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

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12 INTERVIEW OF: PATRICK BYRNE
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16 Friday, July 15, 2022

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18 Washington, D.C.
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21 The interview in the above matter was held in Room 4480, O'Neill House Office
22 Building, commencing at 10:05 a.m.
23 Present: Representatives Schiff, Lofgren, Murphy, and Raskin.

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], SENIOR COUNSEL

9 [REDACTED], STAFF ASSOCIATE

10 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

11 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

12 [REDACTED], FINANCIAL INVESTIGATOR

13 [REDACTED], SENIOR COUNSELOR TO THE VICE CHAIR

14 [REDACTED], CHIEF CLERK

15 [REDACTED], INVESTIGATIVE COUNSEL

16 [REDACTED], INVESTIGATIVE COUNSEL

17 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

18

19

20 For PATRICK BYRNE:

21

22 ROBERT DRISCOLL

23 The McGlinchey Firm

24

25

1 [REDACTED] Okay. Thanks for your patience. Let's go on the record.

2 This is the transcribed interview of Patrick Byrne conducted by the House Select
3 Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to
4 House Resolution 503.

5 Mr. Byrne, could you please state your full name and spell your last name for the
6 record?

7 Mr. Byrne. Patrick M. Byrne, Bravo, Yankee, Romeo, November, Echo.

8 And this is transcribed. Is it also being videotaped?

9 [REDACTED] It is.

10 Mr. Byrne. Good. Thank you.

11 And, counsel, can you please identify yourself and special your last name for the
12 report?

13 Mr. Driscoll. Sure. Robert Driscoll, D-r-i-s-c-o-l-l, the McGlinchey firm, here to
14 represent Mr. Byrne.

15 [REDACTED]. Good morning. My name's [REDACTED], Senior Investigative
16 Counsel for the select committee.

17 In the room today for the select committee are [REDACTED], also senior
18 investigative counsel, and [REDACTED], counsel for the select committee.

19 We may have others from the staff joining us by video. This will be a staff-led
20 interview. But members, of course, may choose to also ask questions.

21 It's possible members may join us in person or, more likely, they'll join by Webex
22 and will turn on their cameras when they have questions, or if they have questions to ask.

23 You can see Mr. Raskin is with us this morning. I will try to announce or keep my
24 eye on the Webex. And if other members join, I'll try to announce their presence so
25 that's clear for the record.

1 This is -- there is an official reporter transcribing the record of this interview.
2 Please wait until -- because everything that we say is being transcribed, I'd ask you to wait
3 until the question is complete before you give your answer. And we will do our best to
4 wait until your answer's complete before we ask the next question.

5 The stenographer cannot record nonverbal responses, such as shaking of your
6 head. So it's important for you to verbalize and speak clearly in answering every
7 question.

As we discussed a moment ago, the interview is also being videotaped.

9 We ask that you provide complete answers based on your best recollection. If
10 there's a question that's not clear, please ask for clarification. We'll do our best to
11 restate or reframe the question.

12 If you don't know an answer, please simply say so. If you can't recall, of course,
13 that's an appropriate response, as well.

14 I want to remind you, and this is an admonition that we give to all witnesses, that
15 it is unlawful to deliberately provide false information to Congress and doing so could be
16 a violation of Title 18, United States Code, Section 1001 or other statutes.

17 Do you understand that?

18 Mr. Byrne. Yes, I do. Very familiar with 18 U.S.C., 1001.

19 [REDACTED]. Any questions about anything I've gone over thus far?

20 Mr. Byrne. No, sir. Sounds fair.

21 [REDACTED]. If at any point during the interview you want to take a break, either
22 consult with Mr. Driscoll or just have a break, just let us know. And we'll pause and take
23 as much time as you need.

24 Mr. Byrne. Thank you.

1 BY [REDACTED] :

2 Q So I'm going to jump right into some of these issues regarding the 2020
3 election and maybe events leading up to that are of interest to the select committee.

4 When did you first before aware of a group called Allied Security Operations
5 Group?

6 A A clarification. That's the Phil Waldron group in Austin? Or is that the
7 Russ Ramsland group in Dallas or Houston? Dallas?

8 Q Russ Ramsland group.

9 A I only became -- my understanding, I would have told you at one point that I
10 met Russ Ramsland and flew him on November 4th from Texas to Washington, D.C., and
11 got to know him on the plane.

12 He's told me that we actually met on or around October 22nd, that he was in a
13 conference that occurred in Austin. He was there. He was one of 40 people I met. I
14 did not know him at the time or didn't -- that didn't -- I didn't remember him from the
15 22nd. I remembered him from the 4th.

16 Q And you're talking about dates in 2020?

17 A Yes, sir. I'm sorry.

18 Q So Mr. Ramsland's suggested or reminded you that he thought you guys met
19 in October of 2020?

20 A Late October, sort of a week or 10 days before the election.

21 Q Do you know Adam Kraft?

22 A The name rings a bell, but I don't remember who it is.

23 Q Do you recall Adam Kraft ever asking you to invest in a company in Texas
24 that was doing election security work?

25 A No.

1 Q Okay. Did you invest \$150,000 in 2018 in Allied Security Operations Group?

2 A No. I never heard of them. To my -- never heard of them until we flew
3 to -- November 4, when we flew -- I think it was November 4 or so, the day after the
4 election. We -- I grabbed a plane and flew Russ to D.C. because I was told this
5 guy -- maybe it was a couple of days after the election -- that this guy knew Sidney Powell,
6 and I could get an introduction to Sidney Powell.

7 In fact, when he got on the plane, I didn't realize he had anything to do with the
8 subject matter here. I thought he was a guy who knew Sidney Powell is my recollection.

9 Q Did you have any involvement in election security issues before the 2020
10 presidential election?

11 A Well, for a few months, I had been specifically coming up to speed on it.
12 But I have had exposure to election integrity issues from about 20 years ago, from both
13 sides of the aisle. And friends on -- operators, people from your community
14 on -- political operators, I mean, from both sides of the aisle were telling me about their
15 theories of election integrity. And what -- you know, a Democrat telling me what they
16 experienced in Tennessee, a Republican telling what they experienced in Philadelphia,
17 these kinds of things.

18 I also was very keen to bring the blockchain to voting. And I invested in 2015, I
19 think. I was the angel money. And a group of people, it's called Voatz, V-o-a-t-z, that I
20 think connected with MIT. I think it may have come out of the MIT Media Lab, and it
21 was a desire to bring blockchain into the voting process for reasons of security.

22 Q So our understanding is that Ramsland got involved with I'll call them
23 ASOG -- Allied Security Operations Group -- in the -- prior to 2018 in the midterms
24 timeframe. They worked for a guy named Matt Bevin in Kentucky who was challenging
25 the election. They went out to raise some money and that you invested a substantial

1 amount of money in that timeframe? Is that --

2 A None of that rings a bell to me.

3 Q That's not --

4 A None of that rings any bell to me at all whatsoever.

5 Q Okay. And they had done a fair amount of work in Texas with respect to
6 Dominion voting machines and potentially challenging an election involving Pete Sessions
7 in the 2018 midterms. Does that sound familiar?

8 A No, none of this -- I had nothing to do with any of that. I've never heard of
9 these names. I don't -- had nothing to do with any election challenges or anything in
10 2018, no.

11 Q Okay. In the -- putting aside sort of blockchain technology or pursuit,
12 what -- in the months immediately preceding the November 2020 election, what was
13 your involvement or role in election security matters or into looking into election security
14 issues?

15 A I was going down. I had received a request/instruction to go down and get
16 involved with this group in Texas with Phil Waldron. And then I was going to be meeting
17 them. And it was desired that I get to know them and stand up, help them stand
18 up -- help them stand up or increase some things having to do with -- well, I have said
19 publicly antihuman trafficking, and that's true. That's true.

20 It was, to be honest, it was -- all I'm going to -- there was an anti-cartel aspect to
21 it. I'll leave it there. I prefer the word not -- cartel know not get out because --

22 Mr. Driscoll. Can we take a break real quick?

23 [REDACTED]. Sure.

24 Mr. Driscoll. Go off the record.

25 [Discussion off the record.]

1 [REDACTED]. Ready to go back on the record?

2 Mr. Driscoll. You guys can question again.

3 [REDACTED]. We are going to go back on the record.

4 I want to note for the record that Mrs. Murphy has joined us.

5 Good morning, ma'am.

6 BY [REDACTED]:

7 Q So is there something you want to add to that answer or --

8 A Yeah, I received an instruction to be supportive of this element in Texas,
9 stand them up, that -- and help them increase their -- help them stand up activities as I
10 described.

11 Q Who was Mr. Waldron working with at that time if you know?

12 A Waldron? I don't know, but I saw some various -- there were Texas State
13 police-type of people around his operation at that point, in and out.

14 Q How did you -- how were you introduced to Mr. Waldron?

15 A There was a fellow who died, named Brandon Hogan. And the day after he
16 gave me -- this was -- there's instruction. He got killed. And at the -- at his funeral, he
17 had told me that there was a group in Texas that -- okay. Some of those people showed
18 up. Some of those people showed up at his funeral, and then we started meeting.
19 Some people came to Utah. I went down to Texas and met them. Went back and forth
20 to Texas a couple of times. So that was the contest that I met him.

21 Q There was some meetings in August of 2020 involving perhaps Mr. Waldron
22 and others on some election security issues at Tomotley in South Carolina. Were you
23 present for that?

24 A No.

25 Q Lin Wood's ranch?

1 A No. In --

2 Q In August before the election?

3 A No. In fact, that surprised me. I didn't realize Lin Wood -- I didn't -- I had
4 now -- that Phil was involved with Lin before the election? That's news to me.

5 Q Do you know somebody named Steven Hotze, H-o-t-z-e?

6 A No. No. It maybe rings a -- no. Steve Hotze, can't place him.

7 Q He's a doctor somewhere in the southeast.

8 A Doesn't ring a bell.

9 Q Okay.

10 A I've met a lot of people in the last years. It's -- you know, but that doesn't
11 ring a bell.

12 Q And the work that you mentioned with Mr. Waldron or this entity that they
13 were trying to stand up, did that relate to election security issues?

