Same reply.

17 Q Do you know Scott Perry?

18 A The same reply.

19 Q Have you talked with Mr. Perry or Representative Perry about election fraud  
20 issues?

21 A The same reply.

22 Q Do you know Richard Higgins?

23 A The same reply.

24 Q Was Mr. Higgins with you at the White House meeting on December 29th?

25 A The same reply.

1           Q    Do you know John McGuire?

2           A    Same reply.

3           Q    What's your relationship with John McGuire?

4           A    The same reply.

5           Q    Why were Mr. Higgins and Mr. McGuire with you at that meeting on  
6 December 29th at the White House?

7           A    Same reply.

8           Q    What was discussed during the December 29th meeting with Mr. Meadows  
9 and others at the White House?

10          A    Same reply.

11          Q    How often have you met with Representative Scott Perry?

12          A    The same reply.

13          Q    Have you ever met or spoken with Representative Jim Jordan?

14          A    Same reply.

15          Q    Mr. Waldron, can you explain why it was that you were talking and meeting  
16 with the White House chief of staff so frequently during the latter part of December of  
17 2020?

18          A    Same reply.

19          Q    By that point, the electoral votes had been certified in every State. Is that  
20 right?

21          A    Same reply.

22          Q    How many times did you speak with Mr. Meadows after the 2020 election?

23          A    The same reply.

24          Q    Is it true that you spoke with him eight to ten times and visited the White  
25 House on multiple occasions after the 2020 election?

1           A    Same reply.

2           Q    Did you ever say that to a reporter for The Washington Post?

3           A    Same reply.

4           Q    Have you spoken to a reporter for The Washington Post?

5           A    Same reply.

6           Q    Have you ever spoken to reporters from The New York Times?

7           A    Same reply.

8           Q    Have you ever talked to them about issues that you're refusing to talk about  
9         today?

10          A    Same reply.

11          Q    Did you attend a briefing on Capitol Hill on January 5th, 2021, to discuss a  
12         strategy to overturn the 2020 Presidential election?

13          A    Same reply.

14          Q    Which Members of Congress attended that meeting?

15          A    The same reply.

16          Q    Did you prepare a PowerPoint presentation for that meeting?

17          A    Same reply.

18          Q    Take a look at exhibit 7, please. So I will represent to you, Mr. Waldron,  
19         that this is a 38-page document.

20           And if we can go, ████, just really quickly to the last page.

21           And I'm not going to ask any specific questions about the last page, but I'll  
22         represent to you that I've seen other versions of this document that are 36 pages long or  
23         that do not include this last page. So I just wanted you to be aware of the full scope of  
24         the document that's part of this exhibit. And if you want to scroll through page by page,  
25         we're happy to -- I'm happy to do that.

1           Have you seen this document before?

2           A     Same reply.

3           Q     Did you prepare any --

4           Can we go up to the top again, [REDACTED]

5           Did you prepare any portion of this document?

6           A     The same reply.

7           Q     Was any portion of this presentation given to Members of Congress on  
8     either January 4th or January 5th, 2021?

9           A     Same reply.

10          Q     Do you know how White House Chief of Staff Mark Meadows got this  
11        document?

12          A     Same reply.

13          Q     Did you give it to him?

14          A     Same reply.

15          Q     Did you tell The New York Times that you did not send this document to Mr.  
16        Meadows?

17          A     Same reply.

18          Q     Have you ever used the email address p@bonfiresearch.org?

19          A     The same reply.

20          Q     If we can look at exhibit 8. And I'm going to come back to 7, but if we could  
21        flip to 8 for a moment.

22                      Exhibit 8 appears to be an email sent from p@bonfiresearch.org to

23        [REDACTED], which is the personal email address for Mark Meadows.

24                      Did you send this email to Mr. Meadows on January 5th, 2021?

25          A     Same reply.

1           Q     It appears that there's a -- although the email doesn't reference an  
2 attachment, the body of it says:  FYI - This is the briefing that we are going over on the  
3 Hill today.

4                 Was exhibit 7 attached or some version of exhibit 7 attached to this email, exhibit  
5 8, when you sent it to Mr. Meadows?

6           A     Same reply.

7           Q     Did you use exhibit 7 or some version of it for a briefing on the Hill on  
8 January 5th, 2021?

9           A     Same reply.

10          Q     Did you tell The New York Times that you circulated exhibit 7 or a document  
11 like it to allies of former President Trump, including lawmakers on Capitol Hill?

12          A     The same reply.

13          Q     Did you tell The New York Times that you met with Members of the House of  
14 Representatives on January 5th?

