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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: LARRY WEITZNER

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14

15 Wednesday, March 23, 2022

16

17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:07 a.m.

21 Present: Representative Murphy.

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2       Appearances:

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4

5       For the SELECT COMMITTEE TO INVESTIGATE

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

7

8       [REDACTED], INVESTIGATIVE COUNSEL

9       [REDACTED] PROFESSIONAL STAFF MEMBER

10      [REDACTED], PROFESSIONAL STAFF MEMBER

11      [REDACTED], FINANCIAL INVESTIGATOR

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13      [REDACTED], FINANCIAL INVESTIGATOR

14      [REDACTED], SENIOR INVESTIGATIVE COUNSEL

15

16

17       For LARRY WEITZNER:

18

19       CRAIG ENGLE, ESQ.

20       ArentFox Schiff LLP

21       1717 K Street NW

22       Washington, D.C. 20006

1

2 [REDACTED] We can go on the record.

3 This is the transcribed interview of Larry Weitzner, conducted by the House Select  
4 Committee to Investigate the January 6th Attack on the U.S. Capitol pursuant to House  
5 Resolution 503.

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

8 Mr. Weitzner. Sure. It's Larry Weitzner, W-e-i-t-z-n-e-r.

9 [REDACTED] This will be a staff-led interview, though members may  
10 choose to ask questions. I will note that we are currently joined by Mrs. Murphy.

11 Mrs. Murphy. Good morning.

12 Mr. Weitzner. Good morning.

13 [REDACTED] My name is [REDACTED], Mr. Weitzner.

14 I'm an investigative counsel with the select committee.

15 And with me from the select committee are [REDACTED] and [REDACTED]  
16 [REDACTED] investigators with the committee. We also have [REDACTED] on video,  
17 who's also an investigator with the committee.

18 At this time, I'd ask counsel to identify himself for the record.

19 Mr. Engle. My name is Craig Engle, E-n-g-l-e. Law firm is ArentFox in  
20 Washington, D.C.

21 [REDACTED] Mr. Weitzner, you are voluntarily here for this transcribed  
22 interview.

23 Mr. Weitzner. Yes.

24 [REDACTED] Here are some ground rules for the interview.

25 There is an official court reporter transcribing the record of this interview, and

1 that record will be the official record for this proceeding. This is also being video and  
2 audio recorded.

3 I'll ask that you please wait until each question is completed before you begin to  
4 respond, and we'll do our best to wait until your response is complete before we ask the  
5 next question.

6 The reporter cannot note nonverbal responses, such as shaking or nodding your  
7 head, so it's important that you respond to each question with an audible, verbal  
8 response.

9 Please give complete answers to the best of your recollection. If a question's  
10 unclear, please ask for clarification. If you do not know the answer, please just say so.

11 As we tell all witnesses, it's unlawful to lie as part of a congressional investigation,  
12 so keep that in mind.

13 Logistically, if you need any breaks or otherwise want to discuss anything with Mr.  
14 Engle, we're happy to accommodate. Please just let us know.

15 There may be several people asking questions, but, again, if you don't understand  
16 the question, please simply ask us to repeat it.

17 Do you have any questions before we begin?

18                   Mr. Weitzner. No, I don't.

19 EXAMINATION

20 BY

21 Q All right, Mr. Weitzner, can you please provide your date of birth for the  
22 record?

23 A [REDACTED]

24 Q And where do you reside?

25 A I live in Arizona part of the year and in Philadelphia part of the year.

1           Q     Okay.

2           Do you have any Twitter handles, a Twitter account or an Instagram account, any  
3       social media?

4           A     I do. I have a Twitter account and a Facebook account.

5           Q     Can you please provide those handles?

6           A     I believe it's LarryWeitzner, @LarryWeitzner, is for Twitter. I'm not very  
7       active on either -- or any social media platforms.

8           Q     Okay.

9           Now, I understand you wanted to say something regarding your, perhaps,  
10      professional background. Is that right?

11          A     Yeah. I just wanted to, you know, say that -- first of all, thank you for  
12      accommodating my schedule. It's really busy right now for me, and I appreciate it. I  
13      know you worked with Craig on trying to find a convenient time for everyone.

14          And I'm here to answer any questions that you might have on the advertising we  
15      did and any of the work that we did. I'm used to that kind of scrutiny, being that we're  
16      in the public domain. But I understand that you're interested in sort of the process of  
17      how an ad becomes an ad and some of the background material involving the ads that we  
18      produced prior to -- back in December of 2021.

19          By way of background, I'm a graduate of Seton Hall Law School, graduate of Lehigh  
20      University. I've never practiced law. I did pass the bar but decided practicing law  
21      wasn't my kind of thing.

22          I have worked in the public and private sector, and I'm the founder of Jamestown  
23      Associates. We've produced thousands of ads over the years. All our ads involve  
24      things like researchers, lawyers like Craig reviewing and approving our ads. All of them  
25      involve fairly detailed work in terms of voiceovers, editing, and that sort of thing. And

1       that's what I've been doing the last 20-plus years.

2           On January 6th, I was in an all-day meeting in Delaware. I didn't know anything  
3       about what was going on, didn't hear about it until after I got home late that night. I  
4       was not -- none of the planning for January 6th protest was discussed with me, as you can  
5       see from all the emails, and we didn't film it. It was all, sort of, new to me.

6           So just wanted to let you know that.

7           Q     Thank you for that.

8           A     Yeah.

9           Q     Moving to Jamestown Associates, can you provide -- can you generally tell us  
10       what Jamestown did for the Trump campaign during the 2020 cycle?

11          A     Sure. We produced several of the campaign commercials for the Trump  
12       campaign in 2020.

13          Q     And how many commercials or ads would you say you produced during the  
14       2020 cycle?

15          A     For the Trump campaign?

16          Q     Yeah.

17          A     I would say 50, you know, in that neighborhood. Quite a few. Not all of  
18       them ran. Some ran in different places. But we did quite a few ads.

19          Q     I want to turn to the post-election media campaign efforts that Jamestown  
20       engaged with for the Trump campaign.

21          Can you tell us generally when those efforts began post-election to create ads  
22       after the election?

23          A     I think it began sometime in December. You have all the emails relevant to  
24       it. I don't have them in front of me. But I was contacted about trying to produce ads  
25       that raised -- about the chaotic election in 2020 and was told to, you know, just work on

1 some scripts.

2 But I believe the first time it started was December, right?

3 Mr. Engle. December 8th.

4 Mr. Weitzner. December 8th, yeah.

5 BY [REDACTED]

6 Q Now, when you say "the chaotic election," you mean ads regarding election  
7 fraud --

8 A Yes.

9 Q -- right?

10 A Well, you know, the different allegations that were made about fraud, about  
11 the process not being followed, and things like that, yeah.

12 Q And who first contacted you to create ads post-election?

13 A I believe it was Jason Miller.

14 Q And who is Jason Miller?

15 A He was sort of a senior advisor on the campaign. He was -- I don't know his  
16 exact title, but he was, I think, senior communications director, something on the  
17 campaign. But he was obviously the guy working with the President and with his inner  
18 circle in terms of developing the messaging on this.

19 Q And when Mr. Miller contacted you, what did he say the purpose of the ads,  
20 the goal of the ads was?

21 A To create public pressure about the election, to have the voters and people  
22 contact their legislators, their Congressmen, that sort, to raise questions about the  
23 election.

24 Q And when you say "create public pressure," to cause these public officials to  
25 do what?

1           A    To possibly not vote for certification, to rethink their views, to object to the  
2 election.

3           Q    Now, what involvement did Newt Gingrich have in these efforts?

4           A    He became involved a little bit later. I think it was mid-December maybe?

5           Mr. Engle. Uh-huh.

6           Mr. Weitzner. Yep.

7           But he was also talking to Jason, to the President. He had several ideas on what  
8 evidence and what issues should be part of these advertisements. And so he spoke to  
9 me directly at times or emailed me or -- all those emails you have.

10           BY [REDACTED]

11           Q    So briefly describe to us, who were the individuals that you understood to be  
12 in this circle of people working on post-election ads for President Trump?

13           A    Well, it was Jason. It was myself. It was -- Newt Gingrich was  
14 commenting on it. John McLaughlin, a pollster for the campaign, was weighing in on  
15 things. At one point, Jared Kushner had spoken to me about it. And the President.

16           Q    Now, prior to the election, were these same individuals typically working  
17 with you in Jamestown regarding ads?

18           A    Jason Miller was, and Jared was. I did not work with Speaker Gingrich  
19 during the campaign.

20           Q    Did you work with President Trump before the election on ads?

21           A    Yes, from time to time. Not a lot. My direct contact with him was  
22 infrequent. But, you know, I did get, on campaign ads, reaction from most of -- from  
23 people in the campaign who did talk to him.

24           Q    Did --

25           A    [Inaudible] during the campaign.

1           Q     Okay.

2           And, generally, what was Jared Kushner's role post-election with regard to ads?

3           A     He -- less involved than -- my work with him was less involved than it was  
4       with Jason. At one time he called me and started discussing what should be in the ads.

5           And the one and only time I did talk to President Trump was when Jared called  
6       and then he put President Trump on the phone. And they talked about some of the  
7       different States, what was going on, what they felt was wrong about the election process  
8       that might be considered for some ads. It was a very short phone call, and that was the  
9       only time I spoke with President Trump during that time.

10          Q     And just so I understand, you said Jared Kushner called you and put  
11       President Trump on the phone?

12          A     Yeah. They were on speaker together.

13          Q     Okay. How often would you say you spoke with Jared Kushner regarding  
14       these ads, or otherwise, in the post-election period?

15          A     Just a few times. I spoke more often with Jason Miller.

16          Q     And how often did you speak with Jason Miller?

17          A     Well, during this compressed period of time, mostly by email -- quite often  
18       by email, all of which you have. Not on a lot on the phone, though.

19          Q     Okay.

20          Let's start with one of those emails. I'm going to show you what's been marked  
21       as exhibit 1.

22          A     Sure.

23          Q     And it starts with Bates number JTA 22.

24          This is a December 7th email, and --

25          A     Right.

1 Q -- it's from you to [REDACTED]

2 Am I correct that that's Newt Gingrich's email address?

3 A Yes, that's correct.

4 Q And the email says, "Speaker Gingrich, good speaking with you. I am  
5 gathering up the best examples of theft from some of the folks on the campaign and  
6 some of arguments and from there I will work on some draft scripts. Speak with you  
7 soon."

8 A Right.

9 Q So can you tell us a little bit about what we're reading here?

10 A Sure. He contacted me and started talking about some of the examples  
11 that he felt should be used and what the ads should talk about in terms of the election.

12 Q And who directed you -- or, how did you know that Speaker Gingrich was  
13 speaking on behalf of President Trump at this time?

14 A I believe Jason Miller might've told me that Speaker Gingrich has been  
15 speaking with the President.

16 Q And here, when you say you're gathering up the best examples of theft from  
17 some of the folks on the campaign --

18 A Right.

19 Q -- who were those folks?

20 A The research people on the campaign. Zach, I think was his name. Zach  
21 Parkinson?

22 Mr. Engle. Uh-huh.

23 Mr. Weitzner. Yeah. Yeah. He was the researcher on the campaign who  
24 would get us examples.

25 BY [REDACTED]

1           Q     Would anyone else who supported that team get you examples?

2           A     It was primarily him. It was primarily him. I'm trying to think of who else  
3     might -- no one comes immediately to mind.

4                 But all the ad scripts would go and be reviewed by him, by Jason, by Trump  
5     campaign's attorney Alex Cannon.

6           Q     Did you ever work with Tim Murtaugh?

7           A     Yes. He was the communications director for the campaign. Yeah.

8           Q     And in the post-election period, did you do work with him there as well?

9           A     Yes. Yes.

10          Q     And in what context?

11          A     He was mostly just copied on emails. I didn't -- I don't recall having any  
12     direct conversation with him, other than just by email.

13          Q     Did you understand him to be reviewing Zach Parkinson's work?

14          A     I really wasn't sure who was reviewing what. They would send me the  
15     research, and I would use it. That would be more a question you should direct to those  
16     guys.

17          Q     We're going to go to exhibit 2, which is an email later that same day after  
18     you emailed Speaker Gingrich. It's a December 7th email ending in JTA 185, an email  
19     from you to Speaker Gingrich, Jared Kushner, and Jason Miller with the subject line "Draft  
20     script."

21          A     Right.

22          Q     And here you say, "Team, after speaking with everyone and hearing their  
23     suggestions I drafted the attached 60 second script."

24          Later on, you say, "Jason believes Fox will reject a spot that includes 'rigged and  
25     fraudulent election' but we can try and record it without that line as well."

1           A     Right.

2           Q     So, starting at the top, when it says, "After speaking with everyone and  
3     hearing their suggestions I drafted" -- you attached the script. Who is the "everyone"  
4     you're talking about there?

5           A     It was Speaker Gingrich, Jason, Jared. And it may be that that was post- the  
6     call with President Trump, so it could've been him as well.

7           Q     Okay. So the phone call you referenced with President Trump, you believe  
8     that happened at the beginning of this post-election-ad-creation period?

9           A     It's in one of the emails. Can we take a quick look through the emails?  
10         Because I referenced that phone call.

11         Mr. Engle. I can see if we can do it from the index.

12         Mr. Weitzner. So we're exact in terms of the --

13         Mr. Engle. Time.

14         Mr. Weitzner. Well, it was somewhere around there.

15         Mr. Engle. Right.

16           BY [REDACTED]

17         Q     Okay.

18         Now, when you say that -- what did you mean when you say he "believes Fox will  
19     reject a spot that includes 'rigged and fraudulent election'"?

20         A     I must've been told that by the media buyer.

21         Q     And who's the media buyer?

22         A     He worked for National Media. I just need to look up his name.

23         Q     Are you talking about Ben Angle?

24         A     Yes. Ben Angle, that's it. Sorry.

25         Q     Now, here, you write "Jason believes Fox will reject," not Ben Angle.

1           A    Right. He must've heard that they won't accept it.

2           Q    And what was your understanding as to why they wouldn't accept it?

3           A    I don't really have an understanding. I was just told that that was language  
4         that they would not agree to put in an ad.

5           Q    And did you not draw any kind of inference as to why they would not want  
6         to have that language in the ad?

7           A    The inference was that their attorneys were not comfortable with that  
8         language being in an ad.

9           Q    And what was your understanding --

10          A    That FOX --

11          Q    I'm sorry. Go ahead.

12          A    That FOX attorneys were not comfortable with that language in an ad.

13          Q    And in your experience in the industry, did you understand that to be  
14         because they had concerns about the accuracy of the statement?

15          A    Yes.

16          Q    I'm going to go to exhibit 3, which is the next morning after this email.  
17         Ends with Bates number JTA 194. And it's this same email chain, but it just  
18         continues -- the conversation continues.

19          A    Right.

20          Q    If you scroll to the second page, at the top there, we have an email from  
21         Speaker Gingrich.

22          A    Yeah.

23          Q    If you can scroll up.

24          There you go. Thank you. That's perfect.

25          And here, Speaker Gingrich appears to be offering you some comments on this

1 draft script. In the second line, he says, "We need a call to action ending-maybe call  
2 your state legislators and demand they fight for honest elections."

3 Is this the kind of call to action you were explaining was to create a public  
4 pressure campaign?

5 A Yes.

6 Q Now, here, he notes that, "instead of stop the steal I suggest demand honest  
7 elections."

8 Did you use "stop the steal" in your scripts? Do you recall that?

9 A Yes. I was told to use that language.

10 Q And who told you to use that language?

11 A I believe it was Jason Miller.

12 Q Do you know why he told you to use that language?

13 A I think it was language that they liked, that President Trump may have liked.

14 Q And later on in that same email, Speaker Gingrich says, "Would the second  
15 ad be the security camera suitcase scandal-molly hemingway did a good job of  
16 demolishing the other side's explanation and I am told by lawyers in Georgia this is a solid  
17 attack."

18 What did you understand him to be saying here?

19 A There were stories about suitcases of ballots being brought in in the middle  
20 of the night in Georgia, and that's what he was referring to. And I guess he's -- and he's  
21 referring to an article that Molly Hemingway wrote about that that, in his view, backed up  
22 the facts of the case.

23 Q What did you understand happened in Georgia with regard to the suitcases?

24 A Well, I only understand what I'm being told by the people involved in the  
25 ads -- involved in the campaign. And what they told me was that there was evidence

1       that suitcases of ballots were brought to the --

2           Q    Had been brought --

3           A    Counted.

4           Q    Okay.

5           A    And that's what they wanted to show in the ads. That's the information I  
6   was told.

7           Q    Okay. We'll come back to go that in some detail.

8           A    Okay.

9           Q    So you respond to this email -- we'll go up to the top. And you say,  
10      "Speaker Gingrich, good suggestions" and that you're going to send an updated draft  
11      shortly. And you say, "Yes, the second spot would be 100% Georgia -- strong visuals and  
12      strong story."

13           Is it fair to say that you agreed with Speaker Gingrich that this would be a, quote,  
14      "solid attack"?

