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

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11 DEPOSITION OF: JOSHUA ERIC MACIAS

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15 Monday, May 2, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:00

21 a.m.

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1 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

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

6

7 [REDACTED] STAFF ASSOCIATE

8 [REDACTED] INVESTIGATIVE COUNSEL

9 [REDACTED], INVESTIGATIVE COUNSEL

10

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12 For the WITNESS:

13

14 LORENZO PALOMARES

1

2 [REDACTED] All right. Good morning. This is a deposition of Joshua Eric Macias
3 conducted by the House Select Committee to Investigate the January 6th Attack on the
4 United States Capitol pursuant to House Resolution 503.

5 Mr. Macias, please state your full name and spell your last name for the record.

6 The Witness. My name is Joshua Eric Macias. Last name's spelled M-a-c-i-a-s.

7 [REDACTED] Thank you very much.

8 The Witness. You're welcome.

9 [REDACTED] And would you please raise your hand to be sworn by the court
10 reporter?

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

14 The Witness. Yes, I swear.

15 [REDACTED] Thank you both.

16 Mr. Macias, this will be a staff-led deposition. And members, of course, may
17 choose to ask questions, although I don't see any on the Webex at the time.

18 My name is [REDACTED], and I'm an investigative counsel with the select
19 committee.

20 For this deposition we will follow the House deposition rules that we provided to
21 your counsel previously. Under the House deposition rules, you are permitted to have
22 an attorney present. And right now I would appreciate it if your attorney could please
23 state his name and spell his last name for the record.

24 Mr. Palomares. My first name is Lorenzo Palomares, P-a-l-o-m-a-r-e-s, D.C. bar
25 number 503044.

1 [REDACTED] Thank you very much, Mr. Palomares.

2 Under the House deposition rules, neither committee members nor staff may
3 discuss the substance of testimony you provide today unless the committee approves the
4 release. And you and your attorney will have an opportunity to review the transcript.

5 So before we begin, I'd just like to describe a few ground rules.

6 There is an official reporter transcribing the record of this deposition, and the
7 reporters are also joining us by Webex. So just please wait until each question is
8 completed before you begin your response, and I'll try to wait until your response is
9 complete before I ask the next question. It's just really hard over internet to have two
10 people speaking at the same time.

11 The reporter cannot record nonverbal responses such as shaking your head. So
12 it is important that you answer each question with an audible, verbal response.

13 And for the benefit of the --

14 The Witness. I will.

15 [REDACTED]. Thank you. And for the benefit of the reporter and the record,
16 there may be times where I spell a word that I'm using or that I ask you to do the same.

17 And we ask that you provide complete answers based on your best recollection.
18 If the question's not clear, you can please just ask for clarification. If you do not know
19 the answer, please simply say so. And, logically, if you need any break for comfort or
20 to talk to your attorney, just let me know.

21 And throughout this deposition, I will be directing your attention to exhibits,
22 which will be displayed on the screen, assuming that I know how to use technology. So
23 when I refer you to a document, you can take the time to familiarize yourself with it
24 before we discuss it.

25 So you may only refuse to answer a question to preserve a privilege recognized by

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

4 And my goal today is to ask questions relevant to the select committee's
5 investigation with the hope that you will answer. If you have an objection or a privilege
6 assertion, we will ask that you assert it for the record. And I understand from your
7 counsel that you may invoke the Fifth Amendment in response to our questions.

8 Since we are aware of this objection, I will say that our goal is to understand the
9 basis for your objection and to fairly evaluate it. Ultimately, the more detail you can
10 provide about the basis for the objection, the easier it'll be for the select committee to
11 consider the objection.

12 And at this time, I'd ask that your counsel please place any other general
13 objections on the record or to make any opening remarks.

14 Mr. Palomares. Well, I would like for Mr. Macias to listen to the question
15 properly; wait a while, in case I need to file an objection, before you answer the question.
16 And the objection is filed before you give the answer, not after you give the answer. So
17 just be cognizant of that fact. Okay?

18 The Witness. Okay.

19 [REDACTED] Thank you.

20 And, Mr. Macias, I also want to remind you, and we do this for all witnesses, that
21 it is unlawful to deliberately provide false information to Congress. Since this deposition
22 is under oath, providing false information could result in criminal penalties to include for
23 perjury and/or providing false statements.

24 Do you understand?

25 The Witness. I understand.

1 [REDACTED] Thank you very much.

2 EXAMINATION

3 BY [REDACTED]

4 Q So I want to try to pull up exhibit 1.

5 A Well done with technology so far.

6 Q Thank you. Well, this looks like an incomplete version of exhibit 1. This is
7 the proof of service of the subpoena that you received, Mr. Macias. But do you
8 remember receiving a subpoena from the select committee?

9 Mr. Palomares. I think we're here, and I think the record speaks for itself. Yes,
10 we acknowledge receipt.

11 [REDACTED] Okay.

12 Mr. Palomares. I responded to it.

13 [REDACTED] Thank you.

14 One second. Actually, let's recess in place quickly. I think I might have messed
15 up technology. Sorry about this.

16 You know what? It's fine. We'll go back on the record. We'll keep going.

17 Mr. Macias, I want to pull up exhibit 2.

18 Mr. Macias, do you recognize this picture?

19 Mr. Palomares. I don't see it myself.

20 The Witness. I don't see anything, sir. I'm sorry.

21 [REDACTED] Okay. All right. I apologize. Hold on one second.

22 Let's recess in place again for 5 seconds. I'm sorry.

23 [Recess.]

24 [REDACTED] All right. Let's go back on the record.

25 Mr. Macias, did you have an official role with an organization known as Veterans

1 for Trump?