14 A No. That related to human trafficking and anti-cartel activities.

15 Q So what -- were you involved in any election security or election integrity
16 issues prior to the 2020 election?

17 A Yes, in the sense of -- well, first, in the sense that I invested in votes and had
18 been sort of attentive to the issues for about 20 years, since I had the -- but while I was
19 down there, dealing with them on these other matters, there were a lot of
20 cyber -- antihuman trafficking takes a lot of cyber-type people. Some of those
21 cyber-type people, as their hobbies, were on election integrity matters.

22 So I would say August, September, and October as kind of a sidelight to the things
23 that we were getting to know each other about and talking about the future, a couple of
24 them in particular were briefing me, were starting to explain to me how porous these
25 systems are, having me watch videos, and just teaching me that the operating manuals

1 and sales literature of various companies, machines.

2 And they were showing me what they were -- they were making me aware of
3 these issues, and making me aware of election integrity issues, scandals that have
4 occurred around the world, generally in association with people stop -- stop the vote
5 counting. So if you go back to election scandal in Iraq in '08, or Philippines in 2012, or
6 Ukraine, so on, you often have this odd thing happen where there's a window. And for
7 different reasons, people stop counting votes. And then there's a big scandal later, the
8 same patterns that we've seen emerge here.

9 Q Who were the folks who were sharing that information with you prior to the
10 2020 election?

11 A Conan Hayes and, to some degree, Todd Sanders but mostly Conan Hayes.
12 He was really into it as a more of a hobby.

13 Q Did have you a preexisting relationship with Mr. Hayes prior to -- well, when
14 did you first meet Mr. Hayes? A better way to ask that question.

15 A In the context of getting August 2020, getting to know this group in Texas,
16 and so some of them were coming up to Utah. I think Conan came to Utah once.
17 There was another man with a FEMA-type background. He may not have been from
18 Texas, anyway, Steve something.

19 So this group was sort of assembling. They assembled once for 3 or 4 days in
20 Utah. They -- and we all met in Texas a few times. And it was in those meetings and
21 subsequent conversations that Conan was on the side, sort of showing me -- Conan and
22 Todd were on the side, sort of tuning me into this field more.

23 Q Are you still in touch with Conan Hayes?

24 A We -- yes, I saw him recently. It's pretty sporadic. It's pretty -- if you ever
25 went through a -- that 2 months reminds me of the IPO of a business. I'm sure you've

1 gone through something for a couple of months. There's this very intense spirit
2 between you. Then when you split, people start missing each other.

3 It's after we -- after that period in January, we went our separate ways and it's
4 been sort of a once or month or less type of but we check in. And we happened to see
5 each other recently.

6 Q Where he's he living now? Do you know?

7 A He's very -- he lives in California, but I don't know any -- anything else. I've
8 never been to his place or --

9 Q After the election, did you become more involved? Sounds like you flew up
10 to Washington shortly after the election. Was that to participate in some sort of
11 election integrity, or sort of review or challenge the 2020 election?

12 A Yes. Well, that was -- yes, yes, that was to get involved in this issue and to
13 pull together the information and the people I thought who could get to the bottom of
14 things by which I did not mean -- I didn't mean lawyers. I didn't -- it wasn't -- but it was
15 these different elements and people I knew that I thought we could pull together.

16 So whatever lawyers were trying to get to the bottom of things, they were going
17 to need the kinds of skill sets of the people who I was bringing together.

18 Q What prompted you to get involved in that effort?

19 A Well, when I woke up on the morning of the 4th, and I saw that there had
20 been vote counting stopped in a number of places around the United States, and that
21 matched exactly the lessons that I'd been learning about the scandals over the previous
22 dozen years or more, and I looked at the places that had occurred and the rather
23 flimsiness of the justifications given, and I would say the electoral logic leaped off the
24 page to me. I assume I don't have to walk anyone here through why that would be.

25 There were States that have anchor cities, and those anchor cities had voting cut

1 down. Anchor cities, that is, Arizona, 2/3 of the vote is in Maricopa. Two thirds of the
2 vote in Nevada is in Las Vegas. So to see -- and there's six cities like that in America.
3 And wouldn't you know, those were basically the six places that voting counting got
4 stopped down.

5 And the coincidence of that was very striking to me, and the electoral logic of it
6 flipped off. The six places you had -- if you cheat in those six places, you could jujitsu the
7 States, jujitsu the electoral college, jujitsu the country.

8 Q When you say voting had stopped, what do you mean by that?

9 A The counting had stopped.

10 Q The counting had stopped. What do you mean that the counting had
11 stopped?

12 A In different places, it was done different ways.

13 Q What counting of -- counting of in-person electronic votes that were cast
14 through machines, counting of absentee ballots? Were you able to differentiate as to
15 what was stopped in these cities?

16 A Well, the confusion -- there was a lot of confusing reports. I know that
17 later, people have come out and disputed, well, what exactly counts as stopped. And in
18 this place we did the count this way, the count -- they've changed their stories in Texas.
19 There was the urinal that overflowed, that they said this was a water pipe leak and we
20 have to evacuate the place.

21 So my understanding, you know, without getting more specific than that, that was
22 very suspicious to me.

23 Q And when you woke up on the 4th and you had these concerns, how did you
24 operationalize those concerns? Or what prompted you or who did you talk to about sort
25 of getting involved in trying to get to the bottom of what had happened?

1 A Nobody. Nobody. I think it was -- I just decided it was the right thing to
2 do.

3 Q And did -- when you say, "to do," what is that it you intended to do on the
4 morning of the 4th?

5 A Investigate, pull together a team that could investigate and find and
6 get -- figure out what, if anything, had happened.

7 Q So what did -- what's first thing did you in that regard?

8 A I looked at numbers. I basically did what Seth Keshel later did. I looked at
9 numbers. I worked with Conan -- I actually don't remember those couple of days very
10 well. But it was looking at numbers and seeing aberrations and statistical anomalies and
11 things that were extreme outliers.

12 As I recall, Conan -- well, this is more when we got to D.C. At some point, we
13 converged in D.C., and we were very quickly going through numbers and finding statistical
14 anomalies and things that, you know, streaks of 50,000, 90,000 ballots that, you know,
15 running 98 percent for one candidate and such.

16 So I did various mathematical tests on my computer and seeing the chances of
17 some of the things we were seeing, you have to go into scientific notation. It was, like,
18 1.2 to the 10 to the minus 23rd power the chances that could happen randomly. And
19 there was enough out there out there about things that had that happened that the
20 statistical inferences were just astronomical.

21 And that, coupled with the strange behavior in those polling locations in those
22 counties on Election Day, and then there were also, of course, the anecdotal evidence
23 from people who were experiencing strange things themselves around the country on
24 Election Day.

25 BY [REDACTED]:

1 Q Real quickly, when you were doing the mathematical calculations, were you
2 just doing it for the President, or were you also doing it for down-ballot candidates?

3 A Just looking at the presidential.

4 Q Did you not compare it to any of the other candidates in terms of those
5 numbers?

6 A We didn't have any sort of details like you're talking about there. The -- oh,
7 I'm sorry. I see what you're asking, I thought you meant ballot by ballot.

8 The -- it's -- the statistical anomalies are so extreme that the fact that
9 there's -- there's other switching around in the -- it's -- it is really irrelevant. The chance
10 that you would get 50,000 ballots in a row for one candidate is not really -- you can't tell
11 me that just, well -- anyway.

12 So, no, I don't recall. There was -- Conan was doing work that included looking at
13 down ballots, and then as soon as Seth Keshel got in the game, he was doing that kind of
14 work, too.

15 [REDACTED]. Could we note for the record that Mr. Schiff has joined us.

16 Mr. Raskin, you've come on camera. Do you have a question?

17 Mr. Raskin. No.

18 BY [REDACTED]:

19 Q So just to sort of back up a little bit, was it Conan Hayes and Todd Sanders
20 that you were first in contact with about working with you and diving into some of these
21 numbers on the day after the election?

22 A Well, I had been in contact with them related to this anti-cartel activity I'd
23 been asked to get involved in. And I -- so I had been -- I had known them since August,
24 September, October.

25 Q But they were the ones that you reached out to the day after this election to

1 start, sort of, working on some of these issues. Am I getting that right?

2 A I think so. I think -- it gets -- I'm a little vague. I may have gone to Texas
3 and spent a day or two there. I don't quite remember. I just know that within a few
4 days, I was in -- I don't remember my day, my day movements. But within a few days, I
5 was in D.C. with Russ Ramsland and those other people like Conan converging, Conan and
6 Todd.

7 Q Okay. I'm just trying to understand who the players are and how they
8 converged and how they came together. So you had this connection to Hayes and
9 Sanders --

10 A And Phil.

11 Q -- and Waldron. And maybe Ramsland, as well, a few days or a little bit
12 before the election, sounds like?

13 A Right. I didn't understand him to be -- have anything to do with elections
14 until I was on the plane with him to D.C. and we got to talking. And I discovered he's not
15 just a guy who knows Sidney Powell and can get me an introduction. He's a guy who
16 actually knew this field, and that's why he was interested.

17 I think maybe I could be off by a few days, maybe -- no, I think that's how I
18 remember it. That is, on the plane, that I went from thinking that he could introduce me
19 to, Oh, he knows something about this. He had other materials to discuss, and he knew
20 something about it.

21 Q So Ramsland, Waldron, Hayes, and Sanders, you guys, did you all come
22 Washington in the days after the election?

23 A Well, there was a guy named Robert Carone who was kind of floating around
24 the outside of this. I don't really -- do you know the name? Well, he was a guy. He
25 was kind of floating on the outside of this. I wouldn't include him in that group, or with

1 me or anything, but he was floating around. There's others. There's -- yeah, a guy
2 named Steve, a big FEMA guy, that's right, the big FEMA fellow. I don't remember his
3 last name. No one else top of mind.

4 Q Okay. And when that, the group came to Washington, where'd you go?

5 A Went to the Trump Hotel.

6 Q Had you been in contact with anyone related to the Trump campaign prior to
7 going to the Trump Hotel?

8 A Zero. It was entirely based on security, entirely based on security.

9 Q What do you mean by that?

10 A That I figured that it would be a kind of a tenseful period and I had to worry
11 about physical security. And my top physical security would be the place where there
12 was, you know, the biggest threat against, and that clearly people at that time Trump
13 Hotel had thought through what they were going to -- had thought through the security.
14 So that would be a very safe place for me.