15           A    Yeah. I could say, if those facts are true, which is what he was telling me, it  
16      would be a strong story, and the visuals make for a good television ad.

17           Q    Okay.

18           So, if we could zoom out a bit and talk about, in your work, how do you go about  
19      verifying the content that goes into an ad?

20           A    Sure. That is done by the researchers on the campaign and by the  
21      attorneys working for the campaign.

22           Q    Does Jamestown have any role in that process, from your vantage point, in  
23      verifying information, if ads are true or not true?

24           A    No, we don't. We rely on campaigns for that. That's not our -- we need  
25      to -- you know, their professional team in a Presidential race have researchers and have

1 attorneys to do that work.

2 Q Uh-huh. And if campaign lawyers or researchers were to express a  
3 hesitation or a caution about a fact, that's something you would take into account in  
4 whether to use it or not. Is that fair?

5 A Yes.

6 Q And if a researcher or campaign official said they couldn't verify a fact, is that  
7 something that you would take into account in deciding whether or not to put it into an  
8 ad?

9 A Yes. I mean, I would need to know the specifics, but certainly.

10 Q And it's fair to say that -- is it fair to say that, regardless of what a client  
11 represented to you, if you had reservations as to the validity of a fact, is it fair to say that  
12 you wouldn't include it in an ad or you wouldn't run it?

13 A I'd have to know the specifics. I don't want to speculate. My job is to be,  
14 you know -- is almost like your job. I'm an advocate for the campaign.

15 Q Yeah.

16 A My personal views don't matter.

17 Q Yeah. And that's what I was trying to get a sense of. Yeah.

18 And in the last line, you say, "I think we want something on the RNC or Trump  
19 website that can collect names and provide info on fraud and how to contact their  
20 legislator."

21 A Right.

22 Q When you say "collect names," what's the goal there?

23 A The goal is just to, you know, build up a database of people who are  
24 supporting the effort.

25 Q And is that for use for future campaign purposes? Or why does one need a

1 database of names?

2 A I think it's just to contact them about the election and follow up with them.

3 It's not -- it's to -- you know, this was a specific gathering of names and pressure for

4 post-election. I really -- I don't think I considered any use of them beyond that.

5 Q And when you say so you could contact them, I just want to get your  
6 understanding --

7 A Yeah, if they want to, like, follow -- if the RNC or Trump campaign wanted to  
8 follow up and urge them to register their voice or something with their Congressmen or  
9 legislators.

10 Q Okay. I guess I'm not quite following. You stated that your understanding  
11 was that, if folks would provide information on fraud, and then if that lead was a good  
12 one, you wanted a way for the campaign to contact them again, or the White House?

13 A Yeah.

14 Q Okay.

15 A Yeah. So, you know, examples of fraud if they knew any, or if they just  
16 supported this effort, so someone could follow up with them by email or text or  
17 something and say, you know, "Contact your legislator."

18 Q But the idea was that a large number of people would be contacting -- would  
19 be calling these numbers and putting pressure on the State legislators, right?

20 A Well, the idea was to create public pressure.

1

2

BY [REDACTED]

3

Q Okay.

4

5

Let's move to exhibit 4. We're still on December 7th, where the last email began. And this begins with Bates number JTA 186.

6

7

8

9

And let's go to the second page, 187, and there's an email from Mike Roman, who appears to work for the Trump campaign, to Boris Epshteyn, also for Trump campaign. Subject line has "Fraud examples in PA/NV/MI/WI/GA." And then it goes and lists a variety of articles and sources related to allegations of fraud in a variety of States.

10

Do you recall this email?

11

A I do now, yes.

12

Q Okay.

13

14

And, earlier up, Mr. Epshteyn forwards this to Jason Miller, who forwards it to you with the question, "Better?"

15

You can go up, [REDACTED]

16

And you say, "Yes."

17

18

Was this email where you derived the sources for the allegations of fraud in the ads?

19

A It was probably one of them.

20

Q What were the other ones?

21

22

A We wanted -- the ads were supposed to include specific examples, and that includes some specific examples.

23

Q And here --

24

A It --

25

Q Pardon me?

1           A     Well, it includes specific examples from the research team, so that was the  
2 purpose of that.

3           Q     And is it fair to say that this -- it appears that the campaign had kind of kept  
4 a running list of, you know, as the email says, fraud examples that were ready to go at this  
5 time. Is that what you recall?

6           A     Yes.

7           Q     And it's fair to say that you reviewed this list, and then, from that, you pulled  
8 out what were the most perhaps cogent or convincing examples to put into the ads?

9           A     That would be fair, yeah.

10          Q     Okay.

11          And I assume you also had conversations with Mr. Miller and other -- whether Mr.  
12 Kushner, Mr. Gingrich, about which examples of those should end up in the script or not,  
13 right?

14          A     Yes.

15          Q     All right.

16          And I'm going to go to exhibit 5, which is, again, the same day. It's an email from  
17 you to Jason Miller that evening, Bates JAS- -- this is not an email, I believe, that you  
18 produced, but it's an email the committee has.

19          But it's an email from you to Mr. Miller. And it says, "I tried to do a 30 but I think  
20 we need a 60 to lay out some of the basics and follow with 30s that detail specific acts.  
21 Newt pushed the idea of facts that the average American will understand as theft -- he  
22 mentioned the Georgia suitcase, but I really have not seen too much of them. I did a  
23 rough on this."

24          So let's stop right there. When you say "he mentioned the Georgia suitcase, but  
25 I really have not seen too much of them," what are you referencing there?

1           A    I must be referencing that I've not seen -- well, we're talking about the  
2   suitcase full of ballots. I must be referencing that I've not seen the video yet or I've not  
3   seen the evidence that they have yet.

4           Q    Right here, this sentence, though, says, "Newt pushed the idea of facts that  
5   the average American will understand as theft."

6           A    Right.

7           Q    And then you note one such example. But then it seems like you're saying  
8   you haven't seen too many examples --

9           A    Of one --

10          Q    -- that an average American --

11          A    -- would understand, yes.

12          Q    Mr. Weitzner, if you'd just let me finish the question, and then we can go  
13   with your answer.

14          Is it fair to say that when you say that you have not seen too much of them, you're  
15   talking about Mr. Gingrich's ideas that average Americans will understand as theft?

16          A    I'm sorry. I don't quite understand your question. Could you repeat it?

17          Q    Yeah. I'm happy to rephrase it. Here, Mr. Gingrich -- you note that he  
18   pushed the idea of facts that the average American will understand as theft.

19          A    Yes.

20          Q    And it appears you then give the example of the Georgia suitcase example.

21          But it reads to me that you're saying, besides that Georgia example, you have not  
22   seen many other examples that people would actually understand as theft. Is that a fair  
23   reading of what's here?

24          A    That's a fair reading, yes.

25          Q    Okay.

1           And then you write at the bottom, "Boss wants fire breathing but if we do that we  
2   won't get it on tv. Tried to balance it out."

3           Is it fair to say the "boss" here was President Trump?

4           A     Yes.

5           Q     And when you say he "wants fire breathing," what did you mean by that?

6           A     Well, he wanted something very aggressive about stealing the election.

7           Q     And how did you know he wanted something very aggressive?

8           A     That's the one phone call that I had.

9           Q     Okay. So let's go back to that phone call, and tell us again what he recited  
10      to you -- what directives he gave you in that call.

11          A     Sure.

12          The call was initiated by Jared, who said that they want to do television ads talking  
13      about the election.

14          He then put it on speakerphone, and President Trump asked that we work on ads  
15      that talk about "stolen." He started to go into, you know, some of the alleged stealing  
16      of votes in different States, and, you know, wanted it to be very aggressive in terms of  
17      how we -- and "fire breathing" is the term I guess I used in that email -- about how the  
18      election was stolen.

19          Q     What examples did he go into regarding different allegations of fraud in  
20      States?

21          A     Yeah, you know, I can't recall. It was a very quick phone call. But, you  
22      know, I'm sure he mentioned Pennsylvania and Georgia, some of the things that were  
23      running around in the news at that time.

24          Q     And by Georgia, you mean this Georgia suitcase story. Is that fair?

25          A     Right. And might've been -- he might've mentioned dropboxes. I don't

1 recall the exact examples he used.

2 Q And why were you concerned that this kind of aggressive ads would not get  
3 on TV?

4 A Because the networks had made it clear they were not willing to put some of  
5 that more aggressive language and run the ads.

6 Q Well, when you say "the networks," is that all networks or certain networks?

7 A It was -- I think it was FOX, Newsmax. I don't recall whether they were  
8 trying to buy some of the NBC, CBS, ABC. But those were the ones --

9 Q And when --

10 A -- that --

11 Q -- you say -- I'm sorry. So sorry. I didn't mean to cut you off there.

12 A No. But, you know, I don't recall whether there was discussion about  
13 buying more broadly beyond FOX and Newsmax. I think they may have talked about it  
14 at some point, but I can't recall.

15 Q And when you say that the networks had made it clear, when did that  
16 clarification come down?

17 A Right around the same time period.

18 Q And was that done in response to something? Like, did something spur  
19 that on? Or how did that come about?

20 A I can't recall the exact details of which came first and when, but -- and it was  
21 obvious that some of the allegations that the President was making and that the  
22 campaign were making were not ones that the TV station lawyers felt could be included  
23 in advertising.

24 Q Is that because those ads, in their estimation, were -- those allegations were  
25 not true, in their view?

1           A    Yeah. I think it was a combination of questioning the accuracy of those  
2 points and just not wanting to get involved in a very sticky, in their view, situation.

3           But, you know, I can't say with any certainty when it was, but they certainly made  
4 it clear that there was language that they would not be willing to put on TV.

5           Q    What did you understand --

6           A    When -- I'm sorry. Go ahead.

7           Q    No, no. After you.

8           A    Okay. When I -- which day I learned that, you know, I can't recall, but I  
9 certainly did learn that.

10          Q    And when you say sticky situations, what did you understand that to mean,  
11 separate from inaccurate claims of fraud?

12          A    Well, the President felt very strongly there was massive fraud in the election.  
13 He talked about it a lot. His supporters talked about it a lot. And he wanted those  
14 allegations to be included in a television ad.

15          What I needed was some specific facts for the campaign to provide me to include  
16 in ads, ones that would stand up to scrutiny. And that's what I -- and so you'll see in the  
17 ads several changes, because different facts came back and different challenges were  
18 made.

19          Q    So, here, you end the email with, "Tried to balance it out."

20          A    Right. Tried --

21          Q    Can you explain what you meant by that?

22          A    Sure. Tried to make the language something that President Trump would  
23 like but would pass scrutiny with the campaign lawyers, the lawyers for the networks, and  
24 others.

25          Q    What's an example of something that President Trump wanted that you left

1 out in this balancing act that you're referencing there?

2 A I can't recall the specifics, but probably, you know, just language about  
3 stealing and fraud that I learned was not acceptable to the stations. But some of the  
4 more aggressive claims were not being approved by lawyers, so that's what I was  
5 referring to.

6 Q So is it fair to say --

7 A I think that --

8 Q I'm sorry. Go ahead.

9 A No. Go ahead.

10 Q Is it fair to say that there were claims of fraud that the President had  
11 asserted that you believed couldn't be verified in order to be in an ad?

12 A Yes.

13 Q And was that work to verify those, I guess, to verify that they were  
14 inaccurate, was that done by Zach Parkinson and other researchers, or who did that  
15 work?

16 A Yeah, that was done by the campaign -- Zach, Jason, others who were sorting  
17 out the allegations of fraud.

18 Q So is it accurate to say that there were instances where Mr. Miller and Mr.  
19 Parkinson and other campaign officials researched President Trump's statements and  
20 found them not to be true?

21 A Yes.

22 Q Let's go to exhibit 6, which ends in JTA 159. This is an email that is 2 days  
23 later from the last email, on December 9th.

24 Carlos Cruz, that individual works for Jamestown Associates. Isn't that right?

25 A Yes.

1 Q And what does he do at Jamestown?

2 A He was working with me on these, helping to gather stuff.

3 Q All right.

4 So, at the bottom of this email, he says, "Here are the latest cuts of  
5 Overwhelming, Stop the Steal, and On Tape."

6 Were those just three different ads that were cut for the campaign?

7 A Yes.

8 Q And then Mr. Miller provides an edit. And then you respond, "Should I  
9 send the new spots to Newt? He is talking to DJT and Jared on these. Newts idea.  
10 He has first one. I kind of think I should."

11 Can you give us a bit of background as to what you're talking about here?

12 A Sure. I mean, the -- what I'm talking about is, should I send those spots to  
13 Newt Gingrich? I must've been told that he was going to be talking to President Trump  
14 and Jared. One of them was his idea.

15 Q Is it fair to say that Newt Gingrich was -- he seems to have a critical role in  
16 moving the ball here forward with these post-election ads. Is that fair?

17 A Yes.

18 Q And when you spoke with Newt Gingrich, you understood him to both have  
19 the ear of the President and, to some degree, be speaking for the President. Is that fair?

20 A Certainly had the ear of the President. I don't know if he was speaking for  
21 him. But --

22 Q Okay.

23 A -- he certainly was communicating with him and providing ideas and part of  
24 an advisory -- a close advisor on these issues, no question.

25 Q And, in that role, is it fair to say you understood that you should be running

1 ads by him to try and get his buy-in to the ad?

2 A Yes.

3 Q And are all the same things fair to say with Mr. Kushner, that he both had  
4 the ear of the President and his buy-in was also necessary for these ads?

5 A Yes. But I don't -- my sense is he was not nearly as involved as Speaker  
6 Gingrich.

7 Q All right.

8 We're going to go to the next exhibit, 7, which is on the same day, December 9th.  
9 We're going to go to your first email, which is an email from you to, it appears, to Jason  
10 Miller and Ken Kurson.

11 Who's Ken Kurson?

12 A Ken is a friend of Jared's and was occasionally giving, sort of, creative  
13 suggestions. In this case, he just made two little grammatical changes.

14 Q And when you say a friend of Jared's, did he have a role with either the  
15 White House or the campaign?

16 A He did not have an official role. And his involvement post-election was  
17 extremely limited.

18 Q And what was it limited to?

19 A I would just copy him because -- for his comments on a couple things.

20 Q Well, I guess, just, can you -- was he included because of his closeness to  
21 Jared Kushner?

22 A Yeah. I mean, Jared liked Ken and would want to hear his comments.

23 Q What role did he have pre-election, as far as you know?

24 A What role did who have?

25 Q Mr. Kurson.

1           A     Oh, okay. Same role. Just, he'd be a creative advisor.

2           Q     I want to go to the first -- this email we're referencing, and if you could scroll  
3 down, you say here, "Here is the second spot. Just trying to crank them out and create  
4 the noise of election fraud."

5                 What did you mean by "create the noise of election fraud"?

6           A     React and respond to the requests that there be ads talking about election  
7 fraud.

8           Mr. [REDACTED]     One second, Mr. Weitzner.

9           Mr. Weitzner.     Sure.

10          Mr. [REDACTED]     Sorry. Apologies for that. We were trying to work on a  
11 little bit of some of the admin things here to move us along.

12                 BY [REDACTED]

13          Q     So you say to "create the noise of election fraud." Do you mind just telling  
14 me again exactly what you meant there?

15          A     Sure. You know, I was told to create ads that talked about election fraud,  
16 and I just took some of the research and put it together into an ad that did that.

17          Q     Now, when you use the term "the noise of election fraud," I mean, is it fair  
18 to say you wanted people to see the ads and perceive that there was a large amount of  
19 election fraud around the country?

20          A     Yes.

21          Q     Okay. And you wanted those ads to -- is it fair to say that you wanted the  
22 reach of those ads to not just be in swing States but to be across the country for a full,  
23 nationwide pressure campaign?

24          A     Well, as I said before, the advertising was primarily on conservative stations.

25          Q     And what was the thinking behind pursuing conservative stations as opposed

1 to a broader base of networks?

2 A They were more likely to generate support and generate a response to their  
3 legislators.

4 Q Is it fair to say that it was an attempt to --

5 A Talk to the base.

6 Q Talk to the base. Yeah.

7 A Yeah.

8 Q Because the base would be more likely to take action after seeing allegations  
9 of fraud. Is that fair?

10 A Yes.

11 Q We're going to go to exhibit 8, which is also a December 8th email, ending in  
12 JTA 16.

13 And we're going to go to the bottom of the first page, which is an email from you  
14 to Alex Cannon, Zach Parkinson, Carlos Cruz, Evan Tracey, Ben Angle, and Jason Miller.

15 A Right.

16 Q And it says -- subject line is "New project."

17 Now, Alex Cannon, he's a lawyer for the Trump campaign. Is that right?

18 A That's right.

19 Q Did you understand him to focus on any kind of specific areas?

20 A Oh, I mean, he was the election attorney for the campaign. He was the  
21 attorney for the campaign, yeah.

22 Q Okay. Who did you understand him to report to?

23 A I didn't -- I knew he was a top guy in the campaign. I'm not sure who he  
24 reported to, but probably the manager or Jason or the President.