2 Mr. Palomares. You can give an answer, just yes or no.

3 The Witness. A organization called? Please clarify.

4 BY [REDACTED]

5 Q Veterans for Trump.

6 A So that's a very broad name.

7 Q Well, can you explain further? The shirt says, "Vets for Trump."

8 A Okay. So that's different. You're asking me veterans or then you say vets.

9 So let's be clear and --

10 Q Okay. So which --

11 A My understanding.

12 Q Which organization did you have a role in?

13 A See, this is loosely -- this is an idea. When you say "organization," can you
14 clarify? Because right now there's an organization, Veterans for America First, a
15 501(c)(4) grassroots nonprofit. That is an organization.

16 Can you define organization for me when you say -- when you're asking me this
17 question?

18 Q Okay. Well, I'll give you a timeframe too.

19 A Yeah. Because we're talking a very broad -- I need to narrow down a very
20 clear request.

21 Q Between November 2020 and January 2021, was there an entity or an
22 organization that had a website called Vets for Trump?

23 A Oh, most definitely there were websites, yes.

24 Q And did you run or participate in one of those groups?

25 A I participated, yes, sir.

1 Q And what was your role in that group?

2 A Director of getting anything done.

3 Q So what did you do day to day for the group?

4 A Whatever -- whatever was needed to help, quite frankly. You know, when
5 you're bootstrapping and you're just volunteering, you're giving and serving. So there's
6 many things.

7 Q Was Vets for Trump involved in organizing any rallies in Washington, D.C.,
8 after the November 2020 election?

9 Mr. Palomares. Objection.

10 [REDACTED] What's the objection?

11 Mr. Palomares. Asks for privilege. If he knows, it may be a matter that falls
12 within a case that we have in Philadelphia.

13 [REDACTED] Are you asking him to assert the Fifth Amendment?

14 Mr. Palomares. Yes.

15 BY [REDACTED]

16 Q Okay. Mr. Macias, are you asserting the Fifth Amendment privilege?

17 A As I have present litigation elsewhere, I will not be able to speak on this
18 matter. And by advice of my counsel as he just stated, I will not answer any further
19 questions. I am exercising my right to remain silent.

20 Q Mr. Macias, the Fifth Amendment protects your right to refuse to answer
21 questions if truthful answers would tend to be incriminating. So, in other words,
22 invoking the Fifth Amendment means that you think, if you were forced to tell the truth
23 about this matter, you could be forced to testify in a manner that you would reasonably
24 believe could be used in a prosecution against you.

25 Do you understand that?

1 A Yes.

2 Q And is it still your position that you'll be asserting the Fifth Amendment to
3 this question?

4 A Asserting the Fifth, yes, sir.

5 Q Okay. Did Vets for Trump associate with any groups, such as the Proud
6 Boys, the Oath Keepers, or Three Percenters?

7 Mr. Palomares. Same objection.

8 ██████████ Mr. Macias?

9 The Witness. I assert the Fifth, sir.

10 ██████████ Thank you.

11 The Witness. You're welcome.

12 ██████████ Mr. Palomares, I have to hear it from Mr. Macias. But I appreciate
13 you.

14 Mr. Macias, what is Thomas Speciale's -- what was Thomas Speciale's role in Vets
15 for Trump between November 2020 and January 2021?

16 Mr. Palomares. Objection. Assumes that he knows something that you have
17 put on the record, that he had a role.

18 ██████████ Okay. Did Mr. -- did Thomas Speciale have a role in Vets for Trump
19 between November 2020 and January 2021?

20 Mr. Palomares. If you know, yes or no.

21 The Witness. I do not recall. I don't have those dates, quite frankly, and nor I
22 did keep a record for any purposes.

23 Mr. Palomares. Okay.

24 BY ██████████

25 Q Okay. Back to those other groups, did you ever -- did Vets for Trump ever

1 work with Oath Keepers, Proud Boys, or Three Percenters on any security for rallies in
2 Washington, D.C., after the November 2020 election?

3 A I assert the Fifth, sir. I do not recall what --

4 Q Thank you.

5 Mr. Macias, the select committee has reason to think that you have personal
6 knowledge and experience regarding Vets for Trump. The select committee would like
7 to ask you questions about this topic, including whether the organization was involved
8 with organizing any rallies in Washington, D.C., on November 14th, December 12th, 2020,
9 January 5th, 2021, or January 6th, 2021, or whether the organization participated in any
10 security measures for these events.

11 Is it my understanding that you intend to invoke the Fifth Amendment to refuse to
12 answer questions on those topics?

13 A Yes. I invoke the Fifth on those topics.

14 Q Thank you very much, Mr. Macias.

15 If we could pull up exhibit 4, please.

16 Mr. Macias, did you attend a rally in Washington, D.C., on December 12th, 2020?

17 A I'm sorry, sir. I can't see what it is that you're trying to show me here.

18 And is this referencing your question or is this a different -- I don't know --

19 Q I'll represent to you that this is a picture.

20 And, [REDACTED] if we could maybe go full screen on that.

21 A Does this correlate to your question or is it --

22 Q One second, Mr. Macias.

23 [REDACTED] if you could hit the little arrow next to the comments, we can go full on the
24 PDF. Zoom in a little bit.

25 A I recognize somebody there, but --

1 Q And scroll to the right.

2 Mr. Palomares. I just have issues, Counsel, with authenticity of the photograph.

3 Who took it?

4 [REDACTED] Mr. Palomares, we're not in a Federal court. So the rules of
5 evidence --

6 Mr. Palomares. I understand.

7 [REDACTED] -- do not apply.

8 So I'm just showing you an exhibit here.

9 Mr. Palomares. I understand they do not apply. I mean, one guy there looks
10 like General Flynn.

11 [REDACTED] That's correct. So I'll represent to you this is a photo that was taken
12 on December 12th, 2020, in Washington, D.C. That is General Flynn.