15 I paid. I didn't get any discount. I paid full rack rate and everything.

16 Q I see. So why is it -- maybe a better question is, why did you all come to
17 Washington?

18 A Wanted to put our heads together and work together and get to the bottom
19 of what happened. I got a chunk of rooms. We set up one room while some of the
20 cyber guys -- I just wanted to deal with the cyber guys. I didn't want to deal with -- and I
21 knew that whatever evolved -- I thought of it this way: Whatever evolved, was evolving,
22 the -- and the powers that be to look into this, people were going to need this set of skills
23 and at the same time, we were going to be digging through and finding what we could
24 and sharing it with whoever wanted it.

25 Q Did, at some point, did you migrate to the Westin in Arlington? Did you

1 post up there or anything?

2 A No, that was other camps. I'll walk you through that if you want, but we
3 called them camps and there were other camps. We thought of ourselves as not in any
4 of the camps, but just sort of a general utility that they do, sort of the hard work of, if we
5 got to it, looking at things.

6 Q And your group, and it's the folks that we've already talked about --

7 A Yes.

8 Q -- that they were in the days or weeks following the election at the Trump
9 Hotel. That's why you guys were, set up your operation?

10 A Well, I kept a block of rooms there for about 2 months. People -- the size
11 of the block varied from two or three rooms to probably six or eight. And it expanded
12 and contracted as people came and went. But a lot of people started coming, going on
13 that that, I mean, I'll explain the human terrain mapping, so to speak, of it if you want.

14 But there were people staying in those rooms that I had something, a lot to do
15 with it and then some people that I didn't have so much to do with, like Sidney or Phil and
16 Todd, things like that. So -- so anyway, that's your answer.

17 Q Were you working with Ms. Powell in the days immediately following the
18 election?

19 A No.

1

2 Q Mr. Waldron, was he part of your group in the days immediately following
3 the election?

4 A Yes. But I think of Phil -- I don't think of him as a real cyber guy, I think of
5 him as what I call a tie guy. The guy -- so in the world of cyber, there's the cyber guys
6 who do the work. And they have guys with ties over them who can interact with others.
7 We like to say: What's an extroverted software engineer? He's one who looks at the
8 other fellow's shoes when he's speaking.

9 So we -- so I -- that's what I saw in Texas. I saw some cyber people with Phil who
10 was comfortable around technology, and he was the business guy. You often find in
11 these kinds of groups like a businessman who can speak tech but real technology is under
12 them, and that's what I saw. I saw Phil as the guy who could speak tech and his
13 background and stuff.

14 But the real -- and the same as I got to know Russ, that he was a tie guy. He
15 wasn't, like, the detailed technologist. But my understanding was he had other people
16 like that working for him.

17 So the cyber group, I thought of my group as the cyber group. And maybe Phil,
18 part of that group, as things developed, there were different camps across the river in the
19 Westin -- I think there may have been two groups in the Westin. There was -- and the
20 Rudy group, the Sidney group. There was the Amistad group. And there was a group
21 at some point, I was contacted by a group of retired prosecutors, U.S. Attorneys, and they
22 were in some other place across the river.

23 So these different -- those different groups, and I didn't -- all internal. So they
24 were across the river and I didn't -- anyway, that's your answer.

25 Q Uh-huh.

1 A I can go further. I just don't know what you want to hear about.

2 Q No, no, that's helpful. That's helpful to understand where these different
3 camps were.

4 I'm interested in understanding how, if at all, your work was being integrated with
5 the work that these other folks were doing. It sounds like maybe in the early days it
6 wasn't that integrated.

7 A Well, it's more like this. We were I think by -- I think it was the Friday after
8 the election that -- which so that would have been November 6th. I was over with Russ
9 Ramsland, if I remember correctly, with Russ Ramsland at the Westin, to see Sidney. I
10 described this in the book. I got there. It was kind of this weird chill in the air. She
11 was alone. I sat and talked to her for a bit.

12 We were going down -- we were directionally the same. And then she said, after
13 a while, you got to go see Rudy. Unbeknownst to me, what was happening between
14 them is they'd been together. And I even know the history, if you want, on that, how
15 that all came about, if you -- we can go into it if you want. And it had just come about.
16 I didn't know this, but they had only known each other a week or 10 days and -- that was
17 my understanding. And they had -- they were not getting along in the Westin, I guess.
18 But I didn't know all this at the time. And they had just gotten together. It goes back
19 to -- if you want, I can go into how they got together.

20 Q That's okay. But you -- so you -- I don't know if you finished your thought in
21 terms of your level of interaction with them. It sounds like you had some interaction
22 with Sidney Powell. You went over to the Westin at some point to meet with her.

23 A And then she -- I got to meet Rudy and her people. And then from that on,
24 that point on, there was interaction. There was interaction.

25 Q And the interaction, how would you describe the interaction? Were they

1 tasking you with projects? Were you reporting to them what you were finding? What
2 was the nature of the interaction once you started interacting with them?

3 A They were -- they were telling us that they were getting contacts from
4 around the country, from cooperating government officials who thought that there was
5 odd things going, and that they were working on finding officials who would work with us
6 and, I don't know, maybe people were filing lawsuits or something and that they
7 would -- they would open doors that we could go and do the cyber forensic work.

8 But it was all in the understanding that they had people -- like, they put me on the
9 phone at least once or twice, maybe three times, with some government official
10 somewhere, a county worker, a district attorney, something like this, or a lawyer. And I
11 would just tell them -- they would have me talk about various things.

12 And then they were very -- I'd say that Sidney, in particular, they really kept me at
13 arm's length. They saw me as a guy -- it was kind of funny to me. They saw me as a
14 guy who was just showing up and writing checks and, like, as someone in the rooms.

15 And so, it was kind of painful to watch, frankly, because I thought they were not
16 well-organized. I'm not a huge fan of how law firms operate, and I think they were very
17 disorg -- not well-managed, in general, and there was a lot of what looked like bull
18 sessions going on. It just wasn't anything like I had expected to find like a disciplined
19 operation, trying to look into things, investigate things, pull information together, and
20 achieve things.

21 Q So there are a couple of parts of that answer that I want to sort of go back to
22 and unpack a little bit.

23 On this issue of talking to county officials or folks that they put you on the phone,
24 you talked to, you said you talk about various things. What kinds of things were you
25 talking to local election officials about in these phone calls?

1 A Things, generally, well, probably the quickest way to say it would be
2 your -- where is it? This, this. I assume you know CISA came out with a report a month
3 ago on how porous these equipment machines are, these machines are. And I was
4 telling them this.

5 Basically this represents my state of knowledge, October 22nd, 2020, this report
6 that CISA put out. These systems are terrible, and all your certifications are meaningless
7 and it's all garbage. It's garbage technology. There's nothing the field -- there's
8 nothing commercially available in technology that is as garbage as this equipment.

9 Q So you were telling the election officials after the election that their election
10 systems were vulnerable essentially?

11 A Yes. I was telling them they were very vulnerable.

12 Q And were you gathering information from them, or were you just sharing
13 your views on the flaws in their system?

14 A Well, they were -- they were asking -- I guess the tone of the conversations,
15 see, I -- so why I said that about Sidney is Sidney, they kind of -- they would have the
16 conversations and then bring me in for, like, one 10-minute window in a conversation and
17 then step out. Sidney was very much like that, like, Oh, I don't want you around any of
18 the law, any of this stuff. And it's just painful.

19 And so that was my -- so it's hard for me to characterize the whole conversations.
20 My interactions were to talk about vulnerabilities in the machines and what could be
21 done to look at things, what -- which -- that there could be very simple ways to go in and
22 look at things, very nondisruptive ways respectful to the process.

23 Q And you used the term, "cyber forensics." Is that sort of a fair way to
24 characterize how you viewed your focus at that point?

25 A That, plus the math. At some point, Seth Keshel came into

1 this -- our -- this -- into this environment. I'm not sure if I would call him our group. I
2 guess I did. I think I put him up at the hotel. I don't think of him as a cyber guy. He's
3 a numbers guy. So that -- it'd be the cyber guy and the -- and the numbers stuff.

4 Q Okay. And I wanted to sort of come up with an appropriate term for that,
5 because I'm going to differentiate that from what I understand maybe what the Powell
6 and Giuliani teams were doing in that same timeframe.

7 My understanding is that they were collecting affidavits, taking tips from people
8 around the country who were talking about what they observed at the counting centers,
9 how they were, observers were excluded, and fake ballots being brought into these
10 counting centers, that sort of stuff. They were cultivating that information. Is that
11 your understanding of what they were up to for the most part?

12 A That's my understanding, although you could also -- I wouldn't say I
13 saw -- they were getting anecdotes. Yeah, I would say they were doing that. I set up
14 the organized effort to do that, let's say, put it -- although, they may -- they had their
15 own. And they were getting inundated with these, but they weren't -- it wasn't very
16 systematic, it seemed. It was more one-off.

17 I had people reaching out to me, and -- once I was public and people coming to
18 D.C. or contacting me, and those sorts of grassroots stories were coming into me.
19 Eventually I set up a -- Seth Keshel, maybe another person, to interview. Too many
20 people were flying to D.C. for me to keep up on the interviews, and many of them
21 represented, sort of, dozens or hundreds of people out in the respective States. A lot of
22 them came stacked with affidavits. It was like a fire hose.

23 So I created a system of three debriefers, and I did pay for a number of people to
24 come to D.C. A whole bunch of people came without being paid, but a bunch of people
25 came because I created tickets. I would get them sort of modest hotel room

1 somewhere, say they could charge their food, and just spend 2 or 3 days, enjoy the city.

2 And one of these debriefers would come by and talk to them, the best of whom
3 turned out to be Seth Keshel's sister, who's Seth Keshel brother. Do you know that?

4 Seth Keshel has a 275-pound marine drill instructor brother who decided when he got out
5 to be a woman, and they tell me he was the best debriefer of them all.

6 But it was this very strange situation where he was -- she, pardon me, was
7 debriefing these people and doing -- and so that by, I think, around November 10th or
8 12th, that whole funnel. Think of it as I created a funnel around the country where all
9 these reports were coming in, and people were coming and their information was coming
10 in and coming up.

11 And I was supposed to be -- I was going to pipe that to whoever wanted it, to
12 whatever lawyers wanted it, to the government if they wanted it. It was not out of the
13 question.