25 Q And Zach Parkinson is the researcher we referenced earlier, correct?

1           A    Correct.

2           Q    And Ben Angle is the media buyer I think you referenced earlier. Is that  
3 right?

4           A    Right, as is Evan Tracey.

5           Q    Okay.

6           So, in the email, you say, "Team, I was asked by Jared and DJT to work on an ad  
7 about election fraud. Attached is a 60 second script doing that. It will be followed by a  
8 30 focusing the Georgia example and another on multi state fraud."

9           A    Right.

10          Q    Now, when you say "I was asked by Jared and DJT," you're referencing that  
11 phone call that we talked about?

12          A    Yes.

13          Q    Okay. And on that phone call, was anyone with you, physically, when you  
14 received that call from Mr. Kushner?

15          A    No.

16          Q    And did you understand anyone else to be with Mr. Trump and Mr. Kushner  
17 when they were talking to you?

18          A    I don't recall for sure, but I think it was just those two.

19          Q    And did you get the call from Mr. Kushner's cell phone?

20          A    Yes.

21          Q    That's a number you had saved, I assume?

22          A    Yes.

23          Q    And remind me, how often did you and Mr. Kushner speak at that time  
24 period?

25          A    Not often.

1           Q     I believe there's an email that references the potential phone calls. I think  
2 we'll get to that, so we can indicate the precise date and potential time of the call.

3                 Now, here, you note, "It will be followed by a 30 focusing the Georgia example."

4                 So is it fair to say that the Georgia suitcase example was at the core of, kind of, the  
5 creative view you had for these ads?

6           A     It was at the core of the arguments about election fraud, yes.

7           Q     And that's about the suitcase ballots video, correct?

8           A     Yes.

9           Q     Okay.

10                 So, if you look at the second page, you said, "I know we have significant issues  
11 getting the ads on air. We took out a lot of the language that I think Fox would object  
12 to, but I would assume we get pushback anyway. We have a \$10 million budget to start  
13 and it could go to 40." And in the last sentence, it says, "They want to move very fast."

14                 So let's start with the first line about significant issues getting ads on the air.  
15 With this, are you referencing here this same idea that ads couldn't get on the air because  
16 of issues with the accuracy of the allegations of fraud?

17           A     Yes.

18           Q     And here, when you reference, "We took out a lot of the language that I  
19 think Fox would object to," is it fair to say you took out language that FOX would say was  
20 not true?

21           A     I don't want to interpret what FOX was -- their beliefs. But, as I said earlier,  
22 they made it clear that certain language was not acceptable.

23           Q     Well, I want to understand your understanding. Did you understand that  
24 the reason it wasn't acceptable was because those allegations could not be verified or  
25 proven?

1           A     My understanding was that they felt that saying it was fraud and it was -- the  
2     other word that was used in another email -- was language that they would not accept on  
3     the air.

4           Q     And did they tell you why they wouldn't accept that language?

5           A     The media buyer told me they would not accept the language, so I was not  
6     talking to FOX lawyers.

7           Q     Okay. And did Mr. Angle tell you why FOX wouldn't accept that language?

8           A     No.

9           Q     Did you ask him why?

10          A     No. I mean, once I was told they can't accept it, that's it.

11          Q     But you would need an understanding so you could know how to craft an ad  
12     they would accept, right?

13          A     Not really. I asked questions on other emails about what is acceptable --

14          Q     Uh-huh.

15          A     -- and what evidence they feel that network lawyers would say is verifiable  
16     or something that they could live with.

17          Q     And here, when you say, "But I would assume we get pushback anyway,"  
18     what did you mean there?

19          A     Let me read that sentence again. Sorry. Where is that?

20          Q     The sentence there, if you look on the screen, page 2, where it says, "I know  
21     we have significant issues." Then the second sentence ends with --

22          A     Okay. I see it.

23          Q     Okay.

24          A     Right, yeah. No, it was clear from the media buyer that FOX was nervous  
25     about running any ads, period, on this topic.

1           Q     And did you have any further understanding from Mr. Angle as to why any  
2 ad on this topic was making FOX nervous?

3           A     Only that they were getting more and more uncomfortable with it.

4           Q     And you mean uncomfortable with the substance of the ads?

5           A     Uncomfortable with the claims, yes.

6           Q     Now, here, you indicate that "we have a \$10 million budget to start and it  
7 could go to 40." Where did you get that budget from?

8           A     I believe I got it from either Jason or Jared.

9           Q     "And it could go to 40." What was your understanding as to what would  
10 make it go to 40 -- what I assume is 40 million?

11          A     That, you know, if the campaign went well, if they felt it was effective, they  
12 might increase it later on.

13          Q     And by "effective," you mean if it was generating enough public pressure.  
14 Is that fair?

15          A     Yes.

16          Q     And in the next line, you said, "I think this should be national as much as  
17 possible." And, again, you were talking about the goal of a national pressure campaign.  
18 Is that right?

19          A     Well, it was to buy national rather than State FOX networks.

20          Q     I'm sorry. Can you explain that a little further?

21          A     Sure. You know, if you buy FOX, you can buy it nationally or you can buy it  
22 in certain States. And, both from a public pressure point and from a financial point, it  
23 made more sense to be national.

24          Q     And explain, why would it make more sense from a public pressure point to  
25 be national?

1           A    Reach more people.

2           Q    And when you buy it -- just for those of us who don't have the background,  
3   when you buy it national, what does that mean, practically, as opposed to the other  
4   option?

5           A    Sure. It covers the whole country, whether you live in Minnesota or New  
6   Mexico, wherever. It covers the entire country.

7           Q    Now, you mentioned here, "We have a \$10 million budget and it could go to  
8   40."

9           I want to turn back to your comment about if it was effective. How would you  
10   know if it was effective -- how would the effectiveness of this campaign be determined,  
11   to decide whether or not to go up to the 40 million?

12          A    That would be a decision that the campaign would make and not me. But it  
13   would be whatever they viewed as effective.

14          Q    But did you have an understanding from your discussions with Jason Miller  
15   and others of what they thought would be an effective or not effective result?

16          A    A general understanding that, you know, if they liked the ads, if it was  
17   working, if it was generating pressure, they might increase the budget.

18          Q    So is it fair to say that if they saw that the State officials were inclined to take  
19   action to engage in things like decertification or something of the like, that that might  
20   result in more money for more ads?

21          A    You know, I -- that's beyond what I knew or what -- I think -- it'd be hard for  
22   me to assess, but it would be if it was well-received, if there was a lot of public pressure,  
23   if the President were happy with the ads. There's, you know, many factors that would  
24   go into making that decision.

25          Q    Okay.

1           Earlier in this email, Mr. Angle, the media buyer, responds to you and says, "I'll  
2 start collecting rates, but you're right that we could run into clearance problems. The  
3 copy below is likely to cause us the most trouble with S&P departments. If you have a  
4 rough-cut available to send for clearance then we can start the process."

5           And then he says, "You will need to have substantiation ready for these claims,"  
6 which include "dead people voted" and "Joe Biden bragged about having the 'most'  
7 extensive voter fraud organization in history."

8           Is this kind of what you were referencing earlier about the media buyer giving you  
9 the heads-up about the clearance issues with FOX and others?

10          A      Yes.

1

2 [11:05 a.m.]

3 Q And then you respond at the top: Zach and Jason, the more you guys can  
4 help on the sourcing/backup information, the better. I have not been following it  
5 closely until yesterday, and I worked off campaign documents.

6 Now, when you say "the more you guys can help," was there anyone else that  
7 would help if they didn't help? It sounds like you're asking for whatever help they can  
8 give. Would someone else do it if they didn't?

9 A No. I mean, just -- you know, I just needed them -- the more information  
10 they can provide, the more likely that somebody -- and more research and proof points,  
11 the more likely that the stations would approve.

12 Q So just so I understand the order of things. In a situation like this, do you  
13 create the ad first and then get the substantiation second? Is that fair?

14 A No.

15 Q Okay. So give us a bit of kind of background on -- because it sounds like  
16 you have claims and then you're asking Zach and Jason to help with backup information.

17 A Yeah. I probably had some level of research or some allegations that were  
18 given to me, or I was told these things by phone, and I needed the very specific  
19 documentation to back them up.

20 Q When you --

21 A Dead people voted, you know, I wouldn't come up with that unless  
22 somebody told me that.

23 Q And that somebody would be who?

24 A It could have been Jason, it could have been any of the people involved in  
25 the campaign.

1           Q     When you say "any of the people" --

2           A     It could -- it could have been the researcher. You know, I can't recall who it  
3     was that told me these things, but, you know, I would need, you know -- somebody would  
4     have told me these things as examples before I would've written them out.

5           Q     And just about how this practically worked, when you would get the  
6     sourcing from Mr. Miller or Mr. Parkinson and then provide it to Mr. Angle, and he would  
7     provide it to the networks. Is that right?

8           A     That's generally how it worked, yes.

9           Q     And in what format? Would this be written out in a Word document that  
10    you would forward, or how would you typically transmit that?

11          A     So they would give me sourcing, I would add them on the screen and in a  
12    script format. And then when it was provided to the stations, Mr. Parkinson, Cannon,  
13    and others would usually give the media buyer a more detailed list of sources and backup  
14    to the claims.

15          Mr. [REDACTED] At this time, I'll ask whether Mrs. Murphy has any  
16    questions so far.

17          Mrs. Murphy. Nothing at this moment, thank you.

18          BY [REDACTED]

19          Q     All right. Mr. Weitzner, we're going to turn to the next exhibit we've  
20    marked, which is exhibit 9, ends in JTA161. It's also a December 9th email.

21          So this is the same email that we just looked at, but it starts -- it goes a lot further  
22    on. So we're going to -- you'll see on -- we'll go to JTA169, just so you can see, from you.  
23    It's the same email.

24          All right. So you see there, this is the email we left off where Zach and  
25    Jason -- so we'll scroll up.

1           A    Right.

2           Q    So we can quickly run through it. You see that later on, attached are three  
3       scripts for Stop the Steal and On Tape and which has, again, a focus on Georgia, and then  
4       we have, 3, Overwhelming.

5           A    Right.

6           Q    And then if we go up a little further, you then say in the middle of this page:  
7       I'm getting emails asking me to hurry up and edit them, so I'm going to record VO soon.  
8       It would be best to know now and if stations or research/legal want us to change any  
9       copy.

10          Who were you getting emails from to hurry up?

11          A    I'm not sure. My guess would be Jason Miller.

12          Q    At that time, did you have discussions with anyone about the importance of  
13       December 14th when creating these ads?

14          A    I'm not sure what December 14th means.

15          Q    December 14th at that time was the date where the States would certify the  
16       election results. Was that a date of any significance that was discussed when these ads  
17       were first brought up?

18          A    Quite possibly.

19          Q    When you say "quite possibly" --

20          A    That might be why the hurry up was in there, because they were trying to  
21       get them on air before then. But, you know, I can't recall with certainty that that was  
22       why it was hurry up, we got to get on TV.

23          Q    But it's fair to say that the -- well, let me ask you this. You do recall, just so  
24       we're clear, you recall conversations regarding State legislators certifying the election  
25       results and trying to put pressure in regard to that -- that effort?

1           A    Yeah, because as I think about it more, some of the scripts say, you know,  
2 call your legislators.

3           Q    So the idea was to rush and hurry up here in order to get the campaign -- to  
4 get the ads on the air and a pressure campaign going ahead of the certification on  
5 December 14th?

6           A    That's probably the case. I can't recall with certainty that that was it, but I  
7 know that, you know, we did have language in there to call your legislators. So I think  
8 you're making a pretty fair assumption.

9           Q    Okay. Now, you wrote your email response to Ben Angle saying: May I  
10 send these to the networks to get first reactions from S&P departments?

11           Now, the top of that page ending in 167, we have an email from Zach Parkinson  
12 and -- the researcher. He says: Our legal team is the ones who'd have to substantiate  
13 these as many of them I cannot. Some of these claims, like suitcase full of ballots,  
14 networks can point to fact-checks like this and say it's not true.

15           So here, the suitcase full of ballots is referencing the Georgia fraud allegation  
16 claim, correct?

17           A    Yep. Yep.

18           Q    And Zach Parkinson, the lead researcher, is telling you that he can't  
19 substantiate the claims in the scripts that Mr. Cruz has circulated, correct?

20           A    Correct.

21           Q    And he specifically highlights that there's a fact-check the networks would  
22 point to for the Georgia fraud claims, correct?

23           A    Correct.

24           Q    So then in response to Mr. Parkinson's email, we see -- Alex Cannon adds  
25 Stewart to the full chain, Stewart Crosland, who's a lawyer at Jones Day, correct?

1           A    Correct.

2           Q    And if we go to the earlier email from Mr. Cannon, starting on page 165, at  
3       the top, he goes: Jason, I assure that no one wants a lawyer writing their scripts. That  
4       being said, here are my thoughts on the factual components of the voter fraud claims in  
5       the scripts. I suspect S&P department will have a hard time with these ads.

6           Here he's saying that the networks may review these ads and take issue with the  
7       claims made in them, correct?

8           A    Correct.

9           Q    And that's because they may look at those claims and say that they're  
10      not -- they cannot be verified as accurate, correct?

11          A    Correct.

12          Q    So in the first ad called Overwhelming, Mr. Cannon says: Suitcases of  
13      ballots. You all can judge from the video what went on just as well as I can. I do not  
14      have a high degree of confidence that networks will run this.

15          And then later on, at the bottom of On Tape, another video, he again repeats  
16      about the video that he doesn't have a high degree of confidence that networks will run  
17      this.

18          He's talking about the same Georgia ad we've been speaking about, correct?

19          A    Correct.

20          Q    And so at this point, Mr. Parkinson, the head researcher, and Mr. Cannon,  
21      one of the top lawyers of the campaign, have both said that there are issues that they  
22      can't verify the Georgia suitcase allegations. Is that fair?

23          A    Yes.

24          Q    Now, scroll down. Mr. Cannon -- sorry, up.

25          Mr. Cannon then provides other comments about the Overwhelming video, about

1 dead people, money for votes, poll watchers and the like, a clerk facing felony charges in  
2 Michigan.

3 When you got comments like this from Mr. Cannon, what did you do with them?

4 A Well, I primarily asked the campaign to sort it out. I mean, my job is to  
5 make ads based on facts and what facts they think are -- can be backed up and stations  
6 will air. So I -- I just -- you know, I'm just waiting for them to sort this out. It was quite  
7 frustrating.

8 Q So who had the final say on what was true for the purposes of getting into  
9 an ad?

10 A Well, I mean, if the lawyers say there's issues with it -- I'm not sure who it is  
11 that makes the final decision.

12 Q Well, you're making the ads, so who did you listen to in deciding what would  
13 go in and not go in?

14 A I took direction primarily from Jason Miller.

15 Q So is it fair to say that if Mr. Cannon and Mr. Parkinson had issues with an ad  
16 and Mr. Miller overruled them, you would go with what Mr. Miller said? Is that fair?

17 A And if the stations were willing to run them based on the legal research they  
18 did. So there were several levels of review to the facts -- internal reviews and the  
19 station reviews.

20 Q And by "internal," you mean the campaign/White House. Is that fair?

21 A Yes.

22 Q So just to put a fine point on my question. As far as the internal review,  
23 Mr. Miller was the final arbiter, is that fair, and not their lawyer or the researcher?

24 A You know -- yeah. I'm not sure I can generalize that.

25 Q Do you recall instances where Mr. Miller disagreed with the conclusion of

1       Mr. Parkinson or Mr. Cannon?

2           A     No.

3           Q     Okay. Now, the suitcase ballots' example we talked about, that ends up in  
4 an ad, correct?

5           A     Yes.

6           Q     So the -- is it your recollection, then, that both Mr. Cannon and Mr.  
7 Parkinson then were able to substantiate the claims made in the ad?

8           A     I don't recall the exact order of things.

9           Q     Because here, you agree with me, that both Mr. Cannon and Mr. Parkinson  
10 specifically raised issues with your ad regarding the Georgia ballots, right?

11          A     Yes.

12          Q     Those Georgia ballots stayed in the ad, correct?

13          A     Yes.

14          Q     So that would mean that someone -- that either they agreed at some point,  
15 they came around, or that they were overruled. Is that fair?

16          A     Yes.

17          Q     And I know we had some time constraints. I'm happy to keep going, Mr.  
18 Weitzner, to stay on track. Are you okay as far as a break or would you like a break?

19          A     No, I'd just as soon try to finish up.

20          Q     Okay. All right. I'm happy to.

21          A     Yeah.

22          Q     All right. Staying with the same email, let's go up to -- it's a page that ends  
23 in 163. It's the same email chain.

24          Here, Mr. Angle says: Attached is simple media plan for three networks being  
25 discussed: FOX News, OAN, and Newsmax.

1           Is it fair to say those were chosen because they are watched by more conservative  
2       voters?

3           A    Yes.

4           Q    And you're more likely to reach President Trump's base by targeting those  
5       networks. Is that fair?