13 And if we can scroll to the right of the picture a little bit.

14 Mr. Macias, is that yourself holding the American flag?

15 Mr. Palomares. I don't see his face. And if it is, say yes. If it's not, say you
16 don't know.

17 The Witness. Yes, that's me.

18 BY [REDACTED]

19 Q Okay. Thank you.

20 How do you know General Flynn?

21 A The man's been known for a long time. I mean, I've known the man since
22 he worked in Obama. So I know of the man. So that's a pretty broad question, sir.
23 I'm sorry. How do I know him.

24 Q Actually, I should have started with that. Do you have a personal
25 relationship with Mr. Flynn?

1 A I would not call that I have a personal relationship with Mr. Flynn.

2 Q Okay. And what were you doing pictured near him on this day
3 in December -- on December 12th, 2020?

4 A I think you can see I'm standing there with a flag, or walking or something.
5 I have a flag in my hand.

6 Q And what were you doing in Washington, D.C., on December 12th, 2020?

7 A I plead the Fifth, sir. I can't tell you specifics.

8 Q Do you plead the Fifth because you tend to believe that answering the
9 question could -- would -- sorry.

10 A I --

11 Mr. Palomares. I'm going to object to that line of questioning, because he has a
12 constitutional right to not answer.

13 ██████████ Mr. Palomares --

14 Mr. Palomares. It speaks for himself. I'm not a potted plant here. I mean, I'm
15 here, doing my job. So, I mean, the picture, he's told you, he's there. He's carrying the
16 Old Glory. And, basically, this has nothing to do with January 6th.

17 ██████████ Mr. Palomares, our mandate is not just the day of January 6th, and
18 the earlier rallies certainly informed what happened on January 6th. And I'm simply
19 asking Mr. Macias questions. And I was about to ask him whether, because he's
20 pleading the Fifth, that he believes that answering the question truthfully would tend to
21 be incriminating.

22 And if that is his -- that is the way that you invoke the privilege, Mr. Macias, is that
23 why you're invoking the Fifth Amendment?

24 The Witness. I'm exercising my right to remain silent, sir.

25 BY ██████████

1 Q Thank you.

2 Did you provide security for anybody on December 12th, 2020, in Washington,
3 D.C.?

4 A I am exercising my right to remain silent, sir.

5 Q Thank you.

6 Could we pull up exhibit 5?

7 And exhibit 5, as it's getting pulled up, I'll represent to you is a Telegram chat that
8 is -- involves some members of the Oath Keepers, including Stewart Rhodes, and
9 members of a group called 1st Amendment Praetorian. You can see that it's titled,
10 December 12 D.C. Security/Leadership.

11 Mr. Macias, were you a member of this chat?

12 A I don't know what I'm looking at, sir. You say it was a chat within where?

13 Q It's a Telegram chat that involved Stewart Rhodes and members of a group
14 known as 1st Amendment Praetorian. The title of the chat is, December 12 D.C.
15 Security/Leadership.

16 And I'm just simply asking: Were you a member of this group chat?

17 A I do not recall any of this, sir, or being associated with it.

18 Q Okay. Thank you.

19 And on December 12, 2020, were you with any members of Oath Keepers, Proud
20 Boys, or Three Percenters at that rally?

21 A I invoke the Fifth, sir.

22 Q Okay. Mr. Macias, the select committee has reason to believe that you
23 have personal knowledge and experience with events that happened in Washington, D.C.,
24 on December 12th, 2020, including interacting with organizers and groups for those
25 events, including Latinos for Trump, Stewart Rhodes, and 1st Amendment Praetorian, and

1 possibly providing security for individuals like Michael Flynn on that day.

2 And the select committee would like to ask you questions about those topics,
3 including whether you witnessed any violence or physical conflicts between organizers,
4 attendees, and law enforcement, and whether you knew or if any organizers knew or
5 anticipated violence at those events.

6 But is it my understanding that you intend to invoke the Fifth Amendment to
7 refuse to answer questions on those topics?

8 A Yes, I invoke the Fifth, sir.

9 Q Thank you very much.

10 Were you in Washington, D.C., on January 5th, 2021?

11 A Yes.

12 Q Did you speak at any events on January 5th, 2021?

13 A I don't recall, sir.

14 Q Okay.

15 A I speak all the time, wherever I go.

16 Q Okay. Did you meet up with any groups known as the Proud Boys, Oath
17 Keepers, 1st Amendment Praetorian on January 5th, 2021?

18 A I invoke the Fifth, sir.

19 Q Thank you.

20 Did you meet Roger Stone on January 5th, 2021?

21 A You say meet. Can you clarify your -- define --

22 Q Sure. Did you interact with Roger Stone on January 5th, 2021?

23 A There was a day I saw him at a stage. I don't know what date that was.

24 So I can't answer your question clearly, according to my understanding of dates and time
25 right now.

1 Q So you don't recall?

2 A Yeah, I don't recall the date and time I saw him. But I did see him. I was
3 next to him.

4 Q Okay. Thank you.

5 [REDACTED] And, actually, if we could take a very quick 3-minute recess, I'm going
6 to confer about sharing the next exhibit. So this should be very quick. If you want to
7 turn off your cameras and microphone, I'll be right back.

8 The Witness. Sure.

9 [REDACTED] Thank you.

10 [Recess.]

11 [REDACTED] We'll go back on the record at 10:24.

12 BY [REDACTED]

13 Q Mr. Macias, I'm going to share with you exhibit 9. And it's a video. So
14 please let me know if you can't hear the audio when I start playing it, and we'll try again.