14 So, as I'm sure you understand, there's kind of a -- has been kind of an ambiguous,
15 odd relationship between Uncle Sam and myself. Up -- it was not out of the question
16 that that -- it was quite odd to me how the DOJ refused, once the election came, to
17 interact. That's a very unusual position for me.

18 And so, I had that funnel. Now was that happening to Rudy, too, and others?
19 Yeah, I think so. It did seem to me they were being very systematic about it. So that
20 was the funnel I created. And let's say I started directing that to Sidney, Rudy, anyone
21 who wanted that information, as well as someone there. I was introduced to Garrett
22 Ziegler, and I was given to understand -- I guess I didn't understand as well as I should
23 have what his role was. I thought he was -- I didn't quite understand what his role was.
24 So, anyway, that's -- so Rudy may have had his own. But we were getting that stuff
25 ourselves, too.

1 Q And were you, other than setting up this structure and paying for folks to
2 help do the debriefing, and sort of organizing the tips that were coming in, or evaluating,
3 maybe, the tips that were coming in, were you, yourself, sort of monitoring that
4 information or helping to take steps to pursue or further investigate any of those claims,
5 the non-cyber-related claims that were coming in?

6 A Some I passed on to the government. If some non-cyber claims that came
7 in, significant things, I passed on to the government that I was not up to investigating or
8 thought it was maybe hoke -- there was some things that I thought were hokey and
9 improbable, but it was sort of not my job to decide that, but not something I could
10 investigate and I'm just flipping them to somebody in the government.

11 Q And government, who do you mean?

12 A Well, some of that was a fellow at -- one thing in particular was a -- to a guy
13 at DHS that --

14 Q Who in particular at DHS?

15 A I think his name is Courtland. He was -- I'm blocking on his last name.
16 Courtland, I had met him in connection to this. He's the fellow who married, Chanel
17 Rion. So look up who Chanel Rion is. I met them in this. But he's -- he's a fellow.
18 He was something over at DHS, and there were a couple of things he sort of handled.

19 Q Do you remember which allegations he referred to, this person at DHS?

20 A That was the -- the South Korean jet was one of them.

21 Q Okay. Is it fair so say, though, that your focus and the focus of what you
22 would consider your group or your guys was on the cyber forensic side?

23 A That'd be fair. I think that would be discounting what we did on the
24 affidavit side, all the affidavits coming through as well. So I guess I had maybe not
25 anticipated it this way, but I ended up being the guy who managed that and built that

1 information stream.

2 But I would say the lawyers made it very clear they wanted me on that side of the
3 Chinese wall and they wanted me on the other, which I thought was not good judgment.

4 Q Did you have discussions with the lawyers in those early days about whether
5 your focus, the cyber side, was going to be more fruitful than what they were doing,
6 which was chasing these affidavits and the various leads that were coming in from the
7 grassroots?

8 A They were not really -- I had an -- they were not really interested in my
9 opinions on anything. And it made it especially painful to watch them fumbling around.
10 I thought it's super constitutionally clear this has to be -- there is a political process and
11 the State legislatures are the solution. And it's all about -- it's -- so I'll give you exactly
12 what was going on internally. Is that -- to --

13 Q Sure.

14 A Okay. Sidney told me that Rudy really wasn't up to the fight, and Rudy just
15 wanted to follow a few token challenges and go home. But she, Sidney, was going to be
16 the great hero -- well, she wanted to fight through the court systems and such, and cases
17 up through State court and Federal court and this. And I thought that was kind of not
18 smart.

19 It turns out Sidney was not telling me the truth. Rudy -- and I think Sidney was
20 too attached to the image of herself as standing up in court, Supreme Court, and having a
21 big argument. This is something that all should have gone through the State
22 legislatures. Courts aren't going to get involved in something like this, and I understand
23 this.

24 It's -- I forget this -- it's a beautiful system. I've written about it. I don't know if
25 you've had the unfortunate duty of reading my deep captures. But I think it's a

1 brilliant -- I forget which Federalist paper it was, but it's brilliant. But they knew that
2 there was going to be tumult and discord in the States.

3 And you want the State legislatures at the end of the day, you want to be able to
4 make that watertight. So you want the State legislatures to look at all the facts, make
5 their decision. My understanding is they have the plenary power to make any decision
6 they want to make and that that's how the things should be resolved.

7 That was my -- however, Sidney said Rudy had no stomach for that, and this was
8 all about going into the court system and fighting through courts, which sounded kind of
9 preposterous to me. I later found out that she was not really telling me the truth, that
10 Rudy all along had had the Green Bay Sweep as the strategy. And she had -- her
11 explanation to me, what Rudy wanted to do, was not accurate.

12 So, and I think that was because she was inappropriately tied to this image of
13 herself fighting this up in the Supreme Court. So that was what was going on. That
14 was the terrain.

15 Q Okay. So and I think I want to explore a little bit more this notion of sort of
16 the State legislatures being the solution, and whether that was to the exclusion of going
17 through the courts and so forth.

18 But what I was focusing on or what I want to get a sense of is, in any event,
19 whichever path, whether it's through the legislatures, the courts, or other political
20 process, there was -- the Trump campaign was going to have to show that the -- that
21 there was widespread fraud or that there -- the election was somehow tainted. Is that
22 fair to say?

23 A Yes.

24 Q And did you feel that that was going to best be shown through cyber
25 forensics and issues regarding the compromise of voting systems, as opposed to the types

1 of claims that were coming in from the grassroots and that were being processed, or had
2 you not yet formed and opinion on that?

3 A I had not formed an opinion, and to me it all goes together. It's a whole
4 bunch of pieces that all fit together. It all works together. And, of course, we have a
5 much better understanding now than we did then. But it all works together.

6 And it did seem to me that cyber could be -- could resolve things very quickly.
7 Like, just look at the election database on the machine. It could resolve things if you
8 could digitally image a machine, and look at the election database, you can find -- you
9 could get to the bottom of this quickly.

10 Q And did you believe at the time that that's where the mischief was, that it
11 was somehow within cyber piece of this, there had been manipulation of the machines or
12 vote switching, or injection of improper votes?

13 A I thought that -- I did not have a strong hypothesis. We had a lot of
14 information. It was kind of like walking into a murder scene, and the body's been
15 dragged off -- or six murder scenes. The body's been dragged off and you are -- you
16 know, you have dozens of clues and, you know, you don't want -- the evidence -- dozens
17 of clues and you're trying to reconstruct what happened.

18 I wouldn't -- I think at one point my thinking was that it was what I called a
19 Pousse-Cafe. There was a lot of different -- a lot of different cheats, 100 different ways.
20 And I still think that, but I think that some of them worked together between the
21 machinery and the paper and such like that.

22 Q As you sit here today, do you have -- do you believe the election was stolen?

23 A Absolutely.

24 Q And do you believe it was done through some sort of manipulation of the
25 electronic voting system?

1 A That played a role. I think that that played a role. I mean, I think this can
2 all be solved in about 3 days if we can go image six hard drives. But I think what I was
3 imagining what was exactly what was found in Mesa County number 3 when we
4 finally -- when citizens finally got the image of the hard drive, what was found was exactly
5 what I -- well, what exactly what CISA now says is entirely possible, and we have no
6 reason to think it -- you know, they no longer even say it was secure. They say they
7 don't know if it happened or not. If you read this, they're no longer saying it was the
8 most secure election in history.

9 Q So, and do you also believe that there was other malfeasance involved
10 regarding fake ballots or dead people voting, or the other types of non-cyber-related
11 allegations that were being raised by the President, Mr. Giuliani and others after the
12 election?

13 A Yes, like, for example, in Arizona, on a significantly more greater scale than
14 was understood there. I thought that they -- that Rudy was overly fixated on the dead
15 people voting thing. However -- and didn't understand that we were talking about -- we
16 were talking about a type of fraud that would never be found in a normal audit. We
17 were talking about something much deeper that's not going to be found by some people,
18 you know, holding things up to the light.

19 I didn't -- I'm sorry. What was your question again, [REDACTED]?

20 Q Whether there was some non-cyber-related systemic fraud that changed the
21 outcome of the election?

22 A Yes. Do I believe that today? Yes.

23 Q And what was the nature of that, of the fraud?

24 A Do we have all day?

25 Q Give me the topics or the types of fraud that you think you've seen evidence

1 of.

2 A Okay. Well, the -- I'd say on Mesa County -- to me, these two things are
3 decisive together. CISA has now come out and said these things have nine serious
4 security failures. These are not vulnerabilities. These are failures. They're unpatchable,
5 which is why if you go to the CVD and you look for the patches, there are no patches yet
6 because it's -- you can't fix what's on -- how bad this is. And so -- but there they're
7 saying it's entirely possible.

8 Mr. Driscoll. Just for the record, what he's holding up, just so we know, we can
9 get you a copy of it, is the ICS Advisory, ICSA 22-154-01, Vulnerabilities Affecting
10 Dominion Voting Systems, ImageCastX, original released date June 3rd, 2022, which
11 appears to be a CISA document off the website, public document.

12 [REDACTED]. Thanks, Bob.

13 BY [REDACTED]:

14 Q You would put that in a cyber category, though, wouldn't you, the
15 vulnerabilities in the Dominion machines?

16 A Well, it's not as simple as that because, you know, some of these
17 vulnerabilities are an attacker could leverage these vulnerabilities to install malicious
18 code, which would spread to other -- but one of these is, you know, to gain elevated
19 privilege. One of them is to leverage this to print an unlimited number of ballots.

20 So someone could use this vulnerability to print an unlimited number of ballots.
21 Is that -- and then enter those. Is that a ballot issue? Is that a paper issue? Is that a
22 cyber issue?

23 Q Got it. Okay. And you believe that happened in the election, that there
24 were people who exploited those vulnerabilities --

25 A Yes.

1 Q -- and printed an unlimited number of ballots?

2 A I don't know the specific -- I think that they exploited these vulnerabilities as
3 is described in basic -- the one place we got to look, we found exactly what these guys
4 said you would find. I've always been perplexed as this could all be solved, and we'd just
5 go image six hard drives in an hour. We'll have the answer on each.