6           A    Yes.

7           Q    Now, Mr. Miller responds, and says: Ben, per Jared, we need to show the  
8       President ASAP 1-week plans for \$5 million, \$6 million, and \$10 million running on FOX,  
9       FOX Biz, Newsmax, and OANN. I realize previous plans were for 3 weeks, but Jared just  
10      said 1 week.

11           And then later on it says: For your awareness, if we do the \$10 million option,  
12       that would be 5 million from the campaign and 5 million from the RNC. That's a  
13      conversation Jared needs to have with POTUS and Ronna.

14           And then it ends with: Meeting with POTUS this afternoon to get clarification  
15       and approvals.

16           What did you understand to be President Trump's role in approving the budget for  
17       your ad campaign?

18           A    Just what is said in that email, that the size would be something that he  
19       would discuss with the President.

20           Q    Something the President would decide --

21           A    I mean, I was not privy to those conversations, so I think the email is sort of  
22       somewhat explanatory on that.

23           Q    And then with the change, did you have an understanding of why there was  
24       a change from a 3-week plan to a 1-week plan?

25           A    I did not.

1           Q     Did you have any discussions as to whether -- about the effectiveness of a  
2     3-week versus a 1-week plan?

3           A     I can't recall for sure. I can just say that, as you can see from the emails,  
4     there was a lot of back and forth and a lot of chaos within what was going on.

5           Mr. [REDACTED] And, Mr. Weitzner and Mr. Engle, I'll let you know that  
6     Senior Investigative [REDACTED], I believe, has joined. She's not on video, but  
7     just so you know, she's with us now who I referenced earlier.

8           Mr. Weitzner. Thank you.

9           BY [REDACTED]

10          Q     So this email then ends with: Meeting with POTUS this afternoon to get  
11     clarification and approvals.

12          So did you understand that during this kind of rush that we've been talking about,  
13     that Mr. Miller was updating the President on both the budget and the content of the ads  
14     you were creating?

15          A     Yes.

16          Q     Did you understand that when Mr. Miller provided feedback to you, that  
17     feedback included the result of his conversations with the President?

18          A     Yes.

19          Q     All right. I'm going to go up to the next page up.

20          Mr. Angle says that he's wrapping up revising a 3-week plan with FBN. What  
21     does FBN refer to?

22          A     I believe it would be FOX Business News.

23          Q     Okay. And it says: I'll make the below edits and circulate in about  
24     30 minutes. I have calls into CBS and RFD-TV to see if they'll run the spots. RFD will  
25     reach farmers in Georgia and nationally.

1           What's RFD?

2           A    I don't know. That's the media buyer, I was thinking, just raised that.

3           Q    Did any of these ads you created post-election run on any networks outside  
4       of FOX, OAN, or Newsmax?

5           A    I'm not sure.

6           Q    Do you have any recollection of any network approving these ads, outside of  
7       the conservative networks?

8           A    I do not.

9           Q    Do you have recollection of -- but you do recall that some of those networks  
10      rejected the ads. Is that fair?

11          A    I believe so. I'd have to review all those emails again.

12          Q    Scrolling up on this, Mr. Miller says: For purposes of today, let's worry  
13      about the four nets I laid out. If POTUS can't see it, it's not real.

14          What did you understand him to mean when he said "If POTUS can't see it, it's not  
15      real"?

16          A    He's either referring to the ad or the buy. I'm not sure which one.

17          Q    But it's fair you understood the President to be intricately involved in all  
18      steps of the process, it sounds like, right, with the budgeting approval and the content  
19      approval?

20          A    Yes.

21          Q    Now, if we scroll up to the front page of this email, you respond -- second to  
22      last email, Mr. Angle says: We can be on air by Friday if we sent buys tomorrow  
23      morning. FOX News is still dependent on creative approval.

24          And then you respond later: Ben, have we still not heard back from FOX?

25          It appears in a lot of these emails that FOX News appears to take more time in

1 reviewing the content than the other stations. Do you recall that?

2 A Yes.

3 Q Was that because FOX News had more issues with the substance and  
4 accuracy of the ads?

5 A That would be my guess. I wasn't dealing with them directly.

6 Q But you were inputting --

7 A It's a fair assumption.

8 Q Yeah. Okay. But you were revising the ads based on the feedback you  
9 were getting from Mr. Angle, though, correct?

10 A Correct, which is why I said it's a fair assumption.

11 Q Yeah. I know -- I just want to put us in a timeframe. This says  
12 Wednesday, December 9th, and trying to get on air for that Friday, I guess, which is  
13 December 11th. Is it fair that that was all -- that same rush is what we referenced  
14 earlier by getting on in order to have the campaign, the pressure campaign, up and  
15 running ahead of certification on the 14th?

16 A Yeah. As I said before, I don't recall if that was the specific because, you  
17 know, there were mentions of going multiple weeks too. So I'd have to review all the  
18 emails again to see if there's specific reference to that date.

19 Q I'm going to show you exhibit 10, which is JTA117. And we'll start on -- this  
20 is the same email, again, as the last two emails we discussed, except it's, again, later in  
21 the same discussion.

22 So we'll start on the first page. What you see at the bottom starts with your last  
23 email: Ben, have we still not heard from FOX?

24 Mr. Angle responds: Correct. I reached out at 9 p.m. and no word.

25 And he says: We're at the mercy of S&P here.

1           And those are the folks that are checking the accuracy of the ads, correct?

2           A     Correct.

3           Q     Now, here Mr. Miller responds, second to last email: Ben, what type of  
4       national packages does Sinclair offer? We have a voice on the team saying that's our  
5       roadmap to salvation.

6           And then you respond: Heavy focus on D.C. and Georgia.

7           So let's start first with Sinclair. What is Sinclair?

8           A     Sinclair is a network of stations that has a more conservative orientation.

9           Q     And here, Mr. Miller says: We have a voice on the team saying that's our  
10      roadmap to salvation.

11         First, do you know who that voice is?

12         A     I believe that's Newt Gingrich.

13         Q     And what did you understand Newt Gingrich's views to be about running ads  
14      on Sinclair?

15         A     That he thought it was a good way to reach base voters, and that they  
16      were -- in general, would be believed or could be convinced about the merits of the  
17      argument.

18         Q     Is it fair to say that he believed it would be easier to get more aggressive  
19      fraud claims on Sinclair than, for example, FOX News?

20         A     I think that would be a fair assumption.

21         Q     And because -- that's because of the conservative leanings of Sinclair  
22      leadership. Is that fair?

23         A     Yes.

24         Q     And was Sinclair also attractive because the individuals that might watch the  
25      stations might be at the core of the President's base?

1           A    Yes.

2           Q    And those people would be the most likely to place a high level of pressure  
3       on public officials. Is that fair?

4           A    That's fair.

5           Q    Now, when you say "Heavy focus on D.C. and Georgia," what do you mean  
6       there?

7           A    What I mean is that Georgia was one of the key States where the debate was  
8       ongoing, the President cared about, and D.C. is opinion news.

9           Q    And is opinion news?

10          A    Yes.

11          Q    The idea that the folks who write the news will then speak about the issues  
12       more if they're seeing the ads?

13          A    The Congressman and the -- and the influence folks in D.C., right, media,  
14       others, yeah, so get their attention.

15          Q    Now, is it fair to say -- you said that Georgia was -- let me ask you this.

16          Whose decision was it to make Georgia such a focal point of this campaign?

17          A    Well, Speaker Gingrich certainly thought it was key. John McLaughlin,  
18       who's on some of the emails, talked a lot about the drop boxes he felt were unsecured  
19       and that that was a scandal.

20          Q    Now, let's start with Speaker Gingrich. Why exactly did he think that  
21       Georgia should be a focus?

22          A    Well, he felt like the evidence was strong there. That was his view.

23          Q    And is it fair to say at the center of that strong evidence was the so-called  
24       suitcase video?

25          A    That and the drop boxes.

1           Q    Now, when you say "the evidence was strong" --

2           A    That was his view, yeah.

3           Q    Yeah. Did you form a view about whether the evidence was strong?

4           A    Well, the researchers certainly did, and I had my doubts.

5           Q    Okay. Can you tell us a bit about the doubts you had?

6           A    Yeah. I'm not sure it's -- as I said before, my point of view doesn't matter.

7           I was being asked to produce ads for the campaign, the campaign I worked on, and I felt  
8           some obligation to do that. But I was -- I did have doubts, based on the research, about  
9           the accuracy of it.

10          Q    And the researchers including people like Zach Parkinson, right?

11          A    Correct.

12          Q    So is it fair to say that the same way that Zach Parkinson stated that he  
13          couldn't substantiate the claims regarding the Georgia suitcases, that you also questioned  
14          whether those were, in fact, true?

15          A    Yes.

16          Q    Did you draw conclusion that they were not true?

17          A    I'm not sure what my conclusion was. I just was given a set of facts and  
18          asked to place an -- to make an ad based on those. And the facts were contradictory,  
19          depending on who was making the argument.

20          Q    I'm sorry. Can you repeat the last part? The facts were what?

21          A    Yeah. The researchers clearly believed that there were not enough facts to  
22          back it up. Others, like Speaker Gingrich, believed the facts supported it. He  
23          mentioned in one case Mollie Hemingway's article having facts in it. And, ultimately, it  
24          was decision for the campaign to make as to whether the facts could be supported, and it  
25          was an argument they wanted to make.

1           Q     When they were having those discussions, were you involved with them?  
2           A     No. That was really more of a strategic decision. I was just the guy  
3     making the ads.

4           Q     Now, are you aware that Georgia officials, around this time that these emails  
5     are going back and forth, came out and explained what was happening in that video?

6           A     I have a vague recollection of that, yes.

7           Q     And are you aware that -- I believe his name is Gabriel Sterling, who was the  
8     Georgia election system implementation manager -- explained that there was nothing  
9     nefarious in that video, and it was actually normal poll counting behavior?

10          A     I don't recall that specific fact.

11          Q     Do you recall generally that Georgia State officials, in their estimation,  
12     disproved any allegations of fraud around this time period that you were creating these  
13     ads?

14          A     I am aware of the fact that the Georgia State officials denied that anything  
15     like this occurred.

16          Q     And are you aware that Georgia State officials released a longer form video  
17     of the surveillance footage that was circulated in the Georgia ad; that they released a  
18     longer form video of the surveillance?

19          A     I don't recall knowing or not knowing that.

20          Q     Now, you said you have a recollection of at least some of these discussions  
21     by the Georgia State officials. Did you observe that in real time when those statements  
22     were made? And I don't mean literally, like, while they were made on live television,  
23     but around that time, were you aware that the Georgia officials were pushing back on the  
24     campaign's claims of fraud?

25          A     Yes.

1           Q     And what impact did their explanation of the video have on the ad you were  
2 making?

3           A     Only that it was a decision for the campaign to make whether they wanted  
4 to still pursue it.

5           Q     And who at the campaign made the decision to keep pursuing it?

6           A     Well, it would be -- Jason Miller would have communicated that with me.

7           Q     Tell me about the -- I'm sorry. Go ahead.

8           A     Who the final decision maker is, you know, whether that was something the  
9 President told him or someone else, I can't say, but Jason was the one communicating  
10 with me whether to move forward or not.

11          Q     Based on your conversation with Mr. Miller, did you believe that he was the  
12 final arbiter of something of that magnitude or did you believe it was the President?

13          A     I'm sure he was talking to the President.

14          Q     Now, you mentioned you had your doubts about the Georgia ballots, that  
15 you were aware of the Georgia State officials' explanation of that video.

16          A     Yes.

17          Q     Just to have a better sense of how you -- just how your industry works, with  
18 the knowledge you had then, did you see yourself in any position to make an editorial  
19 decision to not run something through your company if you believed it was not true?

20          A     You know, I don't recall where it ended up, whether it was -- which order of  
21 things, but I can certainly say that I was aware that there were issues; that the research  
22 was not supporting the argument, and I was aware of the Georgia officials pushing back.  
23 I was also told there were counterarguments, and so it was a decision not for me to make  
24 but for the campaign to make.

25          Q     Did you get involved in those discussions or this happened away from you?

1           A    Happened away from me.

2           Q    Do you have -- besides -- I think on one side we have Mr. Cannon and  
3         Mr. Parkinson saying they can't substantiate the claims. Who was on the other side?

4           A    You know, I can't -- I know that Speaker Gingrich referred to Mollie  
5         Hemingway stories, and I know there was chatter that they still believe the accuracy of  
6         the suitcase issues, and a lot of chatter also about the drop boxes being unsecured and  
7         the chain of custody of the drop boxes not being followed.

8           Q    Now, I believe, though, the Mollie Hemingway article you referenced,  
9         though, happens on December 7th. I believe Gabriel Sterling, his statement and further  
10       clarification, come out -- there's further information that comes out from the Georgia  
11       officials even after the referenced article.

12          So I think we're talking about -- what I'm talking about is after that article.

13          A    Okay.

14          Q    You would've learned about -- the timing we're talking about would have  
15       been after the article. The article wouldn't have had the benefit of Mr. Sterling's  
16       explanations. Is that fair?

17          A    I can't recall that exact timeline, but I am aware of the fact that -- certainly  
18       aware of the fact that Georgia officials had their doubts and -- and -- I should not say had  
19       their doubts, but said it was not true.

20          Q    I'm going to show you exhibit 11, which ends in JTA9. It's a December 8th  
21       email where you attach three scripts, again, the same three scripts we've talked about. I  
22       want to point out, I just want to ask the same kind of thing regarding the truth of a  
23       statement.

24          Here, it says: Jared, I added in Biden's line about building a fraud operation.

25          Can you tell us a bit about that?

1           A    Right. Jared asked me, he said, did you see Biden said something about we  
2 have one of the most extensive fraud operations?

3           Q    And how did he tell you that?

4           A    I believe it was by phone.

5           Q    Okay. And what did he tell you that he wanted you to do with that?

6           A    Include it in the ad.

7           Q    I think that video's been quite circulated. Did you believe that President  
8 Biden misspoke or did you think he was admitting to building a fraud operation?

9           A    I thought he misspoke.

10          Q    So when the ad runs and puts that frame -- that phrase out, is it fair to say  
11 that the ad was purposely misleading?

12          A    I'll let you make that conclusion, but --

13          Q    Well, I'm asking your conclusion as the maker of the ad. Was the intention  
14 to be purposely misleading?

15          A    The intention was to put in a line that I was asked to include in an ad.

16          That's it.

17          Q    Is it fair to say the intention was to lead a watcher of that ad to think that  
18 President Biden was admitting to building a fraud operation?

19          A    Yes.

20          Q    And as you said, when you did that, your belief was that he was not, in fact,  
21 saying any such thing, right?

22          A    Right.

23          Q    I'm going to turn -- now -- excuse me. Besides that additional line, did Mr.  
24 Kushner, was there any other specific substantive request he had regarding the ads or any  
25 other thoughts that you can recall?

1           A     No, just that they'd be hard-hitting, just in general.

2           Q     Okay. And is that -- I mean, I think previously for the President, you said,  
3     fire-breathing. Was that the same kind of -- they both wanted it to be aggressive ads?

4           A     Yes.

5           Q     And is that why at the end of this sentence, this email here, you say: We all  
6     anticipate it will be a challenge to get TV stations to run these and will keep you posted  
7     on our progress? Is that because of these same issues that they would be  
8     fire-breathing, aggressive ads that might include lines people thought were misleading or  
9     untrue?

10          A     Yes.

11          Q     I'm going to turn to exhibit 12, which is now the same email we just looked  
12     at, but it's going to be later in the chain. And just so you know, the reason why I'm  
13     showing you sometimes the emails separately is because sometimes it doesn't include  
14     the from and to. So I want you to have the benefit of seeing the first email and the  
15     recipient before we look at later communications.

16          So we scroll to the bottom, you see that this email starts with the email we just  
17     looked at, which you attaching the three scripts.

18          A     Right.

19          Q     You respond and say: I like the -- excuse me.

20          Speaker Gingrich responds, and says: I like the two new ones much better,  
21     Newt.

22          And you respond about producing all three. And then Mr. Kushner responds:  
23     Can you make and get to Dan to show POTUS ASAP?

24          Who's Dan there?

25          A     Dan is -- oh, I can't remember his last name.

1 Q Is it Dan Scavino?

2 A Dan Scavino, yes.

3 Q Okay. And what role did Mr. Scavino have with these post-election  
4 creation of the ads?

5 A I did not speak with Dan, but Dan -- what he's referring to is that Dan would  
6 show him on a -- show the President the ads on his computer.

7 Q And then you respond: Jason can rush along the research/legal to see if  
8 they need any changes.

9 Here you're talking about Alex Cannon and Zach Parkinson, correct?

10 A Correct.

11 Q And the changes they would be talking about were the edits we looked at  
12 earlier kind of weighing in on the substance when they expressed concern regarding  
13 some of these claims, correct?

14 A Correct.

15 Q Okay. Let's go to exhibit -- give me one second, please.

16 All right. Exhibit 13, which we're looking -- same email again, but we're going  
17 even later, but it's a different part of the chain.

18 So we scroll down to the email from -- this is in response to Speaker Gingrich's "I  
19 like the two new ones email." John McLaughlin, I think I'm saying that correctly.