15 A Okay.

16 Q And just watch it. Watch the video, and then I'll ask the question.

17 [Video shown.]

18 BY [REDACTED]

19 Q Mr. Macias, where was that video filmed?

20 A I think it was in a hotel room.

21 Q Which hotel?

22 A I don't recall, sir, names.

23 Q Okay. Was that Stewart Rhodes with you?

24 A Yes. I think so. There was a couple of people in that room. So he just
25 spoke, right?

1 Q I'm sorry. What?

2 A That was him speaking with -- at the same time I -- okay.

3 Q And do you --

4 Mr. Palomares. If you know, you can answer.

5 BY [REDACTED]

6 Q Do you have a personal relationship with Mr. Rhodes?

7 A No.

8 Q How did you and Mr. Rhodes end up in the same hotel room that night?

9 A We were speakers on -- with an event that was coming up, and we were
10 picking up lanyards.

11 Q Were you picking up lanyards in that hotel room?

12 A Throughout. I mean, people were -- it was there at the hotel. So that was
13 the location we were to meet.

14 Q And how did you come to be in the same hotel room?

15 A Well, I just stated so, sir.

16 Q Well, I asked you if you were picking up lanyards in a hotel room. And you
17 said, no, at the hotel. So I'm just trying to clarify why. Were you both going into this
18 hotel room to pick up lanyards?

19 A I can't speak about what Stewart was doing. I was there to pick up a
20 lanyard. I went into that room. I don't recall when I got it or who or any of those
21 details as to when and exactly the space.

22 Q And was this video a planned video or spontaneous?

23 A If I recall, the sitting senator, Amanda Chase, said, why don't we go on live
24 now. So I think that's what she stated.

25 Q Okay. Can you explain why Ms. Chase called you an organizer of the

1 January 6th rally?

2 Mr. Palomares. Objection. Calls for speculation. How would you know?

3 ████████ I asked if he could explain. I didn't ask him to tell me exactly what

4 Ms. Chase was thinking.

5 BY █████

6 Q So are you able to explain why Ms. Chase called you an organizer,

7 Mr. Macias?

8 A I'm not.

9 Q Were you an organizer for the January 6th rally?

10 A What rally, sir?

11 Q Did you have any -- did you have any role organizing any rallies on
12 January 6th, 2021?

13 A Define rallies, sir. I don't know what you would say what I did was
14 organizing a rally, sir.

15 Q A rally, so a planned event where there was, you know, permits and a stage
16 and invited speakers; something, you know, authorized as a rally on January 6th, 2021.

17 A So, I mean, it's public knowledge in statements that you can hear me on the
18 stage where I'm introducing The Marine Rapper to do their first-time ever performance of
19 a song. And the Marines and Army, that's what I do. When people ask me to
20 introduce veterans, I show up.

21 Q Okay. Did you help organize that rally where you showed up?

22 A I plead the Fifth because I'm not clear on your understanding, on your
23 definement here. So I'm not going to --

24 Q Did you help plan the rally, Mr. Macias?

25 A What rally, sir? You've got to be very specific on what you're saying to me

1 and asking a question. Your broad-stroke statements do not give me the ability to give
2 you yes-or-no statements.

3 Q We are specifically talking about a rally that you just described at which you
4 introduced a rapper.

5 A Okay. I need you to be very clear what the name is, who it is. You need
6 to be very specific, because there's many things happening.

7 Q Did you help plan a rally that was known as the Freedom Rally on
8 January 6th, 2021?

9 A Okay. I did not help to plan that, sir. I was there. And, yes, I introduced
10 The Marine Rapper. And I was on stage. That is clear.

11 Q Thank you.

12 So back to that -- to this hotel video, you said: The enemy is here. It's not just
13 at the gate. It's within. We see it everywhere.

14 What did you mean by that statement?

15 A Well, I was -- what do I mean by that statement? So I'm in -- I've been in
16 the service. Been trained.

17 Mr. Palomares. Plead the Fifth.

18 The Witness. Yeah, because this is --

19 Mr. Palomares. It calls for a more specific answer than what was already stated,
20 and you live by your words and what you said is what you said. Period.

21 [REDACTED] Mr. Macias, are you pleading the Fifth?

22 The Witness. Yeah, I'm exercising my right to remain silent, yes.

23 [REDACTED] So, again, the Fifth Amendment protects your right to refuse to
24 answer questions if the truthful answers would tend to be incriminating. So, in other
25 words, invoking the Fifth Amendment means that you think, if you were forced to tell the

1 truth, you would be forced to testify in a manner that you reasonably believe could be
2 used in a prosecution against you.

3 Do you understand that?

4 Mr. Palomares. Counsel, on this, I object on the basis that you're
5 mischaracterizing the legal reason for the Fifth Amendment. The fifth Amendment is
6 very clear on its face. It doesn't have to be politically motivated only because he is
7 incriminating. You have a right to state and answer any question you wish or not wish.

8 [REDACTED] The Fifth Amendment is about --

9 Mr. Palomares. The Fifth Amendment goes beyond incrimination.

10 BY [REDACTED]

11 Q That is not -- Mr. Macias, are you still intending to invoke your Fifth
12 Amendment because you believe the answers might incriminate you?

13 A So, sir, at the very beginning of this you said that I would not have to repeat
14 myself over and over again. But I believe you are. So as I have present litigation
15 elsewhere, I will not be speaking. And I am exercising my right to remain silent. Now, I
16 can repeat that over and over again if you'd like me to or I can say "invoke the Fifth."

17 Q Thank you, Mr. Macias.

18 Could we pull up exhibit 10?

19 I'll represent to you, Mr. Macias, that this is a photo, as you can see from the
20 caption, taken on January 5th, 2021. And there are several people there, including
21 yourself. But where was this photo taken?