6 But -- and the -- and five said no. I mean, I find it very strange that for some
7 reason, it's a crime against humanity that we want to go image five hard -- that we want
8 to be able to image five hard drives and look for the kind of stuff they found. And in the
9 sixth place we got -- citizens got a subpoena to do it and the folks deleted the election
10 database the night before turning it over. So --

11 Q And when you say Mesa, do you mean Mesa County, Colorado?

12 A Yes.

13 Q Okay. Is that Tina Peters?

14 A Yes.

15 Q Is that her jurisdiction?

16 A Yes.

17 Q Okay. At some point, did you go down Tomotley in November of 2020?

18 A Yes.

19 Q Who was down there when you went there? Who was down there, you
20 know, working from there in that timeframe?

21 A Well, I went down, first of all, to basically take the top of this funnel that I've
22 described to you, and move it so it poured down into Tomotley. And there were a group
23 of -- there was Lin Wood and a group of lawyers gathering. They were basically Sydney
24 and her junior, junior lawyers. And Lin Wood had two or three staff. And then there
25 was -- there was protection and there were people with some undefined. There was a

1 Gina Faddis, and a fellow that I didn't take too much, that I discussed in the book, the guy
2 who -- he was a British fellow allegedly with some connection to the SAS?

3 Q Was Mike Flynn there?

4 A No, not when we got there.

5 Q Did he come down later?

6 A I was there for a couple of days. And then he came down, and I left. And
7 we met on the tarmac and chatted for 30 minutes.

8 I wrote -- in my book, I wrote that, you know, [REDACTED].

9 When I read it now, by the way, there's a -- there's a second edition. If you order it on
10 Amazon, it hasn't -- it didn't just date, but the second edition, I went through that came
11 out, I don't know, maybe 6 months later is a lot cleaned up. And I read it once more,
12 and there were some facts that were a little bit off.

13 So I think I understand the book I met Mike for first the time as we crossed on the
14 tarmac. It -- actually, we had met a few days -- we had met just before I went down to
15 Tomotley. Went the same day, the same morning. Met Seth Keshel. I believe it was
16 a Saturday morning.

17 So, anyway, he came down. We talked on the tarmac for 30 minutes. I told
18 him my misgiving about Gina Faddis and this British guy, Andrew something. And
19 they -- and then we crossed paths. And he spent -- my understanding was he spent
20 about a week there.

21 Oh, and there were other people there. There were some other people
22 gathering that I didn't pay as much attention to. Doug Logan later told me, he -- I
23 thought I met Doug Logan about December 5th. And Doug -- but when I met him, I
24 remember he said, no, we met once before. I recently saw him and talked to him,
25 interviewed him for first time, and sat with him, chatted. And he said that we had

1 actually met. He had been in Tomotley, and he may have said that Jim Penrose was
2 there.

3 But either I didn't pay them mind when I got there. I think what's more likely
4 they came sort of after I left or something. So I was there for two nights really just to
5 get everybody installed, to get printers and computers set up, analysts in place. Seth
6 Keshel, he was there. So I got that all installed and then went back to D.C.

7 And so what happened from -- I think that was around November 14th probably is
8 when I left. I think he was there about maybe the 13th to the 15th. And then my
9 recollection, my understanding was that Mike was there about a week to Thanksgiving
10 dinner, and then sort of -- if you had asked me, until recently, I would have said that all
11 broke up by November 24th. Somebody else recently told me, No, it did continue. It
12 did continue, that there were people down there for several weeks after that. But they
13 weren't -- it may have been Sidney's people or something, not people that -- not any of
14 the people I've discussed.

15 Q What about the rest of the crew you were talking about in Washington?
16 Conan Hayes and Todd Sanders, were they -- Russ Ramsland, were they at Tomotley as
17 well?

18 A No. Russ, Russ wasn't really -- like I say, after that initial trip and then the
19 visit to Sidney, my recollection was him slipping off, going back so Texas, not being very
20 involved at least in Washington, D.C., other than maybe he had made sort of one trip
21 back to D.C., and I saw him as he came through. And I probably got him a room, and he
22 stayed a couple of days.

23 But after that initial exercise with Russ, he seemed to physically be out of the
24 equation.

25 Q And Conan and Todd?

1 A They were in -- I know they were in D.C. for Thanksgiving. Sometimes they
2 were flying home and seeing families. Everybody's a volunteer, first of all. No one's
3 getting paid for anything. I was picking up the expenses, buying people plane tickets
4 and such. But they may have drifted out, you know, for a weekend of it. But basically
5 they were ensconced at Trump.

6 Q How about Ivan Raiklin, was he there?

7 A I don't recall meeting Ivan Raiklin, other than at a couple -- until something
8 going on in D.C. And he came by, wanted to be part of -- there were people showing up,
9 whenever there was something big going on, who wanted to be around General Flynn,
10 really but me and General Flynn, and provide bodyguard services and such.

11 And I kind of understood Ivan as one of them. I think it turns out he may just
12 look like one of those guys I think that was in that group. So I actually was paying
13 surprising little attention to the kind of stuff you're asking me about. I was focusing on
14 the issue.

15 In more recent months, as I become aware in the press of what it is you're looking
16 for, I've tried get some of the answers you're looking for. And I think that I might have
17 confused Ivan with a guy name Yoda at some point. Anyway, so I don't recall Ivan
18 Raiklin being down there.

19 Q A guy named?

20 A Yoda. There was a guy in the protective services, law enforcement officer.
21 So there were a bunch of volunteers that, whenever there was going to be a rally, we
22 would hear that there were a before of volunteers, law enforcement, retired law
23 enforcement, veterans.

24 And there would be a phalanx of 10 of them downstairs at 1:00 p.m. So when
25 you and Flynn walked over to the Mall to speak or when you walk to the Supreme Court

1 to speak on the steps, there's going to be group of 10 volunteers. We just
2 understood them to be volunteers. And one of those guys is named Yoda.

3 And so he happens -- I've only a couple of months ago put together. I may have
4 confused who was Yoda and who was the guy that -- that guy in that group --

5 Q Ivan Raiklin.

6 A -- Ivan Raiklin. So those guys happened to look a lot alike and --

7 Q Got it. Got it. I think we've got some pictures of them that we'll go
8 through and I think Yoda, who's I think real name is Geoffrey Flohr, might be in some of
9 those photos.

10 So Raiklin wouldn't have been one of the cyber guys that you were working with.
11 You wouldn't put him in that camp?

12 A No.

13 Q Okay. And you said you just had this passing introduction to Mike Flynn.
14 Maybe it was in D.C. before you went down to Tomotley, and maybe you saw him again
15 at the tarmac down in South Carolina.

16 A I had that wrong. No, Mike and I had sat and had spent a good bit of the
17 day together one day, and Seth Keshel was part of it. And I took Mike to meet the
18 different dolphin speakers that I had down in a conference room. I remember that
19 because when he met -- most people, when they meet General Flynn, they want to go up
20 and get an autograph.

21 He saw Conan Hayes. He went running over. He wanted to get a picture taken
22 with Conan Hayes. Conan's a world-famous surfer, and Mike is a big surfer. So they
23 had met that day. I'd forgotten been that.

24 When we -- and so, I think it was the next night probably, like probably that
25 Sunday I went down to Tomotley. And I think I came back on Wednesday, maybe

1 Tuesday. And so that second time I met Mike, that was the glancing conversation on the
2 tarmac. And I just had that a bit wrong in my book. I had met him one before, but we
3 still had that 30-minute conversation.

4 Q Okay. When you say dolphin speakers, you mean sort of tech guys?

5 A Yes.

6 Q Did your relationship with General Flynn sort of flourish after those --

7 A Yes.

8 Q -- initial interactions? How is it that you came to work so closely with
9 General Flynn?

10 A I think he's one of -- I think he's one of the most impressive minds I've met in
11 my interactions with D.C. He's a real entrepreneur. He's a very talented guy, and we
12 just -- it's like we could finish each other's sentences, and there haven't been many
13 people in government. But, anyway, he's a very impressive fellow. And we just
14 saw -- we saw everything the same way that needed to be done. We barely had
15 to -- had to talk about it. We just saw everything the same way.

16 Q When did you -- when did this sort of -- the bond form and when did you
17 start working more closely together? You've described the first two interactions. At
18 some point obviously the connection grew stronger.

19 A Okay. Well, let's -- well, it was March 5th. So we all said goodbye to each
20 other in early January and didn't talk for a couple of months. He called me on March 5th
21 and said would I be willing to come down to Florida and to get into DTR and try to get it
22 regular.

23 But over that period, I would say, sticking more to that period, what happened
24 was Sidney was over -- so Sidney was over in the -- with the -- there was a fellow named
25 Mike Trimarco, and Trimarco was a business guy, picking up the rooms at the Westin on

1 the other side. And I guess that's what Sidney saw me as.

2 Sidney didn't -- and so, sometimes Mike and I would sort of cross paths. We'd
3 watch these people work for hours. And no offense to all the lawyers in room, but we'd
4 sort of put our heads together and say, Have you ever seen anything like this. It's just
5 not the way businesspeople approach problems. It's not bull sessions. It's -- there's
6 agendas and task lists and all kind of things that I didn't.

7 And so, Rudy and Sidney, I didn't know all this. This was all kind of being
8 shielded from me, but Rudy and Sidney weren't getting along and that all split apart.
9 And I think Rudy, at some point, I was aware he moved to the Mandarin Oriental. And I
10 think that's when the idea came just get Sidney, get her down, take her down to install
11 her and her crew down into Tomotley and they would sit there, away from the city.

12 Sidney was sort of very caught up in her public appearances, and that this would
13 be a good idea. They could be away from the city. This funnel would be pouring into
14 them, to Lin, to Rudy -- Rudy would get everything, the White House.

15 Well, we never really -- that relationship didn't develop like I thought it would. I
16 didn't realize that Garrett was -- I thought he was just like a social contact that -- anyway.
17 So that's when they -- when Rudy -- in retrospect, what I now understand is when Rudy
18 and Sidney couldn't work together anymore, and that had blown up, that created the
19 impetus, this -- and, anyway, I got her and her people down to Tomotley.

1 [11:05 a.m.]

2 BY [REDACTED]:

3 Q Well, I was asking about Flynn and your connection with Flynn.

4 A Okay.

5 Q Before you go there, I don't want to lose track of Garrett Ziegler, because
6 you've mentioned him a couple times. Did you come to learn that Garrett Ziegler was
7 actually working at the White House?