15          A     The same reply.

16          Q     Which House Members did you meet with on January 5th, 2021?

17          A     Same reply.

18          Q     Did you present the PowerPoint deck or portions of it that's included in  
19 exhibit 7 at that meeting?

20          A     Same reply.

21          Q     Mr. Waldron, how many media interviews have you given about the topics  
22 that I've been asking you about?

23          A     Same reply.

24          Q     If we can go back to -- oh, we're on exhibit 7.  The first page appears to be a  
25 title for a PowerPoint presentation, and it says:  Election Fraud, Foreign Interference &

1 Options for 6 JAN.

2 Did you tell Members of Congress that there had been foreign interference in the  
3 2020 election?

4 A Same reply.

5 Q And I'm speaking specifically about a January 5th meeting. Did you tell  
6 Members of Congress there had been foreign interference in the 2020 election?

7 A Same reply.

8 Mr. [REDACTED] I'll note for the record it appears that Representative Aguilar has  
9 joined us.

10 BY MR. [REDACTED]:

11 Q What evidence are you aware of that there was foreign interference in the  
12 2020 election?

13 A Same reply.

14 Q By January 2021, were you aware that the Department of Homeland Security  
15 had determined that there was no foreign manipulation of electronic voting machines?

16 A Same reply.

17 Q By January 2021, were you aware that there was a hand recount in Antrim  
18 County that confirmed the results generated by the electronic vote tabulators and that  
19 they were accurate?

20 A Same reply.

21 Q At the time of your meeting with House Members on January 5th, did you  
22 have any evidence that voting machines were hacked or otherwise altered through  
23 technical compromise?

24 A Same reply.

25 Q Did you tell members in your meeting on January 5th, Members of Congress,

1       that voting machines had been hacked or otherwise altered through technical  
2       compromise?

3           A     Same reply.

4           Q     If we can go to page 23.

5           In your January 5th meeting with Members of Congress, did you offer the  
6       recommendations that are set forth in this slide?

7           A     Same reply.

8           Q     Did you suggest that the President declare a national security emergency?

9           A     Same reply.

10          Q     Did you suggest to the Members of Congress that all electronic voting in all  
11       States be declared invalid?

12          A     Same reply.

13          Q     Did you draft this slide?

14          A     Same reply.

15          Q     Were you recommending that the vote of every person who voted using  
16       electronic voting machines should be thrown out?

17          A     Same reply.

18          Q     Did you suggest to the Members in your meeting on January 5th that votes  
19       for them be declared invalid?

20          A     Same reply.

21          Q     Did any Member of the House that you met with on January 5th express  
22       concern that this proposal of throwing out or declaring votes invalid would result in all of  
23       their elections being invalidated?

24          A     Same reply.

25          Q     The last bullet point on this page says: Legal & genuine paper ballot counts

1 or constitutional remedy delegated to Congress.

2 What did you mean by "constitutional remedy delegated to Congress"?

3 A Same reply.

4 Q Did you draft that language for this slide?

5 A Same reply.

6 Q Was the constitutional remedy that's suggested here as this

7 recommendation that Congress would decide the election?

8 A Same reply.

9 Q Did you suggest in that January 5th meeting to the Members of Congress  
10 that you met with that an alternative to counting every vote in the country by hand  
11 would be for Congress to decide who should be the next President?

12 A Same reply.

13 Q Did you consult with any legal scholar before making that recommendation?

14 A Same reply.

15 Q When you met with House Members on January 5th, did you discuss with  
16 them the options that you believed were available for Vice President Pence during the  
17 joint session of Congress that was scheduled for the next day?

18 A Same reply.

19 Q [REDACTED], if we can go down to page 35 of the same exhibit.

20 We're on exhibit 7, page 35. The top of the slide says: Options for 6 JAN. First  
21 option is: Vice President Pence seats Republican electors over the objections of  
22 Democrats in States where fraud occurred.

23 Did you write that language?

24 A Same reply.

25 Q Who did you talk to to come up with the idea that that was an option for

1       January 6th?

2           A     The same reply.

3           Q     Did you tell the House Members that you met with on January 5th that Vice  
4       President Pence could seat Republican electors in States that had been certified for  
5       Mr. Biden?

6           A     Same reply.

7           Q     What legal authority are you aware of or were you aware of at the time that  
8       gave Vice President Pence the right to count electors for Mr. Trump from States that had  
9       been certified for Mr. Biden?

10          A     Same reply.

11          Q     The second bullet point as an option for January 6th is that Vice President  
12       Pence rejects the electors from States where fraud occurred, causing the election to be  
13       decided by remaining electoral votes.