22 A I don't -- it looks like a garage. I don't know where.

23 Q Okay. Do you remember how you came to be in that garage?

24 A How I came to be in there? I walked.

25 Q Why did you walk to that garage?

- 1 A I was asked to.
- 2 Q By whom?
- 3 A Someone said, hey, come here.
- 4 I said, Okay. What's going on?
- 5 Q Do you remember who asked you?
- 6 A I don't.
- 7 Q Okay. Did you know what was happening in that garage?
- 8 A People were talking. That's all I knew.
- 9 Q And what were they talking about?
- 10 A I think that's a video that's been placed, and the camera was right in my
- 11 face. Have you watched the video? Because it was very clear. Everything was
- 12 recorded as soon as I walked in.
- 13 Q I am asking you what you were talking about.
- 14 A I have no idea, sir. I talk a lot.
- 15 Q Okay. Do you know Mr. Enrique Tarrio?
- 16 A I know him just as anybody else knows him.
- 17 Q So you do not have a personal relationship with him?
- 18 A I plead the Fifth.
- 19 Q Was anyone else there in this garage meeting besides the individuals in this
- 20 picture?
- 21 A I'm sure there were. It's a garage, sir.
- 22 Q Were you with anybody else that was in the garage who was not pictured
- 23 here?
- 24 A I don't recall.
- 25 Q Okay. Was Roger Stone there?

1 A I don't know.

2 Q You don't know or you can't recall?

3 A I didn't see him. So I don't know.

4 Q Okay. Thank you, Mr. Macias.

5 We'll pull up exhibit 11.

6 I believe this is you speaking at the Freedom Rally, as we discussed a little bit
7 earlier, Mr. Macias. Is that --

8 A Thank you for defining that.

9 Q Is that -- so is that an accurate statement?

10 A That is me speaking, yes, sir.

11 Q Thank you. And is that Anthony LaMotta to your left?

12 A Yes, that's him.

13 Q Okay. Is that Mr. Thomas Speciale to your right?

14 A Yes, it is.

15 Q Okay. What did you speak about on January 6th, 2021?

16 A Sir, play the video.

17 Q I'm asking you, Mr. Macias.

18 A Sir, I don't know how else to say this to you. I speak a lot. And I speak
19 about the four pillars of transition and who the veterans are, about their need for
20 transition, about the need to help honor the fallen and honor our heroes. So if I'm
21 telling people who we are and well representing my community, that's what I do, sir. So
22 if it's anything outside of that, you know, that's my common statement that will be for
23 the record constantly.

24 Mr. Palomares. And the documents -- I mean, the tape speaks for itself, if
25 there's a tape.

1 [REDACTED] Understood.

2 When you gave that speech, did you anticipate any violence happening on
3 January 6th?

4 The Witness. I did not anticipate any violence. And if I'd known of any
5 violence -- well, I'll let my attorney speak on this.

6 [REDACTED] No, I'm asking you. You can answer the question. I am not here to
7 interview Mr. Palomares.

8 The Witness. I'm sorry, sir. We can't hear you. It's Lorenzo.

9 Mr. Palomares. You started to say that you envisioned violence. Finish the
10 statement and close the statement --

11 The Witness. Right. If I had known of any violence, I would have done what I
12 always do, and I would have informed the authorities properly.

13 [REDACTED] Okay. And back to your January -- the video that we watched a little
14 earlier, you also talked about how well-trained veterans could be immediately brought in
15 who are standing at the ready while we sit at the precipice of change.

16 Did any of those words -- were any of those words on your mind on January 6th?

17 Mr. Palomares. Objection.

18 Plead the Fifth.

19 The Witness. I plead the Fifth, sir.

20 [REDACTED] Did you think that President Trump could call up veterans to serve
21 him in some way on January 6th?

22 Mr. Palomares. Objection. Calls for speculation.

23 [REDACTED] No, it doesn't. It's about his thoughts.

24 Did you think that --

25 The Witness. I'm exercising my right to remain silent, sir.

1 [REDACTED] Thank you.

2 Did you have any reason to believe that President Trump would call up veterans
3 on January 6th, 2021?

4 Mr. Palomares. Again, speculation. You don't know what Trump would do or
5 not do. That's --

6 [REDACTED] Again, it is a question about if Mr. Macias had any reason to believe.
7 It is about Mr. Macias' belief.

8 Mr. Macias, did you have any reason to believe that President Trump would call
9 up veterans on January 6th, 2021, or thereafter?

10 The Witness. I'm exercising my right to remain silent, sir.

11 [REDACTED] And in that video, you indicated that, we could then take all of them
12 and properly place them wherever needed.

13 Who is the "we" in that sentence?

14 Mr. Palomares. Again, he's pleading the Fifth.

15 [REDACTED] Okay.

16 Mr. Palomares. On advice of counsel.

17 [REDACTED] Understood.

18 BY [REDACTED]

19 Q And in that video we watched earlier, Stewart Rhodes also explained why he
20 believed that veterans could be called up by President Trump using the Insurrection Act.

21 Did you also -- did you agree with Mr. Rhodes about President Trump's use of the
22 Insurrection Act?

23 A I didn't understand it at the time the way I do now.

24 Q Can you elaborate on that?

25 A So I didn't understand what I was saying clearly when I said it a few times

1 publicly. But I knew that he had the power -- that there was a lawful power. And I had
2 asked others. Other people were talking about this. This is a common conversation all
3 around the board, everywhere, publicly. It wasn't just me that was asking this question,
4 saying do what you have powers to do. I'd say that to any executive branch, the
5 legislation branch, any branch. You have powers; use them.