8 A No, I knew he was working at the White House. I thought -- my
9 understanding was that if I -- maybe he was just there to keep tabs on me. But he -- I
10 think he -- I forget how I met him, but maybe he came over -- I don't know. I was
11 introduced to him and another fellow named Patrick Weaver, and they gave me their
12 cards. And I understood them to be two contacts in the White House, but I didn't think
13 of them as I probably should have.

14 I knew they worked for Peter Navarro. They actually arranged a phone call for
15 Peter Navarro. And I know he's got a colleague named Michael Pillsbury, and I know
16 Pillsbury's work well. And so we had very good phone conversations, but it was all
17 about China and stuff. It wasn't about this stuff.

18 Q So you've mentioned Garrett Ziegler a couple times, and each time you've
19 said something about you didn't realize something, and then your voice sort of trailed off
20 and you didn't finish the thought.

21 So I'm wondering, was there some aspect of Ziegler's involvement that you came
22 to learn later that you didn't understand at the time?

23 A When Peter Navarro came out with his report is when I started realizing, oh,
24 Garrett is acting as a conduit of information from the different people he's talking to.
25 Because in that report I saw a bunch of different -- the work of other of these camps.

1 And so I guess I had assumed that Peter Navarro and they were doing -- I assumed
2 they were in the bowels of government, they were people doing what we were doing.
3 And that's what was in Navarro's report. But I saw some things in it that made me
4 realize, oh, this is -- he's looking at other people's work and that he's -- you know.

5 Q My understanding -- I know you said you didn't spend too much time at the
6 Westin. My understanding was that Ziegler had his day job in the White House and then
7 he would come late at night quite frequently to the Westin.

8 A I'm not aware of that, but that would explain to me what was going on. So
9 we're feeding all this information over to the Westin. That would explain what was
10 going on.

11 Q I see. Okay.

12 So back to Mike Flynn. I was asking you earlier about how it is that your bond
13 formed and when you started working more closely with Mr. Flynn. And was it in 2020,
14 or was it sometime after?

15 A No, I would say what happened -- it was in 2020. I would say by -- he was
16 down there, frankly -- you know, he still had a pending legal case. And Sidney was
17 getting very caught up in herself as this world figure with all these interviews and such.
18 And Mike came down -- he was, like, getting worried about that legal case, like, "Don't
19 forget, Sidney." So what's why he came -- he was up in Rhode Island and then he
20 popped down a couple times. And it was in those periods I got to know him.

21 So that's why he was coming in, and -- but Sidney was very much -- I don't
22 mean -- I'm not speaking ill; I'm just trying to explain what happened. Sidney's kind of
23 basic method is this. I don't know how to say it, just -- you know, it was always, "Get
24 behind me. I'm" -- always. And it grew tedious, and it seemed to be ego-driven.

25 But, anyway, the point was, everything with her was, "Oh, I can't let Mike around

1 that. I'm not going to let my client around that."

2 How she actually got involved was, there was a call -- and I've said this publicly, so
3 you may know it. But there was a -- Rudy Giuliani and Bob Costello got the Biden laptop
4 from John Paul Mac Isaac. They found a bunch of business stuff on it. They said, "Well,
5 we need a business guy to look at this."

6 Rudy had -- has two clients. One was Mike Trimarco because of some other
7 lawsuit he's in. So he called Trimarco. Trimarco went and saw the business stuff, said
8 it had a lot to do with China. He called, he said, "Ooh, it would really help if we had
9 Mike Flynn in this, if he could analyze from that perspective." And they didn't have his
10 number.

11 Somebody had Sidney's number. And Mike had Sidney's number but he had
12 never spoke to her. He had her number for a weird reason. And he got in touch, and
13 she said, "Let me come up and look at it. I don't want any client anywhere near this."
14 So Mike was kept out.

15 She got up, I think, around -- this was all, say, October 22nd to 25th is my
16 estimation. And then she goes to New York, and she became part of the Rudy-Mike
17 Trimarco thing. And then, after the election, they go down to Virginia.

18 So that's how it came about. And so it was more about them than Mike. So I
19 started meeting Mike when he popped down. He was staying in Rhode Island, but he
20 was popping down. And he was growing sort of increasingly worried. As this all spun
21 up in those days in November, Sidney was very, very focused on the public aspects of this
22 and enjoying the public aspects of this. And my sense was that he was worried she was
23 getting carried away, and he wanted to -- he was going down to get her focused, "Hey,
24 don't forget about my case."

25 May I trouble you for one of your lozenges, please?

1 Thank you.

2 ████████. Do you want to take a short break?

3 Mr. Driscoll. Do you want to take just a couple minutes?

4 ████████. Okay. Let's go off the record.

5 [Recess.]

6 ████████. We're going to go back on the record.

7 And before we -- we'll go back to General Flynn, but before we move on, █████
8 is going to cover some ground that we had talked about or maybe related to some of the
9 stuff we've talked about already.

10 BY █████:

11 Q Yeah, I just wanted to go back really quickly. Earlier, you were talking
12 about the -- I guess I'll call it the cyber team, and you can correct me if that's not correct.

13 You mentioned Chanel Rion. And I understand you gave an interview to her in
14 November 2020. And I think you -- she referred to it as the "elite shadow cybersecurity
15 team" that you were leading. I think you referred to it as a "team of hackers and cyber
16 sleuths."

17 Is that what we were talking about earlier when you were talking about this group
18 of people?

19 A Yes. And also -- yes, them. There are other names that I mentioned.

20 Q And I think you listed out all those names earlier, so I don't want to go back
21 to that. But did you -- earlier, you said something along the lines of you covered their
22 expenses, but did you actually hire or retain any of them?

23 A Not at that point.

24 Q Okay.

25 A No.

1 Q At what point did you hire or retain them?

2 A It was all volunteer at that -- it was all volunteer.

3 When I left, which was around January 7th or 8th, I told Conan, I'll send a year's
4 check -- a check for a year's work, and just to stay doing what he does and stay available
5 to be in support and just keep on diving in.

6 So the others, I did not until -- and then there's another name, Steve Lucescu, who
7 I met I think on the street, and was clearly a Hollywood guy, ponytail, martial-artist-type
8 guy, and he was Hollywood. And I said, "Everything is going to be" -- "Everything that's
9 happened" -- as we parted on, I think, on January 7th, I said, "Everything that's happened
10 is gonna be the subject of history and so on and so forth, prosecutors. And how much
11 would it cost you to take a film crew and go around and interview everybody? Just get
12 everybody as quickly as you can." And he said, "250,000 bucks." So I said, "I'll wire you
13 \$250,000 too."

14 Those interviews -- and we all -- he went around with a film crew and then
15 intercepted me on February 28th in Phoenix. Some of us came together. And that's
16 what turned in to the movie "The Deep Rig," those interviews. But there's about 20 or
17 25 hours of interviews I'd be happy to provide you if you want.

18 Q And just going back for a moment, when you were paying for expenses for
19 the cyber team, is this an entity that you have? Are you personally --

20 A Deep Capture.

21 Q Deep Capture.

22 A Deep Capture. Prize-winning -- you know, it was voted the best
23 investigative journalism in business in America after 2008 and also the best investigative
24 journalism on corruption in the United States Government by an internet-wide poll.
25 Deep Capture was voted the best, over, like, I think Wall Street Journal and stuff, their

1 websites, right? Deep Capture was voted the best investigative journalism in business
2 and American corruption.

3 Q Is that the business name, "Deep Capture," or is there an entity that you do
4 the business through for Deep Capture?

5 A Deep Capture, LLC.

6 Q Okay.

7 A And everything -- that paid for all of this.

8 Q Okay. And I'm assuming that's not a 501(c)(3), (c)(4), or (c)(6)?

9 A It's an investigative journalism operation.

10 Q Okay. And so that's the entity that would have paid for the expenses of all
11 these individuals?

12 A Yes.

13 Q Okay.

14 Is there anybody that you were hiring on the -- in terms of hackers, cyber sleuths,
15 the individuals that we're talking about during this time, is there anybody that you have
16 hired outside of Deep Capture, LLC?

17 A Not that I recall.

18 Q Okay.

19 A But, as I said, all through that November and December, nobody was paid
20 anything. Later, when I went down to try to -- Mike and Sidney on March 5th called me
21 and asked me to come down and try to stand up DTR (ph). It was a bit of a mess. I
22 went down, and Todd Sanders was hired to come in.

23 BY [REDACTED]:

24 Q You said March 5th. Did you misspeak, or is that the date?

25 A March 5th was the --

1 Q March 5th of what year?

2 A Of 2021.

3 Q Okay.

4 A 2021. So after we all broke up and said goodbye --

5 Q I see.

6 A -- in early January -- Sidney left before January 6th. After the rest of us said
7 goodbye January 7th or January 8th, [REDACTED]

8 [REDACTED]. I started writing maybe the 22nd. I got that done in about
9 7 days.

10 And I don't think I -- I don't recall talking to Mike or Sidney or anyone again until I
11 got a phone call March 5th saying, "Could you help us out?" And I said, "I'll come down
12 for a couple of months." And Mike said, "Can you agree to stay until July?" And I said,
13 "Okay, I'll stay until July." And that was 15 months ago.

14 BY [REDACTED]:

15 Q Yeah, I think we're going to come back to that, so I don't want to skip ahead.
16 I just wanted to cover one other thing.

17 I think you did an interview November 23rd. It was a podcast with a QAnon
18 promotor who used the name "In The Matrixxx," with three X's.

19 You said, "I'm a free agent, and I'm self-funded, and I'm funding this army of
20 various odd people."

21 I was just curious, what did you mean when you said you were self-funded?

22 A That I wasn't taking donations, that I was doing this through Deep Capture
23 out of my own pocket. I mean, the money for Deep Capture was coming from me.

24 Q So you weren't fundraising for Deep Capture.

25 A No.

1 Q Okay.

2 Go ahead.

3 BY [REDACTED] :

4 Q So, back to the -- is there anything else on the Flynn piece of it? You talked
5 a little bit about him coming down to monitor his case. Sidney was very busy. You've
6 now mentioned the fact that after January, sometime into 2021, you sort of connected up
7 with him.

8 In the late December timeframe, did you start working more closely with Mr.
9 Flynn at some point?

10 A Yes. I'd say, after his pardon, he got -- after his pardon, he relaxed. And
11 so there was -- there were -- it wasn't -- so, yeah, after his pardon -- I think, was the
12 pardon around Thanksgiving?