14          Did you tell House Members that you met with on January 5th that Vice President  
15       Pence could reject electors from certain States that had been certified for Mr. Biden?

16          A     Same reply.

17          Q     What was the legal basis for that suggestion or recommendation?

18          A     Same reply.

19          Q     Are you going to refuse to answer any questions that I ask you about your  
20       January 5th meeting with House Members regarding overturning the results of the 2020  
21       election?

22          A     The same reply.

23          Q     So you're not going to answer any of my questions on that topic?

24          A     Yes, the same reply.

25          Q     And are you going to offer the same reply to any questions I ask you about

1 exhibit 7 and the information that's included in that document?

2 A The same reply.

3 Q Did you meet with Members of the United States Senate on January 4th,  
4 2021?

5 A Same reply.

6 Q Was that meeting at the Trump International Hotel?

7 A Same reply.

8 Q Who else was with you for that meeting?

9 A Same reply.

10 Q Which United States Senators were present?

11 A The same reply.

12 Q Were there Senators who participated by videoconference?

13 A Same reply.

14 Q Did you present any portion of the presentation that's reflected in exhibit 7  
15 during this January 4th meeting with United States Senators and others?

16 A Same reply.

17 Q Did you tell the Senators that there had been foreign interference in the  
18 2020 election?

19 A The same reply.

20 Mr. [REDACTED]. I'll note that Representative Aguilar appears to have dropped off the  
21 call or out of the deposition.

22 BY MR. [REDACTED]:

23 Q What evidence were you aware of that there was foreign interference in the  
24 2020 election?

25 A Same reply.

1           Q     Did you tell the Senators that you believed Vice President Pence could  
2     disregard certain electoral votes for Mr. Biden or count those votes for Mr. Trump?

3           A     Same reply.

4           Q     Are you going to refuse to answer any additional questions I might have  
5     regarding your January 4th briefing of United States Senators?

6           A     The same reply, yes.

7           Q     How many times have you been to the White House?

8           A     Same reply.

9           Q     How many times have you met with former President Trump?

10          A     Same reply.

11          Q     Have you ever spoken to former President Trump about claims of election  
12     fraud?

13          A     Same reply.

14          Q     Have you ever spoken to former President Trump about options for  
15     overturning the results of the 2020 Presidential election?

16          A     Same reply.

17          Q     Did you ever talk with the President about his expectations for what was  
18     going to happen on January 6th?

19          A     Same reply.

20          Q     We saw in exhibit 7 there were some options for January 6th. Did you ever  
21     discuss any of those with former President Trump?

22          A     Same reply.

23          Q     Did former President Trump ever tell you what he expected or hoped would  
24     happen on January 6th?

25          A     The same reply.

1           Q     Did you ever talk with Mr. Meadows about what he hoped or expected  
2     would happen on January 6th?

3           A     Same reply.

4           Q     Did you ever talk with Mr. Giuliani about that subject?

5           A     Same reply.

6           Q     Did you ever talk with anyone on Mr. Giuliani's team about what they  
7     expected to happen on January 6th?

8           A     The same reply.

9           Q     In the days leading up to January 6th, what did you expect to happen during  
10   the joint session of Congress?

11          A     The same reply.

12          Q     In November 2020, did you meet with President Trump and propose to him  
13   that he declare a national emergency and order a recount of all paper ballots in certain  
14   counties?

15          A     The same reply.

16          Q     How did he respond to that proposal?

17          A     The same reply.

18          Q     Did you have any discussion with him on that topic?

19          A     The same reply.

20          Q     Did you meet with him again in December of 2020?

21          A     Same reply.

22          Q     Did you ever propose that President Trump use the military to seize voting  
23   machines?

24          A     The same reply.

25          Q     Did you ever propose to President Trump that he impose martial law and use

1 the military to re-run the election?

2 A The same reply.

3 Q Did you ever hear Michael Flynn make that proposal to the President?

4 A Same reply.

5 Q Are you going to refuse to answer any questions I ask you about meetings  
6 with former President Trump regarding the 2020 election?

7 A The same reply.

8 Q You would refuse to answer?

9 A Yes, the same reply.

10 Q Do you believe that former Vice President Pence is responsible for the  
11 violence at the Capitol on January 6th?

12 A Same reply.

13 Q Did you ever tell a reporter that Vice President Pence's refusal to go along  
14 with the plan to block Biden's certification was the primary cause of the riot?

15 A Same reply.

16 Q In December 2020, were you in touch with members of the Arizona State  
17 legislature regarding auditing the election results in that State?