20 A Yeah.

21 Q And I believe you expressed earlier that he had views -- he was a proponent  
22 of pushing the Georgia fraud allegations. Is that correct?

23 A Yes. And in particular the drop box issue and chain of custody issue.

24 Q Okay. So in response to his email, you write: We have three spots in  
25 production. This is the Atlanta one. More coming today. OANN and Newsmax have

1       approved the buy. FOX is, quote, reviewing, end quote. I asked the campaign's buyer  
2       to check on Sinclair and FOX Business.

3                  Was there a different process for FOX versus FOX Business in how such ads would  
4       be reviewed or approved?

5                  A     Not that I'm aware of.

6                  Q     But they were just handled as two different entities?

7                  A     I think they might've added them later.

8                  Q     I'm sorry?

9                  A     I -- I -- I'm not really sure what the -- I would think that it'd be the same  
10      approval process for FOX and FOX Business.

11                 Q     Okay. Now, when you say that FOX, quote, is reviewing, you have  
12      reviewing in quotes, is that -- fair to say that you were trying to express a level of -- I know  
13      sarcasm isn't the right term, but to express that FOX was taking their time while OAN and  
14      Newsmax had approved already?

15                 A     Well, yes. I mean, I was getting pressure to get the spots done and  
16      something that would go on air, and I just was anxious to get an answer one way or the  
17      other.

18                 Q     Uh-huh. And if we scroll up here, Mr. Miller responds, and he says -- he  
19      offers some thoughts, including: Call to action feels milquetoast and needs to be beefed  
20      up, but I admittedly don't know how best to do it.

21                 So is it fair to say that Mr. Miller is, again, as with Mr. Kushner and Mr. Trump, he  
22      also wants the ads to engender like a more inflamed response? Is that fair?

23                 A     Yes.

24                 Q     All right. We're going to go to exhibit 14, which is Bates No. JTA149.

25                 So Mr. Cruz, your colleague, at the bottom, the first email says: Alex and Jason,

1 here are the updated cuts of Overwhelming, Stop the Steal, and On Tape. The source  
2 docs for these cuts of these spots are attached. We've got a typo.

3 And then Mr. Cannon responds, and this is December 10th, and he says: Subject  
4 to Zach's analysis, and confirmation that all the stock footage is properly licensed, here  
5 are my few comments, with a few specific items for Zach's consideration.

6 And with regard to 1b under Overwhelming, he states -- in response to the  
7 suitcases of Biden ballots, he says: I am not sure that we can say they're all Biden  
8 ballots, not sure they are suitcases, not sure they were added in secret, but I defer to  
9 Zach on those points.

10 And then on point 2, he says: My concerns relate to tying the Georgia footage  
11 with Biden ballots added in the middle of the night, but I defer to Zach.

12 Is this again Mr. Cannon expressing his belief that there are issues in making those  
13 claims about the Georgia ballots?

14 A Yes.

15 Q So then you respond with a Federalist article from Mollie Hemingway  
16 breaking down the fact-check on the video. So tell us why you responded with that  
17 article.

18 A I was told that that was the sourcing for those claims.

19 Q And who told you that?

20 A Either John McLaughlin or Gingrich. Somebody told me that.

21 Q Okay.

22 A Because I believe, in her article, she counters what is being said by Georgia  
23 officials post they're denying it.

24 Q Okay.

25 A So that was the competing, you know, argument that others were making.

1           Q     Uh-huh. Give me one second. I'm trying to be judicious with your time  
2 here, Mr. Weitzner. I'm thinking we can hop ahead somewhat. We've covered a good  
3 bit of ground.

4           All right. We're going to skip exhibit 15 and go to exhibit 16, which now gets us  
5 to December 20th. So before we talk about this, do you recall when these ads first went  
6 up on the air?

7           A     I don't have that exact date. I do not. I can't recall the exact date.

8           Q     Do you recall whether the ads were up in the air prior to the December 14th  
9 certification?

10          A     I don't recall the exact date.

11          Q     Okay. Do you recall having conversations with individuals in December  
12 about January 6th as a date of significance?

13          A     I have some vague recollection of it, but it pretty much stopped after couple  
14 weeks, the ad campaign efforts.

15          Q     Stopped after a couple weeks of what?

16          A     Well, it was a heavy during the middle of December, I believe, somewhere  
17 around towards the 20th of December, everything kind of stopped for a while.

18          Q     But there were ads that were run after December 14th, though, correct?

19          A     You know, I'd have to check the records. I can't recall exact dates and  
20 times when spots run. I'm sure it's in the data that, you know, Ben Angle provided  
21 exactly when they would run.

22          Q     Now, we're going to look at these emails here which talk about ads  
23 for -- let's start with the page that's JTA86. And it's an email from Jason Miller to you,  
24 and he says: Team, the President and Mayor Giuliani want to get back up on TV ASAP.  
25 Jared has approved in budgetary concept, so here's the game plan.

1           Now, this email comes on December 20th. So we see a collection of emails  
2       regarding getting ads up on the air on December 7th through 9th and 10th, a slurry of  
3       emails. Is it fair to say that there were ads that went up, there was a first push to get  
4       ads up before December 14th and now there's a second push indicated by this email here  
5       to now do it again, to get ads back up on air?

6           A     Yes.

7           Q     Okay. And at this point, it's post-December 14th, so is it fair to say -- well,  
8       we'll see here that the focus is ahead of -- to create a public pressure campaign in regard  
9       to January 6th.

10          A     Okay. Yep.

11          Q     Is that something you agree with?

12          A     Does it say that in the email? Yes.

13          Q     It does, yeah. We'll go through it here.

14          A     Yes.

15          Q     So going after game plan, it says: Larry, you're critical in that we need  
16       ASAP feedback on how quickly we can turn around the updated creative.

17          And it says: Ben, you're critical in that we need you to tell us how much things  
18       cost and what we can get away with contentwise.

19          A     Right.

20          Q     Now, here the "get away with contentwise," is it fair to say that the  
21       campaign wanted to know how extreme of an allegation could be made but still be  
22       accepted by a network?

23          A     I mean, I think it's best asked of Jason. He wrote the email.

24          Q     Yeah, but he wrote the email to you, so I'm asking what was your  
25       understanding in reading the email.

1           A    That whatever facts and advertising that we could -- that the networks  
2 would or the stations that they want to run on would accept.

3           Q    Is it fair to say because the goal was to push the content as close to  
4 fire-breathing but yet permissible as possible?

5           A    Yes.

6           Q    Now, here, he says, under Goal: Motivate the GOP base to put pressure on  
7 the Republican Governors of Georgia and Arizona and the Republican-controlled State  
8 legislatures in Wisconsin and Michigan to hear evidence of voter fraud before  
9 January 6th. So these are four States we truly care about.

10          So, again, that's the verification that this ad campaign was related to the  
11 decertification process as it relates to January 6th. Is that fair?

12          A    Yes.

13          Q    And, again, on the Mediums, it focuses on conservative cable because that  
14 would be the President's base and most likely to place pressure on State officials ahead of  
15 January 6th. Is that fair?

16          A    Yes.

17          Q    And it indicates: Duration, Now/ASAP through January 6th.

18          Is it fair that you all understood that January 6th was the next date that mattered  
19 in order to get people to act?

20          A    Yes.

21          Q    Now, it says: The President -- under TV and Radio Creative, says: The  
22 President and the mayor both love the two TV spots we got approved for Newsmax and  
23 OANN, see below, and would like to keep the final product as close to these two existing  
24 ads as possible, but add in references to illegal aliens and out-of-State voters, if at all  
25 possible, but the endings need to be changed to include phone numbers and directions to

1 call the local Governor or State legislature, depending on the State, and most important,  
2 we have to figure out what needs to be changed to get FOX and FOX Biz approval.

3 Tell us a bit about your understanding as to Rudy Giuliani's involvement in the  
4 post-election ad campaign drive.

5 A Well, I never spoke to him, so I can only -- I can only speculate that he was  
6 talking to the President and to Jason.

7 Q What did Mr. Miller --

8 A I had no contact with him whatsoever, so --

9 Q Okay. Okay. So, to your understanding, came from what Mr. Miller told  
10 you. Is that fair?

11 A In the emails, yes.

12 Q Okay. Now, it said: The President and the mayor both loved the two TV  
13 spots we got approved for Newsmax and OAN.

14 Is it fair to say that you created ads that were more aggressive for Newsmax and  
15 OAN and less aggressive for FOX?

16 A It's fair.

17 Q And it's because, is it fair to say, that FOX had more stringent guidelines for  
18 the accuracy of the statements than Newsmax and OAN did?

19 A That's what the media buyer seemed to indicate, yes.

20 Q And based on that, you made -- you made different ads substantively for  
21 each of those stations?

22 A Correct.

23 Q And lastly, on the next page, it says: Budget. No set budget, but nobody  
24 flinched when I said a national effort could cost \$2 million a week. The prevailing  
25 thought is that we have 2 weeks, so let's go for broke here. I think the max spend we

1 want to put forward is \$5 million.

2 So, again, this ad campaign, I think -- is it fair to say this further confirms that the  
3 late December efforts are focused on impacting January 6th?

4 A Yes.

5 Q So going up in the same email to JTA85, you write your response to Mr.  
6 Miller's email, and you say: The FOX News approved spot took a week to get it  
7 approved by their legal department. So we have to consider that delay when it comes  
8 to creative. My suggestion would be to use that spot with minor modifications  
9 nationally to put pressure on the legislators and to ensure our base across the country  
10 sees it.

11 Can you explain what you're suggesting here about why the FOX News ad --

12 A Basically, we work with the ad that FOX News did approve, not make major  
13 changes to it.

14 Q Basically, don't make it more aggressive because FOX could reject it and that  
15 would hold up the timeline. Is that fair?

16 A Don't -- don't -- yeah. Take what they've approved before, because if they  
17 took another spot, they're not likely to make it any more aggressive or to make any  
18 changes to it.

19 Q So in creating these ads -- and, again, this is like now the second go-around  
20 trying to impact State officials. What discussions did you have as to what success here  
21 was going to look like?

22 A They just wanted to have people call their legislators. That's all that was  
23 discussed; that if it would get to TV, that there would be some public pressure debates.

24 Q Now, when you say "public pressure," is it just Governor Ducey would have a  
25 lot of phone calls? Like, tell me, like, what the discussions were.

1           A    Yes.

2           Q    Okay.

3           A    It was so that Governor Ducey would get phone calls, Governor Kemp would  
4       get phone calls.

5           Q    And then that they would then -- and they would feel political pressure and  
6       then do what they could in their power to help overturn the results of the elections in  
7       their State?

8           A    You know, it was to put public pressure on them to say that the election was  
9       not fair. I think your conclusion is correct.

10          Q    Earlier in this email, there is including a text fraud or a way to contact the  
11       legislators added to these emails. If we can scroll up. Just to put a fine point on it,  
12       that's the same thing we're discussing, right, it's to put a call of action into these ads to  
13       have the legislators feel the public pressure. Is that fair?

14          A    Yes.

15          Q    And at the bottom of JTA82, Mr. Miller says: Call to action has to be all  
16       about demanding immediate action. "Demand honest election" is just too soft and not  
17       time sensitive enough.

18          So is it fair to say you all were work shopping how to get people to do something  
19       urgently?

20          A    He was for sure, and work, yeah.

21          Q    And --

22          A    He wanted something more aggressive is what he wanted, yeah.

23          Q    Yeah. Well, you say "he was," but he gave you the directive to do the same  
24       in the ads, right?

25          A    Yes.

1 Q That was when your skill set came in. Is that fair?

2 A Well, he just wanted harsher language, stronger language, more aggressive  
3 language.

4 Mr. [REDACTED] At this time I'd ask whether Mrs. Murphy has any  
5 questions, just to provide the opportunity.

6 Mrs. Murphy. Thank you. I don't have any at the moment. I yield.

7 BY [REDACTED]

8 Q Okay. We're going to move to exhibit 17. And this is a December 21st  
9 email chain. So we're now in the same -- just a day after the last email we just talked  
10 about.

11 You see in the first page here, in response to you providing TV spots and scripts,  
12 Mr. Miller responds: Rudy loves all of them.

13 So at this point now, was it your understanding that -- besides the two emails that  
14 we talked about, did you have any other conversations with Mr. Miller regarding Rudy  
15 Giuliani approving or otherwise weighing in on these emails, on these scripts and ads?

16 A I only recall the email upon seeing it.

17 Q Okay. And then Mr. Angle responds: OAN and Newsmax will run  
18 everything. FOX should run On Tape, but has not officially approved the edits with the  
19 call to action.

20 So, again, this is OAN and Newsmax, I think, being the most permissive, is that fair,  
21 and FOX News being the more difficult station?

22 A That's fair, yes.

23 Q Now, if we go to exhibit 18, this is on December 20th, and you write an  
24 email -- you say to Mr. Miller, you say: Jason, trying to balance -- oh, sorry. Let me  
25 wait for it to come up. My apologies. There you go.

1           Jason, trying to balance things: Everyone likes the current spots. Tight  
2       timeframe. Approvals. Getting it all done tomorrow.

3           And then you say: This is what we have attached.

4           When you talk about approvals here, who were the approvals you have to get?  
5       Was that from research and legal again?

6           A     I was probably referencing approvals from the stations.

7           Q     Okay.

8           A     But I could also have been referencing just the whole approval process, from  
9       people looking at the ads to the research to the legal to all that.

10          Q     And then you put -- in the bottom -- excuse me. Under Stop the Steal  
11       national spot, you say: Added in people voting from other States and illegals voting.  
12       Also made it more focused at the end on the text number and helping DJT.

13          Is that the illegal voting, that's the reference that Mayor Giuliani and President  
14       Trump wanted to be added in?

15          A     Yes.

16          Q     Okay. Now, typically, when a revision like that came in, was that a claim  
17       that President Trump or -- was that an allegation that came substantiated or was it  
18       your -- was it the job of the team to go and find a way to make that allegation work for  
19       the ad?

20          A     The team would have to help substantiate it. That was their belief  
21       or -- and -- and so I was told to put it in and that they would get backup for me.

22          Q     Now, at the top here, you say: No one is going to see or hear the spots that  
23       keep pushing for this unless we do national. Plus national will generate the most heat.

24          What did you mean here when you say "generate the most heat"?

25          A     Well, they wanted to get people to respond to the allegations of fraud, and

1       only by being on a national station would you get enough eyeballs to do that.

2           Q     Can you expand on that?  Is it just because a local ad run just literally just  
3       has less viewers?

4           A     Yes.

5           Q     And then on the we should have folks text that number, what is your  
6       understanding would happen when people texted that number?

7           A     That the campaign or State officials or -- or local political folks would contact  
8       them and urge them to reach out to their legislators.

1

2 [12:08 p.m.]

3

BY [REDACTED]

4 Q Before this second push of ads, did you get any feedback as to whether the  
5 first ads you ran were effective, from the campaign perspective or anyone's perspective?

6 A I don't recall. It kind of went away for a while, and then it all of a sudden  
7 came back when Jason's email --

8 Q Is it fair to say that, the fact that the campaign decided to run these ads  
9 again, that they thought the first set of ads had, in fact, let's call it, generated heat?

10 A I'm not sure. I don't know that I can make that conclusion based on what I  
11 know. I don't know enough to make that conclusion.

12 Q Well, did you have conversations with Mr. Miller as to whether or not the  
13 first set of ads were effective?

14 A I don't believe I did. I might've. I just don't recall.

15 Q Did anyone tell you or otherwise express to you that any of the ads you  
16 created were generating heat or otherwise effective?

17 A No. I got very little input once the ads were done.

18 Q Well, I'm not asking for whether you got input. I'm saying whether you got,  
19 basically, an update. Did you get any feedback?

20 A Very little. None that I can recall, other than what's in the emails.

21 Q Could we go to exhibit 19, which is one day later, on December 21st. It  
22 starts with Bates number JTA 105.

23 So tell us, who's James Fitzpatrick?

24 A He was the Trump campaign's person in Pennsylvania.

25 Q And when you say "person," in what kind of role?

1           A    I believe he was State political director or something like that.

2           Q    Okay. And what role did he play in these post-election ads?

3           A    Just, I think, provided some research, source help, as the subject says.

4           Q    So, here, when you first heard that President Trump and Rudy Giuliani  
5        wanted something about illegals voting, there was no source or otherwise support for  
6        that given to you. Is that fair?

7           A    When I first was told that?

8           Q    Yeah.

9           A    Probably, yeah.

10          Q    Okay.

11           So it sounds like the order here is that you get the direction from them and then  
12        you --

13          A    And they had reason to document it. Yeah.

14          Q    I'm sorry?

15          A    That they had reason to believe its truth and that someone would provide  
16        some level of documentation.

17          Q    Okay.

18           So, here, when you say, "And illegals" -- in that email to Mike or James, Mr. Miller  
19        says, "And illegals voting was something boss and mayor wanted but I did not see them."

20           What we're looking at in this email, it's fair to say, is, then, Mr. Fitzpatrick  
21        providing what he thinks is sufficient substantiation?