13 Q The pardon's on the 25th of November. It may not have been made public
14 or announced until a few days later.

15 A Okay. I was not aware of it until it was announced. He's very, very
16 closed-mouthed about things. Even with me and his brother and such, he stays very
17 closed-mouthed. Anyway, so I did not know until I heard about it publicly.

18 Q But it sounds like, prior to the pardon, you weren't that close or as close with
19 General Flynn yet.

20 A I'd say it was more -- in a way, it's like we were close immediately, because
21 as we got to know each other that Saturday -- and we had spoken. We had spoken
22 about three times since September. We'd spoken about three times about other
23 matters. We have a mutual friend, who's deceased, who played a big role in his life and
24 played a big role in my life, and we talked in that context.

25 And so maybe we had three conversations over that time. I would say it's more

1 like -- it isn't like the relationship deepened that much later. It was, when we met, I felt
2 very quickly that we were just on the same -- what I found was, we didn't have to spend a
3 lot of time together to be brothers in arms. Just, we wouldn't talk or whatever, and
4 then we'd come back after not talking for a week or we'd cross paths and we'd talk and
5 realize we had -- we looked at everything exactly the same, so I drew the same
6 conclusions and such. So there was a real sense of affinity up quickly.

7 But his focus was not in my area. His focus was on his legal case until the pardon
8 got done.

9 Q Did he share with you any information about, sort of, the pardon process or
10 how it came to be, how the pardon came to be?

11 A No, other than I think I heard him mention that -- no. I think he had not
12 wanted it to go to a pardon. He wanted to do a full judicial resolution. But since
13 Emmet Sullivan decided to run the first inquisition in American history, that wasn't
14 coming. So I think he regretted that it had to come that way. But that's the only thing
15 he ever said about it.

16 Q Did he tell you about any conversations he had with the President regarding
17 the pardon?

18 A No.

19 Q Did he ever express any feeling of indebtedness to President Trump as a
20 result of the pardon?

21 A No. No, if anything, I think he -- he didn't say it, but I think, if anything, he
22 felt -- well, I don't want to speak for him, but I would say that, if there's anyone who
23 would have a reason to have a beef with Donald Trump, it could be Mike Flynn. I think
24 he's a forgiving guy.

25 Q But he didn't share those sort of sentiments with you? That's, sort of, your,

1 sort of, view of how he probably could or should feel?

2 A Uh, yes.

3 Q What do you base that on, or why do you feel that way?

4 A Sometimes it's things that aren't said, you know? Things that aren't said.

5 He's very closed-mouthed, and so I -- he's very closed-mouthed. But I think that Trump's
6 administration was -- the goose was cooked the day he let Flynn go. I think his goose
7 was cooked.

8 Q That was pretty early on in the administration, wasn't it?

9 A Yeah, like a week. Yeah.

10 Q But he had that good week.

11 A I don't know about that.

12 Yeah, so I think Flynn is a hugely talented guy, and it was a real mistake
13 for -- anyway. So what does that matter, what I think?

14 So, yeah, although our relationship and our friendship developed, it wasn't
15 because we needed to spend a bunch of time. I think I would describe it as we felt we
16 were in a bit of a madhouse.

17 Just like with Trimarco. I remember sitting across from him in one room, while
18 all these lawyers went at it and at it for hours. And, finally, we sort of went and put our
19 heads together, and he said something like, "You'd never see something like this in
20 business. You'd never see people waste 3 hours doing what they were doing." It
21 seemed so strange to us.

22 And, meanwhile, they thought we were just a couple dummies. "You don't have
23 them around. We should have the business people here."

24 And it was like -- it was very frustrating for us, because he's a business guy who
25 knows how to get things done effectively. Mike Flynn knows how to be very effective.

1 I did not think the lawyers had -- it struck me that they were people who had worked -- I
2 don't know. It just had an odd -- you know, there's all kinds of things about their work
3 patterns that are super-inefficient for the teams.

4 Q So, at some point after the pardon, did Mr. Flynn, or General Flynn, throw
5 himself into, sort of, this election integrity, election challenge effort?

6 A Well, it wasn't so much "throwing himself into." I mean, after the pardon,
7 I'd say the focus shifted. The focus shifted. And we talked about -- somewhere in
8 there, we became -- we started talking more.

9 Q And you were still -- from the time you came down to Washington right after
10 the election through January, were you pretty much spending full-time on these types of
11 issues that we're talking about?

12 A Yes.

13 Q Okay.

14 A In fact, I was at the Trump Hotel the whole time, other than leaving for
15 about 5 days over Christmas to go to Florida.

16 Q And can you describe -- and if there are too many topics to cover, then just
17 say so. But are you able to sort of identify what the particular theories were that the
18 cyber teams, the cyber guys that you were working with, what they were exploring?

19 A Well, I'd say it's like, like I say, going to a murder scene where there's no
20 body. You know, all these clues, and you're trying to put together what happened.
21 And we were looking at everything from adjudication to -- well, the truth is, we were
22 trying to -- we saw all these signs of bad security, but it's impossible to get the stuff to
23 look at that you needed to look at.

24 Q So, for example, in Antrim -- you remember Antrim -- one of the aspects of Antrim
25 was the security log was wiped. Well, once that has happened, it means nothing. It

1 means you now know nothing, you have no idea what happened, because anyone
2 could've gone on and put a new golden image on, as they're called now. They could've
3 done anything.

4 So I thought, when we found out that the security log at Antrim had been wiped,
5 that that was kind of -- that everyone would get it. It just turned out that just
6 didn't -- so --

7 Q But that was -- let me interrupt for a second. That was mid-December that
8 you got into the Antrim machines, right?

9 A Was it? I thought it was a little bit earlier.

10 Q It was the first week in December. Maybe -- the report came out on the
11 13th, so the inspection might've been on the 8th or 9th, something like that.

12 But in this November timeframe, like, through down at Tomotley and all that time,
13 what were the theories that people were looking at or exploring? And I was going to get
14 to the point that you raised. What was the data or the information that they had
15 available to sort of run those theories down?

16 A Okay. The theories -- well, there's everything from the Seth Keshel,
17 mathematical-aberration-type stuff to reports of the people, of odd behavior in voting
18 precincts, and trying to figure out why it was so important to shut down and things like
19 that.

20 Theories as to, were there internal codes within the machine? Basically this
21 theory, this theory.

22 Q You're referring to the Mesa County, Colorado --

23 A The Mesa County, that those could be in the machines.

24 Also, the theory that they could be hacked externally during the election.

25 The theory that there was access to -- why people needed access to live voter

1 rolls. And so we knew the people needed access to live voter rolls as part of the rig, but
2 why exactly.

3 And so he knew a lot of it, the back end of it, electronically.

4 Oh, theories that machines could be compromised. And there were other, sort
5 of, crazy theories -- well, things that came in that seemed improbable, like the South
6 Korean jet thing and the Italy thing and the shootout-in-Germany thing and things like
7 that, which we had nothing to do with it.

8 Q So how is it that the cyber team -- or what was the cyber team able to do to
9 investigate these theories? What data did they have available to them that they could
10 try to explore whether any of these theories had come to pass?

11 A The publicly available data from The New York Times and Edison was among
12 it.

13 Q And let me stop you on that. That's reporting data that goes from the
14 various secretaries of state, through the SIDL (ph) system, out to reporting to journalists
15 and other entities that then report them out to the public?

16 A Yes.

17 Q Okay. So they had the information that was, for example, put out by The
18 New York Times that was derived from reports from the various secretaries of state.

19 A Yes.

20 Q And that comes -- okay. Any other information that they had at their
21 disposal?

22 A Oh, yeah. They were -- I mean, they were -- the certification, the
23 certification issue was being researched. The certification -- basically, by the Help
24 America Vote Act, there's the EAC, which consults with NIST, which sets up a series of
25 standards, and then -- and a laboratory to test and certify companies like Pro V&V and

1 ES -- is it ESS?

2 Q ES&S, I think.

3 A Well, there's an equipment manufacturer and there's a -- yeah, ES&S is
4 the -- so my understanding is those two are the only VSTLIs, or whatever, that are
5 certified, and then they are certifying the equipment.

6 Well, that chain of certification seemed to have broken down. The last
7 time -- because those certifications are good for 2 years. And in 2015 there was -- they
8 were certified in February of 2015. It looked to us like it lapsed in January of 2017.
9 And so it looked like the 2018 and the 2020 elections were run on equipment that had
10 been certified by companies which were themselves no longer certified by the EAC. So
11 that was one.

12 Things like the Jesse Morgan story, the Jesse Morgan -- which we got -- the Jesse
13 Morgan -- sort of the back channel on that story, on how that would've come about and
14 such.

15 So there were all kinds of leads like this we were looking into and trying to fit
16 together. I'm sure I'm leaving out twice as many as I remember.

17 Q But on the cyber side, if they want to understand were votes switched,
18 flipped, manipulated, deleted, that's ultimately the goal of the investigation, right?

19 A No. The goal was to figure out about how it was rigged. And these things
20 worked together, we came to understand, in ways -- it's not as discrete as you think.
21 You have to look at it all.

22 Oh, also, the possibility of ballots -- stories about ballots -- mischief with the
23 ballots and lack of integrity in the ballot supply chain. All of this stuff was being
24 researched and looked into.

25 Q Okay.

1 Take a look at exhibit 1 in the binder in front of you.

2 A Oh, I'm trying to -- let me -- give me -- I'm trying to remember. There's
3 something big. I'm sure I'm leaving out just -- we were looking at all these kinds of clues.

4 Oh, what are the -- yeah. Things like SIDL (ph) stuff. Those would be examples
5 of, we don't know anything about this. If there's something going on in Germany or
6 Italy, give that to somebody in government.

7 Q So this exhibit, exhibit 1, it's a printout from something that was posted
8 online. I'm sure it's not a comprehensive depiction of the data or the information that
9 you gathered, but does this look familiar to you? Have you seen this before?

10 A Yeah, I forgot about this. Uh-huh.

11 Q What is this?

12 I'll tell you what it appears to be. It purports to be some sort of analysis that
13 shows that votes in these six States listed on the left somehow were impacted by the
14 countries listed on the right. Am I understanding that correctly?