6 Q So why did you --

7 A It's a lawful act. Do what -- do the work. Do the laws. And I was
8 advocating for lawful action.

9 Q And why did you want -- Mr. Macias, why did you want President Trump to
10 invoke the Insurrection Act?

11 A I'm exercising my right on those statements, sir.

12 Q Okay. Did you have any understanding of why Mr. Rhodes wanted
13 President Trump to invoke --

14 A No.

15 Q -- the Insurrection Act?

16 A Further than what you heard.

17 Q Thank you.

18 [REDACTED] I'd like to note for the record that Investigative Counsel [REDACTED]

19 has joined the Webex.

20 Mr. Palomares. You're now two for one. Two against one?

21 [REDACTED] I'm sorry?

22 Mr. Palomares. It was just a joke.

23 [REDACTED] Okay.

24 BY [REDACTED]

25 Q Anyway, on January 6th, 2021, did you listen to a speech by Mr. Speciale?

1 A I don't recall, sir.

2 Q All right. Thank you.

3 Did you meet up with any groups, such as the Proud Boys or Oath Keepers, on
4 January 6th, 2021?

5 A Groups, sir?

6 Q Like the Proud Boys or Oath Keepers.

7 A When you say groups -- yeah, I plead the Fifth.

8 Mr. Palomares. He didn't know it, he shall remain silent.

9 The Witness. Yeah.

10 BY [REDACTED]

11 Q We'll pull up exhibit 12. Zoom in a little bit.

12 Mr. Macias, who are those two people you're pictured with?

13 A They were attendees.

14 Q And do you know them?

15 A I don't even -- I don't recall, sir. I can't tell who they are right now.

16 Q Did you know that they were Proud Boys on January 6th, 2021?

17 A I plead the Fifth, in my knowledge of understanding of people.

18 Q Well, are you pleading the Fifth because you believe a truthful answer could
19 tend to incriminate yourself or do you just not remember?

20 A Sir, as I have present litigation elsewhere, I will not be speaking. I am
21 exercising my right to remain silent, by the advice of my counsel. And I will not be
22 answering any further questions.

23 Mr. Palomares. The second question -- and I object strenuously to the second
24 question suggesting that you are invoking your Fifth because you have an incriminating
25 statement. That is -- that question goes beyond the Constitution. The minute a

1 witness or American citizen invokes the Fifth, all questions regarding that matter shall
2 cease. And that question goes beyond that. And in that regard, that second question,
3 because it is incriminating to you, it's unconstitutional, particularly by a legislative branch
4 of government.

5 [REDACTED] I was just asking Mr. Macias to clarify about his --

6 Mr. Palomares. Well, it is not a proper question by the legislature, because it
7 defines its own law.

8 [REDACTED] I do not understand how this is an improper question by the
9 legislature. But I understand -- Mr. Palomares, I understand Mr. Macias to be invoking
10 his Fifth Amendment right to answer this question. And I was just explaining how the
11 privilege works with the select committee.

12 Mr. Palomares. Well, it works one way.

13 [REDACTED] Okay.

14 BY [REDACTED]

15 Q Mr. Macias, did you get close to the United States Capitol on January 6th,
16 2021?

17 A Sir, I wish your defined definitions in your broad-stroke questions were more
18 specific so I could give you a yes-or-no statement, as I stated earlier.

19 Q Well, let's pull up exhibit 13.

20 Mr. Macias, is that you located under the columns of the Capitol on January 6th,
21 2021?

22 A Yes, that's me.

23 Q Thank you. Are you there with Mr. LaMotta?

24 A He's next to me.

25 Q Thank you. And why did you get so close to the Capitol on January 6th,

1 2021?

2 Mr. Palomares. That's a public building, for Pete's sake.

3 [REDACTED] The grounds were closed on January 6th, 2021, so --

4 Mr. Palomares. [Inaudible] the fact that it's a public building and it belongs to
5 the people of the United States.

6 [REDACTED] Mr. Palomares, I asked him the question. If it's a public building,
7 then he can answer the question. The fact that it's a building doesn't change. The
8 question's why did you -- Mr. Macias, why were you close to the building?

9 Mr. Palomares. I'm instructing him [inaudible] it's an improper question.

10 [REDACTED] I do not understand how it's an improper question to ask why you got
11 close to a building.

12 But, Mr. Macias, go ahead.

13 Mr. Palomares. Absolutely not.

14 BY [REDACTED]

15 Q Nonverbal responses are not recorded by the reporter.

16 A I plead the Fifth Amendment, sir. I'm exercising my right to remain silent.

17 Q Okay. And, [REDACTED] if you could give me sharing powers back. Thank you.

18 I will shortly be sharing a video with you, Mr. Macias.

19 This is exhibit 14, and let me know if you can't hear it.

20 [Video shown.]

21 [REDACTED] Okay. Mr. Macias, was that speech an impromptu speech?

22 Mr. Palomares. Objection. Plead the Fifth. The document speaks for itself.
23 The video speaks for itself, and I respectfully request a copy of the video myself.

24 [REDACTED] Mr. Macias, are you pleading the Fifth to that question?

25 The Witness. Yes.

1 [REDACTED] And not to cover too much ground here, but why did you call Vice
2 President Pence a Benedict Arnold?

3 Mr. Palomares. Opinion. Objection.

4 Don't answer the question.

5 [REDACTED] Mr. Palomares, I'm allowed to ask him about his opinions in this
6 deposition.

7 The Witness. I plead the Fifth.

8 [REDACTED] Thank you, Mr. Macias.

9 And why were you talking about the Insurrection Act?

10 Mr. Palomares. Asked and answered.

11 [REDACTED] In this speech I have not asked him why he was talking about the
12 Insurrection Act.