22          A    Yes.

23          Q    And, then, because you respond eventually, "Ok, that should cover illegal  
24        alien." You would then provide that to Mr. Angle, who would then send that example to  
25        Newsmax?

1           A    Yes.

2           Q    When you got substantiation, did you ever -- did you view it your role to  
3    weigh in on whether or not substantiation was sufficient? Or did you just serve more as  
4    a medium and pass it along?

5           A    Just as a medium.

6           Q    Do you recall weighing in, for example, on whether this illegal aliens claim  
7    was appropriately substantiated?

8           A    I don't recall off the top of my head. But it would seem like, from that  
9    email, that Fitzpatrick gave us something that covered it.

10          Q    All right.

11          I'm going to go to exhibit 20. I want to start on Bates number ending in JTA 15.

12          Do you know who Gary Coby is?

13          A    He's the digital guy for the campaign.

14          Q    Okay. What role did he have, if any, in the post-election ad push?

15          A    Just in working on getting the ads out digitally.

16          Q    Can you explain to us what that means?

17          A    Emails, websites, that sort of thing. He would send out emails with the ad  
18    to supporters, that sort of thing.

19          Q    So is it fair to say that his job was to amplify the ad, get it out there on the  
20    web?

21          A    Yes.

22          Q    Okay.

23          So you all forwarded, it looks like, this email, or at least added to this email. But  
24    I'll take you to the bottom, where it says, "Gary - per Jared, we need to devise a plan to  
25    raise money from the upcoming TV ad campaign were preparing to launch as soon as

1 tomorrow."

2 So that email originally -- this is a December 9th email, just to frame yourself.

3 We're kind of going back to the first ad push. We've been talking about the second;  
4 we're going back to the first.

5 And then it has a cut of the spot. And it provides -- it says, "Additionally, we  
6 need a simpler fraud website url to drive people to."

7 Do you have an understanding as to what Mr. Miller is talking about here?

8 A Just making it easier for people to react to the ads, go to a website and make  
9 a donation or take some action.

10 Q So, when it says, "Gary - per Jared, we need to devise a plan to raise money  
11 from the upcoming TV ad campaign were preparing to launch," did you understand that  
12 there was a fundraising component of this ad campaign that you were a part of?

13 A That was the direction that Jason Miller provided there. Yes.

14 Q Okay. So can you expand on that and tell us what that direction was and  
15 what the goal was and, you know, kind of, how it would be effectuated?

16 A Sure. I mean, basically, what he's saying is, make the website easier for  
17 people to understand so they would go to a website and Gary can then follow up and ask  
18 them for money to help support the fight.

19 Q Did you have discussions as to whether the ad campaign could be profitable  
20 for the -- for the -- for the Trump campaign?

21 A I'm sorry? Could you --

22 Q Did you have any discussions as to whether or not the ad campaign could be  
23 profitable for the Trump campaign?

24 A Oh. No, just this email saying that they wanted to find a way to pay for  
25 part of it. I did not have any phone conversations beyond that.

1           Q     And did you have any other discussions besides this email regarding the  
2 efforts to raise money from the campaign?

3           A     No, not that I recall.

4           Q     Is there anyone else that was involved in that effort? So it sounds like the  
5 direction came from Jared, to Miller, to Coby. Anyone else that you understood to have  
6 a leadership position with this fundraising effort?

7           A     No, I don't think anyone else would've.

8           Q     Were you given any directives to revise any ads in a way that would impact  
9 fundraising?

10          A     Well, yeah, in this email, I think, just to make some revision to it.

11          Q     Fair. Fair. Yeah. And we'll go -- yeah. Anything outside this email?  
12 Sorry. I should've been more specific.

13          A     No.

14          Q     Now, this relates to the first TV ads. It was called the first round. Did you  
15 get similar directives regarding the second round in late December, about a way to make  
16 that profitable or to fundraise off of that?

17          A     Not that I recall.

18          Q     All right.

19           We're going to go to exhibit 21, which is also in this earlier time period, and it's  
20 Bates number ending in JTA 99. And it's a December 9th email.

21           The first email on the second page says from Jason Miller to you, subject line,  
22 "Call-to-action in TV:30."

23           It says, "Larry - Jared called Alex to call me to call you to offer call-to-action  
24 instructions. I'm connecting Alex and you directly to cut out an unnecessary leg of this  
25 journey. Alex, here's the latest version of the first ad!"

1           And then Mr. Cannon responds, "Larry - I'm calling you now."

2           And then you respond later to Cannon and Miller, "Alex, so my direction is to add  
3       Stop the Steal. Text (remind me the number again)."

4           And then he responds with a short code and notes, "If RNC pays for adds and we  
5       divide up the spend by markets, then the RNC ads would use the RNC short code," and he  
6       provides a number.

7           Can you tell us a bit about what's going on here?

8           A     Sure.

9           So I believe that Jared or someone did not like the call to action. They wanted it  
10       to be changed to "stop the steal." And they wanted a text number in there to generate  
11       responses and to -- probably to fundraise.

12          Q     And when you say, "Alex, so my direction is to add Stop the Steal" --

13          A     Right.

14          Q     -- like, could you expand on what exactly Mr. Cannon was directing you to do  
15       there?

16          A     To change, I think, the tag line. That's my recollection.

17          Q     And what is a tag line? What does that mean?

18          A     Like, the last sentence, you know, the call to action.

19          Q     So is it fair to say he wanted the ad to say the words "stop the steal"?

20          A     Someone did. I was just told to put it in.

21          Q     But the person who gave you the directive was Alex Cannon?

22          A     Yes. And that's what I wrote in the email to confirm it.

23          Q     Did he tell you why "stop the steal" was important to have in the ad?

24          A     You know, I don't even remember having that conversation till you put the  
25       email up, but presumably. I imagine it was very short, just saying, this is what they

1 want.

2 Q Would Alex Cannon often give you specific directives about the substance of  
3 ads?

4 A No.

5 Q So did this stand out, as the lawyer telling you to add in "stop the steal"?

6 A You know, it was unusual. He might've been in a meeting where he was  
7 told that's what to use. But it was not the normal course of things.

8 Q Did he express who, if anyone, directed him to tell you that?

9 A I don't remember the phone call, but, you know, the email suggests it was  
10 Jared. But I can't -- I can't say. I wasn't there. I wasn't in the meetings. I wasn't  
11 talking to anybody there.

12 Q Uh-huh.

13 Did you have a lot of discussions about -- and I think you've answered this before,  
14 but just to be clear. Did you have the impression that "stop the steal," that phrasing  
15 specifically, was important to these campaign officials to include in materials?

16 A Yes.

17 Q Did anyone express to you why?

18 A I think it was just the preferred language. Might've been the preferred  
19 language of the President or -- but that's the language that I was told to use.

20 Q Okay.

21 A I couldn't really speculate. Yeah.

22 Q Now, in this post-election time, do you recall, did Bill Stepien have any  
23 involvement with these ads, as far as you recall?

24 A Very little.

25 Q And to the extent that he did -- I mean, I'll show you -- we'll go to exhibit 22,

1 which is a December 9th email discussing FEC rules and an voiceover, whether it's paid by  
2 Mr. Trump's authorized committee, and the risks and benefits.

3 I'll tell you what. I want to walk through the different people in the email and  
4 see what involvement they had in the post-election ad efforts.

5 Let's start with Mr. Justin Clark. What involvement did he have?

6 A I think he was just mostly working on the legal issues. He was not very  
7 involved in the -- he was certainly not involved in the creative.

8 Q Okay. Are you aware of any other involvement he had, outside of creative,  
9 with these ads or anything you touched?

10 A I was aware he was working on the legal challenges, but just generally  
11 aware. I didn't have any conversations with him.

12 Q Okay.

13 What about Matthew Morgan?

14 A I'm not sure I know him or who he is.

15 Q Okay.

16 If you could just give me one second, Mr. Weitzner. Some of these materials,  
17 we've covered the substance. I want to just take a quick check to see, so we don't  
18 rehash too much same ground.

19 Okay. If we go to exhibit 23, which is a December 9th email that starts from  
20 Mr. Miller to Mr. Cannon, you, and Mr. Kushner, and it's "DJTFP network plan."

21 And Mr. Miller ends the email with saying, "Note: Newsmax and OANN have  
22 cleared a rough cut of the first ad, so they'll play ball, but the lawyers for Fox/Fox  
23 Business are 'still reviewing.'"

24 Again, that's just the same split between the networks and their S&P procedures  
25 we talked about, correct?

1           A    Correct.

2           Q    Now, Mr. Kushner responds, "Do you want to come in tomorrow to go  
3    through all with DJT?" And you respond, "I would love to, but I am in Arizona. I can  
4    join by Phone."

5           A    Right.

6           Q    Was it normal for Mr. Kushner to invite you to come to go through creative  
7    content with the President?

8           A    It happened a couple times during the campaign.

9           Q    How many times, would you say?

10          A    I visited with him maybe two or three times at the White House and once at  
11    Mar-a-Lago.

12          Q    Okay. Now, post-election, was this the only invite you recall to meet with  
13    the President?

14          A    Yes.

15          Q    And, here, you say you can join by phone. Do you think this is the  
16    conversation we've been talking about between you, Mr. Kushner, and the President?

17          A    I'm not sure if that -- if the phone call happened before that or at this point.

18          Q    Well --

19          A    I had one phone call. I just don't know, you know, which order --

20          Q    Yeah.

21          A    Yeah.

22          Q    Is it fair -- now, you no longer have your text messages with Mr. Kushner.  
23    Is that right?

24          A    Yes.

25          Q    Okay. Are your messages in an auto-delete, or did you delete those

1 yourself?

2 A Our company has a document-retention policy. So I'm not sure the  
3 procedure. My office takes care of that stuff.

4 Q Yeah. I guess I'm asking, the phone, the cell phone you carry, are you  
5 aware of whether that self-deletes, separate from what your company's policy is?

6 A I'm not sure.

7 Q Okay. Do you have a reason to think that you wouldn't have your call logs  
8 of any calls to Mr. Kushner?

9 A Call logs?

10 Q As in, you know, if someone were to look in your iPhone, presuming you  
11 have an iPhone, it would have the call logs. Is there any reason to think you wouldn't  
12 still have those from, I guess, just over a year -- well, more than a year ago?

13 Well, I think, Craig, we'd ask just maybe if you could confirm whether that exists or  
14 not.

15 Mr. Engle. I will.

16 Mr. [REDACTED] Yeah. Thank you. So we can try just to narrow down  
17 when this call would've happened.

18 BY [REDACTED]

19 Q All right. We're going to go to exhibit 24. This is a December 10th email.  
20 I want to return back to, just quickly, some of the questions between the networks.

21 So Mr. Gingrich sends an email. It says:

22 "I have reviewed the three commercials larry has made and I think the three of  
23 them tell a very compelling story.

24 "Can you approve getting them maximum play in the whole country (I think  
25 Sinclair will give you as much penetration as the networks so if they networks say no

1 drown them with Sinclair and if Fox says no over purchase newsmax and One America  
2 News to teach them they arent the only game in town.

3 "I think we could get sean and laura to play them in their programs.

4 "I also think because time is short you should try to saturate Channel 7 which is  
5 Sinclair in DC and use the maximum amount of social media (including your own ability to  
6 reach out.

7 "These three ads tell a strong enough story that it can help set the stage for the  
8 Supreme Court to take notice of how many states are now backing the Texas case."

9 And then you write, "Newt sent this to Jared, Meadows and Molly Michaels."

10 So let's start first with Mark Meadows. What involvement did he have with your  
11 work post-election?

12 A I did not speak to him at all or have any emails from him.

13 Q Did you have an understanding whether he was otherwise involved, even if  
14 you didn't have any contact with him?

15 A Not really. I was in Arizona, you know, as I said. Yeah.

16 Q Well, besides this, I mean, here you mentioned he sent it to --

17 A I don't remember -- yeah, I think he was just copied on an email that Newt  
18 sent.

19 Q Okay.

20 And what about Molly Michael? What role does she play with all this?

21 A Oh, she works with the President, one of his assistants.

22 Q And what's the thinking to copy her?

23 A My guess -- and this is better directed to Newt -- was to help so that the  
24 President would see them.

25 Q Did you have any discussions regarding these ads helping set the stage for

1 the Supreme Court to take notice of anything?

2 A No. That was Newt's argument in the email, but there were no discussions.

3 Q Okay.

4 Do you know what "the Texas case" references?

5 A I believe it's the case that Texas was pursuing with the Supreme Court.

6 Q And did you have any discussions as to the ads being used as an effort to  
7 support, otherwise buttress that case?

8 A Not that I recall.

9 Q Now, Mr. Miller responds to you, and he says, "Good feedback on creative.  
10 Sinclair push is bizarre. Is he trying to change broader public opinion with just a couple  
11 million bucks? Only the conservatives care, and not even all of them do!"

12 And then you respond, "He just thinks they reach a broader audience. And yes,  
13 he wants to move public opinion. He asked for 40 million, got 10 million to start, but  
14 even that I know is more than what is in the legal fund. Jared and DJT think we are  
15 booking 10 mill--which we could easily hit if Fox says yes."

16 So let's start with the discussion of trying to change broader public opinion.

17 What did you mean -- like, what was your understanding of what you and Mr. Miller were  
18 discussing about the difference between changing broader public opinion versus  
19 something else?

20 A Well, I believe it was Newt's argument that you should try to get these ads  
21 on other stations beyond just conservative. Jason was questioning that strategy. And  
22 my answer was, Newt believes they -- he thinks they should reach a broader audience to  
23 try to move public opinion.

24 Q Now, when Mr. Miller says "only the conservatives care, and not even all of  
25 them do," did you understand that he was saying that only some conservatives even care

1 about the campaign's claims of fraud?

2 A Yes.

3 Q Only some do? And by "care," is it fair to say that he was saying only some  
4 conservatives believe the fraud claims, but not even all of them do?

5 A That's probably a fair assumption.

6 Q Now, you say Mr. Gingrich asked for 40 million and got 10 million to start.

7 So, reading that, it sounds like there's an understanding that Mr. Gingrich is in charge of  
8 this effort, is leading the effort. Is that accurate?

9 A I think he's -- I don't know if he's in charge. You know, that's -- I wasn't  
10 there. But he certainly was a strong advocate, and he certainly was speaking to the  
11 President and to Jared and to the people involved --

12 Mr. Engle. Jason.

13 Mr. Weitzner. And Jason, right.

14 BY [REDACTED]

15 Q When you say he asked for 40 million and got 10 million, that to me suggests  
16 not just an advocate but leadership --

17 A Right. He asked for --

18 Q Yeah.

19 A He asked for a big budget. Yes.

20 Q So is it fair to say that you understood it to be -- him to be leading this  
21 project?

22 A "Leading" is your word. My word would be that he was actively pushing for  
23 this project. That's, you know, my -- I'm just taking all the incoming emails and phone  
24 calls and -- yeah. It was a chaotic process.

25 Q Is it fair to say maybe, if you don't like the word "leading," that he was

1 spearheading this project? Is that fair?

2 A Yes.

3 Q Now, you say, "Even that I know is more than what is in the legal fund."

4 Can you explain what you mean by the legal fund and what's in it?

5 A Somebody must've told me that the legal fund had a certain level of funding  
6 and that this exceeded that amount, so it would have to come out of another fund.

7 Q So let's unpack that. One, who told you that? And explain what you  
8 understood to be the legal fund.

9 A I understood that there was a legal fund created where they raised money to  
10 challenge the results of the election.

11 Q Okay. And who did you have the discussions with?

12 A I'm not sure who told me that, but that's all I knew about it. And I knew  
13 that there were a lot of people who wanted to spend a little, and there were some people  
14 who wanted to spend a lot. And I --

15 Q So who were the people that wanted to spend a little?

16 A I think that some people in the campaign were cautious about it. I'm not  
17 sure that -- I think probably the campaign manager -- I don't know; that would be my  
18 guess -- wasn't keen on spending a lot of money. I think Jared might've been trying to  
19 be conservative with money.

20 Q Now, when you say --

21 A Newt wanted to spend a lot, as you can tell.

22 Q Okay. So Newt was on the spend side. On, let's call it, the more  
23 conservative financial side, you recall that Mr. Kushner wanted to spend less money?

24 A Well, I think he was cautious about it, which is why I said, you know, start  
25 with 10.

1           Q    Yeah. And then, with regard to the campaign manager, do you  
2 recall -- you're talking about Mr. Stepien, right?

3           A    Yeah, I didn't have a conversation, but I do remember being told that, you  
4 know, they were worried that they're not -- that we not spend more than was available.

5           Q    And you're talking about Bill Stepien, right?

6           A    Right.

7           Q    And so, when you say "not spend more than was available," who was telling  
8 you that?

9           A    I don't remember who. It might've been Jason. But, you know, there  
10 were people within the campaign, I remember learning, that wanted to spend less, and  
11 there were the advocates, like Newt, who wanted to spend more.

12          Q    What did you understand to be what's driving the difference in spending  
13 amounts? Like, why would -- because, right now -- December 10th is this email -- the  
14 campaign is over; you're a month out from the campaign.