18 A Same reply.

19 Q Who put you in touch with Representative Fincham and Senator Borrelli?

20 A The same reply.

21 Q Did you have any meetings with them in December of 2020 or January of  
22 2021?

23 A Same reply.

24 Q Did you speak with them by phone in that time period?

25 A Same reply.

1           Q     In 2021, did you have any interactions with Senator Karen Fann regarding an  
2 audit of the 2020 election results in Arizona?

3           A     Same reply.

4           Q     Did you or Mr. Ramsland submit a proposal for ASOG -- that's Allied Security  
5 Operations Group -- to conduct an audit for the State of Arizona?

6           A     The same reply.

7           Q     Are you going to refuse to answer any questions I have for you regarding  
8 your interactions with members of the Arizona State legislature regarding the 2020  
9 election?

10          A     Yes, the same reply.

11          Q     In November and December of 2020, did you meet with any State legislators  
12 from any other State?

13          A     Same reply.

14          Q     Other than your public appearances in legislative hearings and other  
15 gatherings involving legislators, did you have any meetings with State-elected officials in  
16 November or December of 2020 or January of 2021?

17          A     Same reply.

18          Q     And when I say other gatherings, I'm referring to things like the meeting in  
19 Gettysburg, which I believe was in a hotel, but members of the legislature were present  
20 and it was a public gathering with members of the public also in attendance.

21          Same answer?

22          A     Same reply.

23          Q     Did you provide any -- and so I'm distinguishing those types of meetings,  
24 public meetings, whether it's actually in the State Capitol or some other gathering  
25 involving legislators.

1           Did you have any meetings besides that with State-elected officials? So private  
2       meetings where the public wasn't present or it was not publicly announced that there  
3       was such a meeting.

4           A     The same reply.

5           Q     Did you provide any materials to State legislators regarding claims of  
6       election fraud?

7           A     Same reply.

8           Q     Did you ever discuss with any State-elected official strategies for overturning  
9       the results of the 2020 Presidential election?

10          A     Same reply.

11          Q     Did you play any role in procuring alternate slates of electors in any  
12       contested States?

13          A     Say that again, please.

14          Q     Yeah. That was a bad question.

15          Did you play any role in lining up or procuring alternate slates of electors?

16          A     The same reply.

17          Q     Have you ever talked with anyone about whether it would be helpful in  
18       efforts to overturn the election to have alternate slates of electors?

19          A     Same reply.

20          Q     Do you know Phill Kline?

21          A     Same reply.

22          Q     Have you ever met Ian Northon?

23          A     Same reply.

24          Q     Did you or Mr. Ramsland ever submit a proposal -- sorry, I asked you that  
25       question already. Strike that.

1           Are you going to refuse to answer any questions regarding your interactions with  
2       State election officials regarding the 2020 election?

3           A     Yes, same reply.

4           Q     And I said State election officials. I meant to say State-elected officials.  
5       So not just those who were involved in administering elections but any State-elected  
6       official, will you refuse to answer questions regarding your interactions with those folks?

7           A     Yes, the same reply.

8           Mr. [REDACTED]. Okay. If we could just -- I think I'm just about done. If we could  
9       take a moment, I'm going to -- we can go off the record. I'm going to turn off my video  
10      and mute my mike and I'll be back momentarily.

11       [Off the record.]

12       Mr. [REDACTED]. Mr. Waldron, thank you. I don't have any further questions for you.  
13       Mike, is there anything else that you want to put on the record?

14       Mr. McColloch. No. Just wanted to reiterate what's in our written response to  
15      the subpoena that all of this is, of course, subject to our other objections that we're not  
16      waiving that are outlined in our written response.

17       And so, other than that, I believe that's all we have to say. If you're finished with  
18      the questions, then we will adjourn the deposition.

19       Mr. [REDACTED]. Well, we're going to keep the deposition open, subject to the call of  
20      the chair. Your objections are part of the record as exhibit 2. I just want to make sure  
21      you're --

22       Mr. McColloch. Yes.

23       Mr. [REDACTED] -- you're clear on that as well.

24       So, with that, the deposition will remain open, subject to the call of the chair, but  
25      we will adjourn for the day.

1           Thank you. We can go off the record.

2           Mr. McColloch. Thank you.

3           [Whereupon, at 12:14 p.m., the deposition was recessed, subject to the call of the

4           chair.]

1 Certificate of Deponent/Interviewee

2

3

4 I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5 answers made by me to the questions therein recorded.

6

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10 Witness Name

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Date \_\_\_\_\_

15