13 Mr. Palomares. He's already testified that he --

14 [REDACTED] Mr. Palomares, again, I am asking Mr. Macias a question about the
15 specific speech.

16 Mr. Palomares. And he's answered.

17 [REDACTED] He has not answered about the specific speech about the
18 Insurrection Act.

19 BY [REDACTED]

20 Q So during this speech, Mr. Macias, why were you talking about the
21 Insurrection Act?

22 A I did answer, sir. It was a blanket statement anytime I made that
23 statement during that day or previous.

24 Q So same answer as before about the Insurrection Act?

25 Just for the record. I need it for the record, Mr. Macias.

1 A Yes. Yes. Same as before.

2 Q And did you have any hope that President Trump would invoke the
3 Insurrection Act on January 6th, 2021?

4 Mr. Palomares. Objection. Calls for speculation.

5 ██████████ No. It's asking about what Mr. Macias hoped. It is not a
6 speculative question. It is a question about Mr. Macias' own mindset on January 6th.

7 Mr. Palomares. State of mind.

8 ██████████ State of mind is not an objection. We already talked about how the
9 rules of evidence do not apply in this deposition.

10 BY ██████████

11 Q So, Mr. Macias, you can answer the question or you can assert a privilege
12 that is recognized by the select committee, such as the Fifth Amendment.

13 A I'm exercising my right to remain silent, sir.

14 Q Under the Fifth Amendment. Thank you.

15 And who are the domestic enemies that you talked about in this speech?

16 A Exercising the Fifth, sir.

17 Q Okay. Why did you discuss an oath and keeping that oath?

18 A You're -- you're asking a veteran why we speak about oaths, which you just
19 had me make an oath even prior to all of this? Oath is important, sir.

20 Q Sure. Great.

21 In that speech, please tell me why --

22 A I speak about my oath all the time, sir.

23 Q Okay. And how does that oath --

24 A In 20 years of working out here in a civilian capacity and serving my
25 community as I have, both church and local communities, I speak about oaths all the

1 time, sir. So you can check a ton of content on that if you'd like. The videos are out
2 there, well before any of this.

3 Q I appreciate that answer, Mr. Macias. But in terms of January 6th and
4 topics like the Insurrection Act and what was going on around you, I'm just wondering
5 why you were speaking about the oath that you took and that you should keep it.

6 A Why to keep an oath?

7 Q Did you think that keeping your oath had anything to do with what was
8 going on around you on January 6th, 2021?

9 A Sir, when I speak about the veteran community keeping their oath as a
10 whole, there's 9 percent, 10 percent of the population. Talking about millions of people,
11 nothing to do with this moment.

12 Q I understand.

13 A These are conversations of decades that you're asking me to summarize in a
14 sentence of an oath to a veteran and to those who are in law that also make the same
15 oath. So there are many of us make an oath to the Constitution. And I hold to that
16 every day that our oath is so important to us, especially those who are in a position of
17 influence.

18 Q Great. Thank you. That is very helpful.

19 Do you think that lawmakers and Congress on that day were violating their
20 constitutional oath?

21 Mr. Palomares. Again, that's an opinion.

22 [REDACTED] Yes, it's an opinion about his own views of how
23 something -- Mr. Macias just told me that he was talking about the oath and lots of
24 people who are -- work for the country take the oath.

25 BY [REDACTED]:

1 Q So on January 6th, was it your view that certain lawmakers had broken their
2 oaths to the Constitution?

3 A I plead the Fifth, sir.

4 Q Did you believe -- did you believe that Vice President Pence had broken his
5 oath to the Constitution by saying that he would certify the electoral count for President
6 Biden?

7 A Sir, I, as I stated before, I believe everybody needs to hold to their oath.
8 Whether somebody was breaking it or not is not the conversation and nor my train of
9 thought, but I remind everybody, maintain your oath. I tell everybody I speak to. And
10 let that be the ruling and statement there forward, please.

11 Q Well, my question was specifically about whether you thought Vice
12 President Pence had broken his oath on January 6th, 2021.

13 A I've spoken.

14 Q You have not answered my question.

15 A I believe I have, sir.

16 Q You have specifically not answered whether you thought, with a yes or no,
17 that Vice President Pence broke his oath on January 6th, 2021.

18 Mr. Palomares. Well, I have an open objection. It's absolutely irrelevant to
19 [inaudible].

20 [Reporter asked for clarification.]

21 Mr. Palomares. I object. This has absolutely no bearing upon the basis of fact
22 of what happened on January 6th at the Capitol.

23 ██████████ Mr. Palomares, it is directly relevant, given the chants of "hang Mike
24 Pence," "hang Vice President Mike Pence," all sorts of discussions on January 6th that day
25 about going after Mike Pence.

1 BY [REDACTED]

2 Q Mr. Macias, I'm not saying you said hang Vice President Pence.

3 A Okay. Because let's talk about what I said, please.

4 Q I was trying to --

5 A Even in this deposition you're bringing in other people. I don't understand.

6 Q Mr. Macias, I am trying to explain to you -- to your attorney why it is relevant
7 for this -- Mr. Palomares, you cannot talk over me.

8 I am trying to explain to your attorney, you know, in this deposition how it is
9 relevant to the select committee. The select committee is focused on what happened
10 on January 6th and why it happened. To figure out why it happened, you have to look
11 at a broad range of things, as we have mentioned earlier. The earlier rallies played into
12 that.

13 The views of the crowd about Vice President Pence are clearly relevant,
14 considering all of the language we've heard about people who wanted to go after Vice
15 President Pence and yourself calling him a Benedict Arnold.

16 So I am asking you specifically -- it's a yes-or-no question -- did you think that Vice
17 President Pence violated his oath, constitutional oath, by certifying the vote for President
18 Biden on January 6th, 2021?