15          A    Right.

16          Q    What's -- and it sounds, from reading this email, you say even you know it's  
17 more than what's in the legal fund. So you seem to have at least a pretty basic  
18 knowledge. What was your understanding as to why folks wouldn't want to spend  
19 money a month after an election that's already over?

20          A    You know, I can't recall exactly on this. What I can say is that I was  
21 surprised by the whole effort and that I was sitting in Arizona and then, one day, all of a  
22 sudden, there's a flood of emails about creating an ad campaign on this. I wasn't  
23 involved in -- you know, other than trying to execute the direction that I was told to do.

24          Q    And when you say you were surprised by the effort, is that because it was a  
25 month after the election?

1           A    Yes.

2           Q    And were you surprised because the goal was to --

3           A    No. I mean, just didn't expect anyone --

4           Q    Okay. Yeah. Okay.

5           A    Yeah.

6           Q    Now, when you say "the legal fund," did you understand that to be a specific  
7 account?

8           A    I recall there being some account created to raise money to challenge and to  
9 investigate elections, you know, that they would hire lawyers, they would do all kinds of  
10 things to investigate fraud, investigate different claims.

11          I was not involved in that, I didn't participate in it, but I knew of its existence.

12          Q    And from your discussions you had about that, you understood that there  
13 was less than \$10 million in that account.

14          A    Right. They were spending money on lawyers and that sort of thing.

15          Q    Did anyone talk to you about concerns about the campaign having debt and  
16 that weighing into how to spend money on this ad campaign?

17          A    I don't recall, but it's possible.

18          Q    Did anyone make any comments to you about other competing financial  
19 concerns that would make the campaign not spend money on this versus something else?

20          A    I have a vague recollection that it was -- you know, they were spending a lot  
21 of money on lawyers and that there was only so much money available.

22          Q    Do you know where you got that view from?

23          A    Probably Jason.

24          Q    Just to wrap up on this legal fund, did you have any discussions or any  
25 knowledge as to, was that a campaign account shared with the RNC? Anything more

1 specific about the structure of the account?

2 A What I remember are emails saying who's paying for the ads, which  
3 disclaimer to use, and how they were going to allocate that. And that was the decision  
4 not for me to make, but for Jason, Jared, President Trump, whoever -- Stepien and  
5 Clark -- whoever was the decisionmakers.

6 But I recall and there are several emails about which disclaimers should be used  
7 and who's going to pay.

8 Q Now, those disclaimers, did you understand those to be connected to the  
9 legal fund question or something separate?

10 A Just an overall money conversation.

11 Q All right.

12 We're going to turn to exhibit 25.

13 Mr. [REDACTED] Mr. Weitzner, are you still good to continue?

14 Mr. Weitzner. Yes. How much longer do you think we'll go? I have other  
15 work to do.

16 Mr. [REDACTED] Well, we're making good progress, so I think we're in a  
17 good place. Hopefully we'll be done by 1:30, you know. But, as everyone will say,  
18 don't hold me to it, but -- so I think we're in a good place. But if you want to keep going,  
19 then we can skip the break.

20 Mr. Weitzner. No, let's keep going. Yeah.

21 Mr. [REDACTED] Okay.

22 BY [REDACTED]

23 Q Well, exhibit 25 ends in JTA 152. It's an email from Mr. Miller with some  
24 links. You respond, "Lot of fishy shit. Not quite sure what to do with it?" And he  
25 responds, "Just sharing," smiley face.

1           Do you recall what was happening there?

2           A     I think it's him sending me the research and documentation about the  
3       allegations. But, you know, it was hard to pin down exact examples from it, is my  
4       recollection.

5           Q     And when you say "not quite sure what to do with it," do you recall what you  
6       meant there?

7           A     Yeah. Just how to lay it out in an ad, because it seemed so loose.

8           Q     When you say "loose," you mean that -- what?

9           A     That it wasn't specific enough. You know, it wasn't easy to explain in an ad.

10          Q     Uh-huh. And what makes something not easy to explain?

11          A     If it's not something that you can say in one sentence.

12          Q     Is it fair to say that this is -- I think, if you'll recall, earlier, we had an email  
13       where you noted that there was a difficulty, and you said Newt pushed the idea of facts  
14       that the average American will understand as theft, but you had not seen too much of  
15       them.

16          Is it fair to say that that's kind of what you're talking about here?

17          A     I think so, yeah. That's fair.

18          Q     Okay.

19          Now, you say, "Newt likes the 3 spots a lot."

20          And then Mr. Miller responds, "Tell Jared!"

21          And then you respond, "I just texted Jared. And I think newt is calling potus.  
22       He is going to also lobby for Sinclair."

23          So it sounds like you and Mr. Miller are not in support of the Sinclair push. Is  
24       that accurate?

25          A     I think we both had questions about whether Sinclair would take the spots

1 and the value of advertising on Sinclair.

2 Q Now, why would there be a question about taking the spots? My  
3 understanding was Sinclair would be the most, perhaps, open to these adds of all the  
4 networks. Is that fair?

5 A That was what Newt represented, but we had to -- we didn't have any other  
6 evidence of that beyond what he said.

7 Q So is it fair to say the concern here is that spending money on a more  
8 narrow, conservative, smaller -- this kind of conservative band wasn't -- you thought it  
9 should be a more national focus? Is that what's going on?

10 A Well, I think in an earlier email Jason said the Sinclair strategy is bizarre. It  
11 just doesn't have that kind of national footprint. It's not what we think of when we're  
12 trying to talk to base voters.

13 Mr. Engle. Larry, do you need a minute to take care of that email?

14 Mr. Weitzner. Yeah.

15 Can I just take -- I don't want to stop, because I want to keep going to finish -- but  
16 just 1 minute, just to make sure this client -- other outside client issues. If I could take  
17 a --

18 Mr. [REDACTED] All right. Well, let's just take a few-minutes break and go  
19 off the record.

20 Mr. Engle. That sounds fine. We'll be back in less than 5 minutes, okay?

21 Mr. [REDACTED] All right. Great. Thanks very much.

22 [Recess.]

23 Mr. [REDACTED] All right. We can go back on the record.

24 BY [REDACTED]

25 Q All right, Mr. Weitzner. Just to circle back to just a quick question about

1       the legal fund we were talking about, am I correct that you don't recall who you learned  
2       that information you shared with us from?

3           A     I can only speculate that it would've been Jason.

4           Q     Okay.    Jason Miller.

5           A     Yeah.

6           Q     Okay.

7       All right.   Let's turn to exhibit -- excuse me one second -- 26.   So now we're  
8       turning back to the second go-around of ads, which is a -- so, starting at the first email,  
9       Jason Miller sends Alex Cannon -- this is exhibit ending in -- this page ends in JTA 50.

10       But if we go all the way down, it says, from Mr. Miller to Cannon and Parkinson,  
11       "Latest cuts of national TV ads," and it asks whether they have any feedback.

12       Mr. Cannon responds up top and says, "I'm good - subject to Zach's signoff."

13       And then on the page before, Mr. Parkinson responds, and he says, "Flags below.  
14       The two in yellow are corrections we should definitely have made.   Otherwise,  
15       Newsmax and OAN I imagine will give us a pass on the other ones, but who knows with  
16       Fox."

17       So, scrolling down, here, is it fair to say Mr. Parkinson is going through and noting  
18       problems with the ad that you put together?

19           A     Yes.

20       Q     So one I think you and I previously discussed, Mr. Biden's quote on voter  
21       fraud.   And he says, "As previously flagged, the networks can claim we're taking Biden  
22       out of context on voter fraud quote, but he literally said it."

23       This is where you agreed earlier that you did not believe that President Biden was  
24       claiming to run a fraud operation, correct?

25           A     Correct.

1           Q     And so Mr. Parkinson had also flagged that as an issue as far as being  
2     misleading. Is that fair?

3           A     Yeah. Yes.

4           Q     Now, on the -- excuse me one second.

5           So "On Tape," that's the Georgia ad, correct?

6           A     Yes.

7           Q     Now, he says, "The main claim of this ad has been fact checked by WaPo,  
8     PolitiFact, and Factcheck.org, so easy for a network to say no."

9           So that's the Georgia ballot ad, correct?

10          A     Correct.

11          Q     So, at this point, Mr. Parkinson is saying that multiple news stations, plus  
12     himself and Mr. Cannon and including yourself, right, have all taken issue with the  
13     veracity of these claims.

14          A     Correct.

15          Q     Is that fair?

16          A     Yes.

17          Q     Why wasn't that enough to not include them in this ad?

18          A     I was told to include them. I don't remember who exactly told me that, but  
19     that -- I mean, that's Jason saying, you know, this is what we want to do.

20          Q     So you're saying -- is it that Mr. Miller told you, or you don't recall who told  
21     you?

22          A     Well, in the email, it says earlier, these are the ads that we're starting with.

23          Q     Uh-huh.

24          A     And then these are subject to fact-check, which is what Zach did.

25          I believe it was Jason that sent around the ads in the earlier emails.

1           Q     Did you ever express your concerns, the way Mr. Parkinson and Mr. Cannon  
2 did, that this "On Tape" ad, the core claim just wasn't true?

3           A     I expressed concerns about the validity of some of the facts that were being  
4 argued on fraud.

5           Q     And who did you express those concerns to?

6           A     Jason Miller.

7           Q     And what did he say in response to your concerns?

8           A     I think he understood -- my belief is he had similar concerns.

9           Q     That Mr. Miller had similar concerns?

10          A     Yes.

11          Q     Okay.

12           So we have Mr. Cannon, Mr. Miller, Mr. Parkinson, the major  
13 networks-slash-fact-checkers. So who's left? It sounds like everyone -- a lot of people  
14 have concerns. Who's left that didn't have concerns? Who actually believed this?

15          A     That's -- I can only speculate.

16          Q     Well --

17          A     I'd rather not speculate.

18           I'm sitting in Arizona, being told what they would like to see in the ads, and  
19 waiting for the fact-checks and the other folks to let me know and for the buyer to say  
20 what legal has approved. And that's my job.

21          Q     In your job -- well, let me ask you this. Based on your conversation with  
22 Mr. Miller, did you have an understanding that the directive to keep this in the ad was  
23 coming from someone higher than him?

24          A     I can't say specific to this ad. I can say that, you know, Newt and others  
25 were believing that Georgia was a -- something bad happened there. And I'm sure that

1       the President believed it -- I would guess. I shouldn't say I'm sure, because I don't  
2       have -- I didn't speak to him, you know, other than that one phone call. But, in general,  
3       the President believed that there was a massive amount of voter fraud.

4           Q     So it's fair to say that the President's concerns or interest in voter fraud  
5       overrode the flags, basically, seen by you, Mr. Parkinson, Mr. Cannon, Mr. Miller, and the  
6       various fact-checkers from the media? Is that fair?

7           A     I think that's probably fair.

8           Q     Now, Mr. Parkinson also notes in "Overwhelming" that you have a clerk  
9       arrested for election fraud in the ad but it's not from the 2020 election; it was from the  
10      2018 midterms.

11       If I'm not mistaken, that remains in the ad. Is that right?

12       A     I remember that being pointed out, and I remember -- I don't remember if it  
13      stayed in or not, but I do remember it was pointed out. And then I think that the  
14      sourcing or the language was adjusted.

15       Q     Well, I mean, I'm happy to pull up the "Overwhelming" ad. My  
16      understanding is that it does remain in the ad.

17       A     Okay. Well, that's fine then. Yeah.

18       Q     So --

19       A     I think the sourcing just was changed to say when it happened.

20       Q     Well -- okay. So is it fair to say -- I mean, I think what it says is -- it had,  
21      "Clerk arrested for election fraud, Oakland Press 6/12/2020." And then it scrolls and  
22      includes related -- it has a quick-scroll related to the November '18.

23       A     Yeah.

24       Q     So is there a reason why that wouldn't just be removed?

25       A     Well, I'm looking at the final script version that says "and clerks facing felony

1 charges in Michigan." So it was -- language was changed.

2 Q But is it fair to say that -- I mean, the -- well, let me phrase it this way. The  
3 revision that was made was to add in the text we're seeing regarding 2018 to clarify that  
4 it wasn't the 2020 election?

5 A The text was changed just to make it technically accurate.

6 Q Technically accurate. But is it fair to say that the point of the ad was to  
7 lead a casual observer to believe that there was fraud -- that this fraud was talking about  
8 this election, the 2020 election?

9 A The intent was to raise questions about elections in 2020, for sure.

10 Q Right. So let me just ask that again. Is it fair to say that the intent was  
11 that an observer of this would think that the clerk was arrested in relation to this election  
12 cycle, the 2020 election cycle?

13 A Or the clerk who was arrested for election fraud is dealing with it in  
14 Michigan, or that Michigan has a history of fraud.

15 Q Now, I want to go up in this email chain. You respond to Mr. Parkinson,  
16 "We can change Hillary to 66 million. On Tape we can fix. The DeKalb one is more  
17 problematic. It was in the research sent to us by the campaign. No one is running it  
18 but OANN and Newsmax. Taking it out of all of the versions is going to be a mess at this  
19 late date."

20 Can you tell us what you're saying here?

21 A I'm not sure about the last sentence, but it was to -- I don't remember how  
22 many different versions mentioned it. In terms -- but, yeah, I don't -- I can't answer that  
23 part of it.

24 But the other part is clear. You know, research showed it was in there. No one  
25 other than OAN and Newsmax was willing to accept it as fact or as a point to be made.

1       That's the -- I was probably talking about, sort of, the technical aspects of it.   But I don't  
2       know exactly what fixing all the versions meant, or taking it out meant.

3           Q     Now, of the various versions you would have, right -- I think we've said  
4       numerous times -- when you say OAN and Newsmax are the only runs running it, that's  
5       because they had lower standards than the other networks as far as fact-checking these  
6       claims, correct?

7           A     Different.

8           Q     Well, by "different," is it not fair to say that the standards are easier to get  
9       ads on the air with them?

10          A     Yes.

11          Q     Now, at the top of this email -- well, you respond and say, "Also on the  
12       DeKalb thing -- the story is from 2020 -- it fits how corrupt shit is."

13          And then you say, "And it has already run nationally on OANN and Newsmax.  
14       Going to be censored by social media and networks regardless -- as it was last time."

15          Here, can you explain what you mean with regard to the "social media" line?

16          A     I believe that social media was removing references to that.

17          Q     Is it because those companies had determined that it could not be  
18       substantiated, the claims made about fraud?

19          A     I believe that's what led them to that decision, yes.

20          Q     The same as in networks that you mentioned here as well, correct?

21          A     Correct.

22          I would also just add that stations react and approve ads through many reasons.  
23       Sometimes it's public pressure.   Sometimes it's they don't want to get into the mess.  
24       Sometimes it's because the facts don't support it.   So that's --

25          Q     Yeah.

1           Now, in this instance, you, yourself, agree that, at least with some of the claims  
2 made in your ads, the facts were not supported --

3           A    I had my doubts --

4           Q    -- right?

5           A    -- about the research as well.

6           Q    All right.

7           Let's go to exhibit 27, which is still in the same time period. We're about 1 day  
8 later now, on December 22nd. The first Bates number is JTA 29.

9           A    Right.

10          Q    All right. So, at the bottom of the page ending in 30, Mr. Miller says on  
11 December 22nd, "I'm meeting with POTUS at 2pm. If there's anything that has to go out  
12 before then, we can always update the spots after my 2pm meeting."

13          And you respond, "I suspect the only one that could change would be the 60  
14 focused more on him. But even that he approved. The others are what he approved  
15 before with just some modifications that he asked for."

16          So is it fair to say that -- at this point, you've said everyone has doubts about the  
17 Georgia ad, but President Trump is being updated about the substance of these ads in  
18 real-time. Is that right?

19          A    I believe so.

20          Q    So is it fair to infer that he wanted the Georgia ad to remain as is, even  
21 though the rest of you all questioned the accuracy of the ad?

22          A    It's just speculation, because I don't know. I wasn't in those meetings.

23          Q    Well, Mr. Miller expressed concerns to you, correct?

24          A    Correct.

25          Q    And Mr. Miller was taking your ads and showing it to the President and

1 getting his feedback on content, correct?

2 A Right.

3 Q And when Mr. Miller came back with his feedback on the content, you  
4 understood that the Georgia ad, with those false claims, was good to go as is. Is that  
5 fair?

6 A You'll have to show me where I said that.

7 Q Well, why -- the ad ended being finalized. Those are the final ads with  
8 the -- kept the Georgia ballot claim in them, correct?

9 A Right. Well, yeah. And so I saw Jason Miller show them to the President,  
10 so --

11 Q Yeah.

12 A Yeah. Yep.

13 Q Okay. So we can infer that the President wanted the Georgia ads with  
14 those false claims in them, correct?

15 A Yeah.

16 Q Okay.

17 Now, higher up in the email, Mr. Angle just provides -- he says, "All, we just heard  
18 from the Newsmax CEO that he'd like a couple of changes to the spots per below."

19 How common is that, for the CEO of a company to be weighing in on the ads like  
20 this, in your experience?

21 A Uncommon.

22 Q Okay. So did this happen with any of the other networks, to have someone  
23 of that seniority weigh in on the ads?