19 Mr. Palomares. It calls for a legal conclusion. I'm instructing the witness to
20 plead the Fifth.

21 [REDACTED] I do not understand --

22 The Witness. I'm exercising my right to remain silent.

23 [REDACTED] Thank you.

24 Mr. Palomares. It's a constitutional question.

25 [REDACTED] Thank you, Mr. Macias.

1 Mr. Palomares. It deals with the 12th Amendment. Okay? And you're asking
2 a veteran who's not trained in the law on an opinion regarding the 12th Amendment of
3 the United States in an effort to try to find guilt in his statement. And that's --

4 ██████████ I'm not trying --

5 Mr. Palomares. -- un-American.

6 ██████████ I am not trying to find guilt in his statement. I am trying to
7 understand --

8 Mr. Palomares. The committee already has an opinion of what they're going to
9 find. Okay?

10 ██████████ We do not have an opinion about what we're going to find. We are
11 a fact-gathering committee that is going to find what the facts tell us that we are going to
12 find.

13 Mr. Macias had a statement about Vice President Pence being a Benedict Arnold,
14 and I was trying to understand that more.

15 BY ██████████

16 Q Mr. Macias, thank you for asserting your privilege to my question.

17 And at this point, Mr. Macias, the select committee has reason to believe that you
18 have personal knowledge and experience of events that happened in Washington, D.C.,
19 on January 6th, 2021, including possible interactions with organizers and groups to those
20 events, such as Latinos for Trump, also interactions with Proud Boys, with Stewart
21 Rhodes, and Oath Keepers and others. And we believe that you possibly have
22 knowledge about violence that occurred that day or about how planning for that day
23 unfolded.

24 As you've seen, the select committee would like to ask you questions about these
25 topics more broadly, including whether you witnessed any violence or physical conflicts

1 between those organ- -- sorry -- those organizations or any attendees in law
2 enforcement, or if you knew any organizers anticipated violence at those events or
3 planned it.

4 Is it my understanding that at this point you intend to invoke the Fifth
5 Amendment to refuse to answer questions about January 6th, 2021?

6 A Yes. I am invoking my -- and exercising my right to remain silent.

7 Q Thank you.

8 I am going to do my best to pull up exhibit 16.

9 If I can ask on the way, Mr. Macias, did you file a lawsuit against Members of
10 Congress on January -- around January 17th, 2021? Actually, it looks like it was filed
11 January 18th, 2021. I apologize.

12 A That's my name.

13 Q Okay. And why did you file this lawsuit?

14 A The lawsuit is self-evident, sir. You can read it.

15 Q I can read it, but is it -- was it your belief that this complaint could stop
16 President Biden from taking office on January 20th, 2021?

17 Mr. Palomares. Again, it calls for speculation. He's not an attorney. He was
18 represented by counsel. It's a highly improper question to ask an individual what he
19 thought or didn't think a lawsuit would do with another lawyer. So I'm invoking the
20 attorney-client privilege.

21 [REDACTED] I'm not asking him for communications with his attorney or --

22 Mr. Palomares. Well, you're asking what he thought his attorney -- the
23 lawsuit -- that's exactly what the attorney-client privilege is.

24 [REDACTED] I didn't ask him about what his attorney thought or what he talked to
25 his attorney. I'm asking about what he just thought in general. But I will describe this

1 exhibit, and we can move on.

2 BY [REDACTED]:

3 Q This is a lawsuit brought by Latinos for Trump, Blacks for Trump, Joshua
4 Macias, and four unidentified individuals, against Pete Sessions, Mitch McConnell, Nancy
5 Pelosi, Mark Zuckerberg, and others, filed on January 18th, 2021, in the Western District
6 of Texas.

7 Mr. Macias, have you ever followed -- are you aware of something known as
8 QAnon?

9 A Am I aware? Sir, everybody is aware. Anyone who watches Netflix is
10 aware, sir.

11 Q I asked you specifically, so thank you for letting me know.

12 And do you follow QAnon at all? Do you ascribe to their beliefs?

1 [11:01 a.m.]

2 The Witness. I do not ascribe to people's beliefs. I have my own belief system.

3 [REDACTED] And is that belief system influenced by QAnon?

4 The Witness. No.

5 [REDACTED] Okay. Thank you very much.

6 The Witness. Let me be clear. My thought process, which I've stated publicly,
7 QAnon is a theatre, people wanting to see something and look at something through
8 theatre. I've said this publicly.

9 [REDACTED] Thank you.

10 And at this time, no one else has joined the Webex, so I don't have any further
11 questions.

12 But, Mr. Macias, you have asserted the Fifth Amendment as a basis to refuse at
13 least some of the select committee's questions today. So under these circumstances,
14 we will not close the record on the deposition, because the select committee has to
15 determine the appropriate course of action moving forward on those objections.

16 But before we go off the record, I'll just pause and give your attorney a chance to
17 make any last statements that he wishes to make, if he has any.

18 Mr. Palomares. I don't have any objections at this time, other than the ones
19 that's stated on the record.

20 And any further issues with the committee, you can address them to me. You
21 have my address. I'm a D.C. lawyer, so I'm local --

22 [REDACTED] Thank you.

23 Mr. Palomares. -- even though I'm in Miami. All right.

24 [REDACTED] Thank you very much.

25 Mr. Palomares. All right.

1 [REDACTED] The deposition will stand in recess, subject to the call of the chair.

2 Mr. Palomares. Very well.

3 [Whereupon, at 10:04 a.m., the deposition was recessed, subject to the call of the

4 chair.]

1 Certificate of Deponent/Interviewee

2

3

4

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

6

7

8

9

10 Witness Name

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12

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16

Witness Name

Date