24 A Not that I'm aware of.

25 Q So what did you think led to the CEO of Newsmax being involved here?

1           A    I think it was public pressure and other things that were coming to the fore.

2           Q    I'm sorry, public pressure and what?

3           A    Public pressure and just the mainstream media being -- rejecting the claims  
4 made by the President.

5           Q    Okay. So you're saying that Newsmax felt pressure to ensure that the ad  
6 did not have false claims?

7           A    I mean, I can't speak for the CEO of Newsmax, but that would be my guess.

8           Q    Because, here, the changes are to make these ads a little, as we called them,  
9 a little less fire-breathing. Is that fair?

10          A    Yeah, but it's -- they're relative, you know -- yes. Yeah. I think the  
11 changes speak for themselves, yeah.

12          Q    Okay.

13          I want to go to the first page of this email. At the bottom of that, you respond to  
14 Ben Angle with some comments.

15          And then you say, "Up to Jason on changes the text line, but that is not a small  
16 ask -- it is set up as text Fraud and we have that in all our ads. I don't understand  
17 change secret is out. And they have been running Overwhelming already why this  
18 change!"

19          Did you ever learn why this change?

20          A    No, not that I recall.

21          Q    Okay.

22          And then Mr. Miller says, "Uggh. He's hearing the footsteps."

23          A    Right.

24          Q    What did you understand -- is that what you were talking about, the  
25 pressure that Newsmax was feeling?

1 A Yes.

2 Q And you write, "I don't understand change secret is out."

3 Mr. Miller responds, "Whatever on 'secret is out.'"

4 A Yeah.

5 Q And then you respond, "And let me know what 'secret is out' means."

6 A Right.

7 Q Can you kind of give us some insight into what's happening there?

8 A I guess I'm just asking what he said. You know, Jason said -- you know, basically didn't answer. He said, "Whatever." I guess I'm just asking for clarity.

10 Q Uh-huh. Did you ever learn what that meant, the "secret is out" reference?

11 A Not my -- not that I recall.

12 Q All right.

13 We're going to go to exhibit 28.

14 And I just want to confirm, in this exhibit, which ends in JTA 33, Carlos Cruz  
15 mentions, "Ben here are the Newsmax cuts of these two national spots," on the page  
16 ending in 34, which is the second page.

17 A Right.

18 Q So, just to confirm, these cuts we're talking about -- because, you know, you  
19 produced the various examples of these ads. And, often, the -- some ads have more  
20 claims in them than others. Is it fair to say, when we look at Newsmax cuts here, that  
21 those might be more fire-breathing than FOX national, for example?

22 A I think that would be a fair -- yeah. Yeah.

23 Q And do you recall a difference between Newsmax and OAN as to who was  
24 more permissive in their views of facts? Was there one that stood out more, or were  
25 they pretty comparable?

1           A    I think OAN was more permissive in terms of running ads.

2           Q    Okay.

3                 We also see a lot of discussions in the emails regarding difference in deadlines.

4                 It also appears that Newsmax and OAN gave the campaign or, you know, your team more  
5                 leeway with deadlines than FOX, for example. Is that consistent with your recollection?

6           A    I think that's probably a fair assumption.

7           Q    Okay.

8                 We just have a few more documents, Mr. Weitzner.

9                 Let's go to exhibit 30. This ends in Bates number JTA 41. It's a December 21  
10          email. And we've seen a version of this earlier.

11                 We'll go to the page ending in 44.

12                 Yeah. Just at the top there, please.

13                 Here, it's an email from you to Ben. It says, "Ben, below is the pretty much what  
14          we have settled on -- you were on the emails. And attached are the scripts. We are  
15          going to try and finish the national spots first. Note the only change in the national Fox  
16          ad is the call to action."

17                 Then we're going to go up slightly.

18                 And then Ben Angle says, "We're working on budgets. I don't think adding a call  
19          to action to the Fox News approved spot will change anything."

20                 Here, Mr. Angle is just getting -- his job is to go get the cost estimates for the  
21          placing of the ads, correct?

22           A    Yes, and to find out what FOX would be willing to accept.

23           Q    Okay.

24                 Then, if we go to the first page of this email, Mr. Angle says -- the bottom. And  
25          he says, "All, attached is a draft budget for Dec 23-Jan 5."

1           Now, again, that budget runs through the 5th because of the importance of the  
2       pressure campaign focused on the January 6 certification, right?

3           A      Right.

1

2 [1:17 p.m.]

3 Mr. Weitzner. Right.

4 BY [REDACTED]

5 Q And he gives an estimate of 4.95 million. Mr. Miller sent a response, sent it  
6 to you, and says: Thoughts?

7 And you respond: Folks in GOP Georgia are going to go nuts when we do this.

8 Expect a major eruption. And prices are crazy expensive there, but I get it. Newt and  
9 others driving it, saying it is essential.

10 So let's start with "Folks in GOP Georgia are going to go nuts when we do this."

11 What did you mean by that?

12 A I think I was referring to the fact that there were two Senate runoff elections  
13 there and that they wouldn't want this ad competing for time and attention.

14 Q And when you say "Expect a major eruption," what did you mean by that?

15 A That the political folks there would say why are you putting these ads in, the  
16 campaigns might, you know, say something.

17 Q Now, was it here -- let me get your view on this, if this is fair, because  
18 hearing what you're saying, it sounds like you have a Senate campaign trying to win two  
19 races. And was it your view that there was an expectation that, hey, there's one  
20 campaign that's over coming in and flooding the market when two campaigns are active.

21 Is that fair?

22 A I don't know that the buy would be considered flooding the market.

23 Q Okay.

24 A But it is fair to say that they would not welcome it. That's what I meant by  
25 that. You know, because of the cost issue and because of the distraction it would cause

1 from their own campaigns.

2 Q Did you discuss --

3 A And I said, you know, Newt is, you know, making the push that it's essential.

4 Q So regarding the eruption, did you discuss that -- besides this email, did you  
5 have any discussions about that tension between the objective of the Senate races versus  
6 President Trump with these ads?

7 A Not that I recall.

8 Q Now, when you say, "but I get it," and, Newt and others driving it is  
9 essential, who were the others referenced there?

10 A It's probably -- probably President Trump.

11 Q And saying --

12 A All I know is that Newt, you know -- you know, that there was -- it was a very  
13 chaotic situation. Political advisers, others were talking to the President, and I was just  
14 the incoming guy, you know, who was told what to do.

15 Q Now, driving saying it's essential, what did you understand about President  
16 Trump and Newt Gingrich thinking that this was essential? What was your  
17 understanding?

18 A Well, all I can speak for is Newt feeling that it's important that people in  
19 Georgia be told about the fraud issues.

20 Q And was that because they wanted people in Georgia to pressure State  
21 officials to help President Trump win that State?

22 A Yes.

23 Q I'm going to show you a document, we've marked it as exhibit 31, which I  
24 don't believe is a document that we got from you, a version of it, but it's an email you're  
25 on. It's another version. It's later in the chain of the email we just looked at.

1           A    Okay.  Yep.

2           Q    And on December 22nd, Jason Miller responds to Ben Angle and says:  
3   POTUS has approved the buy.

4                 And Angle confirms that this is the attached buy, I believe, we just looked at in the  
5   last email.  Do you recall this email?

6           A    Vaguely, yeah.

7           Q    Okay.  So, again, you understood then that the content -- both the  
8   budgeting and the content were all being signed off directly by the President, correct?

9           A    That's what -- that's what the email says.

10          Q    Was that your understanding, consistent with the email?

11          A    Yes.

12          Q    Do you recall a time coming up where you were asked to create videos  
13   specifically for January 6th?  And I don't mean the pressure campaign leading up, but  
14   more specifically around the event.

15          A    I don't.

16          Q    All right.  Let's turn to what's been marked as exhibit 32, which is emails  
17   that begin on December 30th, but then go through January 3rd.  So we'll start on page 2  
18   of that document, which is an email from Jason Miller to you, forwarding another email  
19   that he wrote earlier on December 30th.

20                 And the original email is from Jason Miller to Tim Murtaugh and other officials,  
21   including Parkinson and cc'ing Giuliani.  And he says:  Team, we need to build out a  
22   Comms plan for the 6th that will be the blow-out of all media blow-outs:  national and  
23   target State op-eds, around the clock national and contested State TV and radio bookings,  
24   social media amplification of Hill and rally activities.  You name it.

25                 Tim and I will be in touch with everyone over the next 24 hours or so to get your

1 feedback for tactical items to include from your lanes so we can see where they fit into  
2 the broader strategic goals.

3 Then he forwards this to you, and says: Any new videos we could and should  
4 pop next Wednesday? Please see below and attached!

5 And you respond at the top of the same page with an email to Carlos. It says:  
6 Carlos, any of the spots we did that did not get released? I know the drop box one did  
7 not. Not sure that adds anything. We could do a fresh fraud ad, but I think the  
8 Overwhelming one we did covers it best. It lists out the best examples of fraud. And  
9 the 60 we did is a nice puff piece about the President's accomplishments combined with  
10 fraud. For the web, we could do a longer list of frauds, maybe a scroll.

11 Now, the Overwhelming ad, that includes the Georgia ballots, doesn't it?

12 A I'm not sure.

13 Q We'll table that and then we'll -- Rebecca, if you could see, try to confirm  
14 that. I want to confirm whether it does.

15 A It includes the suitcases, yes.

16 Q It does, okay. That's what I thought.

17 So at this time, in December -- this email you send is on December 30th. At this  
18 point where you're talking about including that for the 6th, this is all at this point you,  
19 Jason Miller, Zach Parkinson, Alex Cannon, and all the major networks, all have doubts  
20 that the story's even true, correct?

21 A Correct.

22 Q But you're, nonetheless, suggesting including it because -- is it fair to say  
23 because you think that even this not true story is still effective for the purposes of causing  
24 people to create pressure?

25 A No. I was asked to, you know, what new stuff could we put out and,

1 basically, my answer is that why don't you use something that's already been put out.

2 Q Yeah. But you say, about the Overwhelming, it covers it best and it lists  
3 outs the best examples of fraud. Now, when you say "best examples," you don't mean  
4 true examples; you mean it could be perceived by the audience as the best examples of  
5 fraud, not that they're true, correct?

6 A I had doubts about some of them, but I didn't know whether they were true  
7 or not true. I had --

8 Q Well -- I'm sorry. Go ahead.

9 A I had doubts, yes.

10 Q But those doubts were buttressed by what Alex Cannon said when he  
11 flagged them, and Zach Parkinson flagged them, and Mr. Miller had doubts, and you had  
12 multiple statements from the Georgia State officials, and also the national media  
13 networks had rejected tho- -- that ad.

14 So when you say you had doubts, is it not fair to say that you didn't believe that to  
15 be accurate, the Georgia ballot story?

16 A You know, I did not play judge and jury; I just had doubts, and there were  
17 others that were saying that that was unfair. You know, I know Newt was pushing still  
18 for that as being accurate.

19 Q Did you believe Mr. Gingrich when he said it was accurate?

20 A I didn't investigate it thoroughly.

21 Q Well, for whatever investigation you did do, before it was sent out to  
22 millions of people, did you draw conclusion as to whether it was accurate, or did it not  
23 matter? I'm just looking for -- either way.

24 A I was told what to do. This was not something I asked for. I was told to  
25 make ads, and I felt a sense of obligation, having worked on his campaign before, to

1 follow through with what -- with their request.

2 Q Now, when you said you were told to, I mean, you were paid for creating  
3 these ads, though, weren't you?

4 A Yes.

5 Q All right. So it was -- when you say you were told to, I mean, it was a  
6 professional engagement; it was not a -- it was not done for charity?

7 So what I'm asking is that, in your role, is it fair to say that the truth of the video  
8 didn't matter to you in whether or not you would continue to use it in ads going forward  
9 even into the 6th?

10 A Yeah, that's a -- you know, I'd have to think about that a little bit more.

11 Q I mean, I'm happy to take the time now if you want to think about it.

12 A Yeah. I mean, it's --

13 Mr. Engle. I don't know how much more you can say about this and I don't even  
14 know if Overwhelming --

15 Mr. Weitzner. Yeah, I don't know it either.

16 Mr. Engle. So I think it may be even academic, because I'm not sure that ad ran  
17 again.

18 Mr. Weitzner. Right.

19 BY [REDACTED]

20 Q Let me ask you this. Are you aware of whether -- because the last email, if  
21 we look on the first page, you say: I'm going to work on a script later this afternoon.  
22 We can edit it tomorrow.

23 It says: You thinking something like this: Legitimate questions about voter  
24 fraud, mismanagement and cheating by Democrats intent on stealing the election from  
25 President Trump grow every day.

1           Now, we're going to turn, keeping that in mind, to the next document, which is  
2 exhibit 33, ends in JTA27. And these are communication between you and Mr. Miller  
3 around January 4th. And starting at the bottom of the first page --

4           A     Right.

5           Q     Sorry. Just getting it to scroll. There we go.

6           And then Mr. Miller seems to be providing commentary to you, he says: Let's try  
7 and keep it to 60. I think this is right on track. Feel free to tweak the script, but just  
8 know POTUS doesn't actually really like the quote, investigation, end quote, as several  
9 different options are available to us on Wednesday, so that specific push, I removed.

10          Now, when you all are working towards this, what is the goal of this ad, as far as  
11 you understand it?

12          A     I believe it's what Jason Miller said, which is to create public pressure and to  
13 have a PR campaign around January 6th.

14          Q     In order to put pressure on Members of Congress to act in President Trump's  
15 favor. Is that right?

16          A     Yes.

17          Q     Give me one second, please.

18          Now, did any of these ads, in fact, run in regards to the January 6th?

19          A     I don't know.

20          Q     Is that something you could verify?

21          Mr. Engle. Yeah, we can do that.

22          Mr. Weitzner. We can do that.

23           BY [REDACTED]

24          Q     Okay. Do you keep -- when ads run, who's best suited to -- if we wanted an  
25 understanding of when ads have run -- when, how often, and where, is that something

1       that you would keep track of or Mr. Angle?

2           A     Mr. Angle would know.

3           Q     Okay.

4           A     It's really -- he could really provide you the best information as to what ran  
5       when and how much was spent and all that.

6           Q     Okay. And we're -- we're going to be wrapping up soon, Mr. Weitzner.

7       You know, what would be helpful just to understand from you, because you have what  
8       looks like a very extensive and successful career in this area, this industry, and based on  
9       how long you've engaged in this work, it would be helpful to have a sense of -- have you  
10      ever seen this amount of money spent on post-election marketing regarding like, you  
11      know, challenging an election? Is this something that you've ever seen before in your  
12      experience?

13       A     No.

14       Q     So is it -- while you were living this, did it -- do you mind just providing us  
15      some insight into your thoughts as you were living this in this period here and, you know,  
16      your perception of what was happening? You know, was this a surprising development?  
17      Was it surprising to you that you were asked to do this?

18       A     I mean, I was really moving on to working in the next election cycle. I didn't  
19      think there was any chance this would happen -- anything successful could happen, in  
20      terms of their wanting to challenge the election. And, you know, I was -- you're right  
21      that I was paid to do it, but it was not very much and it was not meaningful, and I  
22      would've rather not so been asked to do it, but I did feel a sense of obligation to a client  
23      that I worked for for 5 years to produce ads that they requested.

24       Q     And, I mean, just, you know, the same way you began this -- you began this  
25      interview by making a broad statement to kind of give us some insight into who you were

1 or how you got involved here and, you know, here you were a witness to history to some  
2 degree. So I want to provide you the opportunity to the extent you wanted to give any  
3 impressions or insight, in hindsight, looking back on to what happened, I want to give you  
4 the opportunity.

5 A Well, I can say this, you know, I had no expectation that anyone would resort  
6 to violence on January 6th. And if I had known that that was going to occur, I certainly  
7 would have not participated. It's not something I welcomed. I thought it was  
8 disgraceful and -- but, you know, that's -- and on that day, I had no idea -- I moved on. I  
9 didn't expect anything would change. I was sitting in Delaware in a meeting getting  
10 ready to talk to somebody about a future election.

11 Q Well, we appreciate you for sharing those thoughts.

12 Mr. [REDACTED] And I will say, Craig, somehow I think I've landed our time  
13 of 1:30 as requested. So I think -- I think that's impressive, Craig.

14 Mr. Engle. Duly noted.

15 Mr. [REDACTED] But, you know, I think, Mr. Weitzner, that's all we have for  
16 you today. We appreciate you taking out the time and giving us these hours to ask you  
17 questions. If we have any followup, we'll reach out to Craig, and we can reach out and  
18 close any small loops. But we want to thank you for taking out the time. We  
19 appreciate it, and, yeah, that's all.

20 Mr. Weitzner. Okay. Great.

21 Mr. Engle. Thank you.

22 Mr. [REDACTED] All right. Thank you.

23 [Whereupon, at 1:36 p.m., the interview was recessed, subject to the call of the  
24 chair.]

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

7

8

9

10 Witness Name

11

12

13

14

Witness Name

15

Date