15 A Yeah, I think that's what the data -- yeah. And I don't stand by this. I
16 think that this happened. I don't -- I think that this may be what's called a twin, the
17 whole Dennis Montgomery side of the story at this point, unless he ever comes out with
18 evidence that other people can look at. But I think this, if I recall, this comes under the
19 Dennis Montgomery stuff.

20 Q Dennis Montgomery is a person who was sort of promoting the notion of
21 Hammer and Scorecard? Former CIA guy?

22 A Yeah.

23 Q And you feel he's been discredited to some extent?

24 A I don't place any confidence in him anymore because he never made public
25 the data.

1 However, I do -- I'm confident that -- I am confident -- oh, that's what I wanted to
2 tell you. Big.

3 I believe it was hacked. I don't have confidence in his data. You know, I don't
4 want to say -- anyway, I don't have -- he won't release the -- it's never been released, the
5 backup. And so, really, I don't have any -- I don't endorse it.

6 Q Are there other aspects of the cyber analysis that you had published or put
7 forward that you've similarly lost confidence in?

8 Because you've published over the months, many months since the election,
9 you've put out a fair amount of information on your websites and other places. And I'm
10 wondering if there have been other instances, other than Dennis Montgomery's
11 information, where you've said "I'm not feeling so good about that anymore, I don't feel
12 as confident"?

13 A Well, you'd have to --

14 Q Have to go item by item?

15 A Yeah, I'm afraid to say.

16 Q Yeah.

17 A It's kind of funny, I'm in a weird place about this, because I'm more confident
18 than ever that this was hacked and I'm very confident this could be done now, but
19 Dennis's stuff I don't -- I don't -- just as a matter of principle, because he's never made the
20 data available. If he won't make anything public, then you have to eventually give
21 him -- he ran out of time.

22 And I have said publicly that until or unless that data is ever made available for
23 public inspection, then I'm withdrawing any endorsement of it. I can't vouch for him.

24 Q Okay.

25 I want to come back to the note that you made, and I don't want you to forget,

1 but I want -- on this issue -- and I'm not going to keep going on this, but you said you're
2 more confident than ever that the election, the 2020 election, was rigged.

3 A Uh-huh.

4 Q And is that through manipulation or compromised electronic voting
5 systems?

6 A Well, I think there's so many -- I mean, there are so many ways that there's
7 terrible -- terribly poor security. And I think there's a bunch of different ways, and some
8 of them are independent and as simple as dead people voting and like that, but on a
9 much bigger scale, that had been revealed, say, in Doug Logan's report, things like that.

10 You know, Doug Logan found 240 cases. Joe Vaughn (ph) found 7,825 cases.
11 And he inverted the problem very carefully, very cleverly. And, I mean, they're really
12 well-documented.

13 So there's all those kinds of incidental things. When the computer gets involved,
14 the computer is not -- it doesn't work in isolation. It facilitates other aspects of the rig.

15 And so -- I'm sorry. What were you -- what are you asking me?

16 Q I'll refine the question. Do you believe that there was manipulation of the
17 election through compromised electronic voting systems?

18 A Yes.

19 Q And by whom?

20 A At this point, hypotheses only.

21 Q Was it through some sort of hacking them?

22 A That's part of it.

23 Q Local government officials, were they involved?

24 A I don't want to get in front of my headlights.

25 You know, the only place, as far as we've been able to prove, was the one place

1 we got to actually inspect a hard drive that had not been deleted, and we found exactly
2 what we're saying. We found total manipulation.

3 BY [REDACTED] :

4 Q Really quickly, Mr. Byrne, I just want to make sure I understand. You're
5 talking about Mesa County, Colorado, correct?

6 A Uh-huh.

7 Q A county that in 2020 had nearly 15,000 more votes for Donald Trump than
8 Joseph Biden in the 2020 election?

9 A Right.

10 Q Okay. So to the extent that you -- do you believe there's a tie between who
11 rigged the machines and the outcome that they wanted for the Presidential election,
12 suggesting that if Mr. Trump got more votes, that the people who rigged the machine to
13 get him more votes than Mr. Biden would've been somehow in favor of Trump winning
14 Mesa County?

15 A Well, the schemes are a little bit more complicated than that. So, for
16 example, you can go to a deeply blue State and rig it and get a lot more votes. But if you
17 go across the north of Georgia, there are some heavily red counties. And you would
18 never want to shave a county from being heavily red to being blue. It'd be too obvious.
19 You'd have people waking up, like they did in Antrim, and saying, "Oh, this doesn't look
20 right."

21 So it looks, mathematically and other reasons, clear that they shave. So if a place
22 was going to be 70 percent Trump, they'd make it 60 percent Trump. So you're shaving
23 points that way. So that would give you counties where Trump's still winning; he's just
24 not winning by as much. And you've just shaved --

25 BY [REDACTED] :

1 Q But wait a minute. Who won the State in Colorado?

2 A Biden.

3 Q Okay. And what was the mechanism by which votes were changed or
4 manipulated in Mesa County?

5 A Well, they postulate, Doherty and O'Donnell -- Professor Doherty and
6 O'Donnell postulate there's three possible ways, and they clearly believe it was done from
7 a script within the machine.

8 Q And so some sort of malicious software was installed on the machine that
9 switched votes?

10 A Or it could've -- given the sole -- you know, you act like we've gotten to look
11 at everything you would want to look at. But, I mean, we don't get to look at anything.

12 Given the SolarWinds hack -- this has been totally misunderstood, and it needs to
13 be understood -- the SolarWinds hack on December 16th, I think it was -- I said
14 December 3rd, but it's December 16th. I looked it up yesterday --

15 Mr. Driscoll. Just a second. Are you going to connect this to Mesa before you
16 get into SolarWinds --

17 Mr. Byrne. Yes.

18 Mr. Driscoll. -- or is this a --

19 Mr. Byrne. Yes.

20 Mr. Driscoll. -- separate thing? Okay.

21 Mr. Byrne. The SolarWinds hack kind of blows up, to me, all of these issues.

22 SolarWinds has two products, or had two products: Orion, which is network
23 security product; it also has an FTP product called Serv-U. And Serv-U is built on top of
24 Orion, so Serv-U contains Orion.

25 The Federal announcement of the SolarWinds Orion hack came out. One of the

1 machinery CEOs went before, I think it was Michigan, and they asked him, "Do you use
2 SolarWinds?" And he very carefully said, "We do not use the SolarWinds Orion
3 product."

4 Well, they're completely architected on the SolarWinds Serv-U product, and the
5 Serv-U product contains the Orion product, which only got made public I think in February
6 or March of 2021, but we knew it did.

7 What that means is, given that SolarWinds -- so the equipment manufacturers use
8 the FTP product to move their information around, the process you were describing and
9 so forth. If their Serv-U product contains SolarWinds Orion, and someone has the
10 SolarWinds Orion hacked, that means they can come in and they get
11 administrator -- they'll come into any -- they'll come into the SolarWinds Orion hack, into
12 the FTP, they gain administrative control over that machine.

13 So any machine that has had the SolarWinds' FTP Serv-U product, has to be
14 assumed, is totally hackable. And as the Federal Government, you know, put out, the
15 SolarWinds was a huge hack. Anyone who had that hack could get on a machine and
16 have access to this SQL database.

17 Now, why that's remarkable is, there's no audit trail. What's also remarkable is
18 that these machines are made with databases that lack a property called "referential
19 integrity." Which, I didn't know in the last 25 years anyone had ever had a database
20 that lacked referential integrity. For some reason, these machines, at least Dominion,
21 they lack referential integrity. I think I've been told ES&S as well.

22 So an administrator coming through the SolarWinds hack that the Federal
23 Government came out and made a huge stink about and gained administrative control
24 and accessed the SQL database of any machine -- any machine running the Serv-U
25 product, that means the whole thing -- I mean, this is all speculation.

1 I run an e-commerce company. If I heard stuff like this, I don't know what
2 standards folks hold themselves to in government, but it would be the entire thing. If
3 this had gone on in the accounting department of a company, I would've had 48 hours
4 and then put out a statement that says, "You cannot trust our previous numbers. We're
5 going to get to the bottom of everything, and we'll have an answer for you in 30 days."
6 That's, in a public company, what you would've announced.

7 The remarkable nature, like the thing I just described to you, any Dominion
8 machine that has SolarWinds' FTP on it was completely hackable by the SolarWinds Orion
9 hack. And anyone who did gained administrative privileges and could edit the SQL
10 database, and no one would even have a record of it.

11 So the whole thing is untrustworthy. That's why CISA is now saying there's really
12 no way to fix this.

13 BY [REDACTED]:

14 Q So I guess the part that I want to focus on, though, is, you said any system is
15 hackable. I'm asking you if the system was hacked?

16 A Yes.

17 Q And the evidence that it was hacked is? Is what?

18 A This.

19 Q The Mesa County report?

20 A Yes.

21 Q So you believe Mesa County was hacked.

22 A I believe Mesa County was hacked.

23 Now, I believe that the things that an attacker could use this vulnerability to gain
24 access to do, to plant malicious code or whatever -- although these guys seem to think it
25 came from a factory with this code. But who knows?

1 Q Okay.

2 A Okay.

3 Q Let's talk about Antrim County for a minute, because that's another place
4 where folks got access to the machines --

5 BY [REDACTED]:

6 Q Just really quickly, before we move on, I just want to make sure that I
7 understand.

8 Your position is that they hacked Mesa County and went in and left the
9 Presidential race, the Senator race, and the congressional Representative, Ms. Boebert, I
10 believe, that they left those numbers high; they just shaved them to be a little lower?
11 Because all three of those Republicans won races in Mesa County.

12 So the hacker went in, shaved the numbers --

13 A Uh-huh.

14 Q -- and they still won; they just shaved them down from higher Republican
15 voting numbers? I'm just trying --

16 A I don't have a strong theory about that. That's what we found them to do
17 in other places, like Georgia, from the numbers -- totally plausible.

18 But I don't have to -- I don't need to get in front of my headlights. Really, in any
19 corporation, the moment you found out you had that equipment, you know that you
20 have nothing -- that every statement you've made to the public is unreliable.

21 CISA has now told us, this is totally un- -- I don't have to get into the details or
22 know who was cheated how many votes and stuff. They have let us know these have
23 uncurable vulnerabilities in them.

24 These are massive -- I know you're not computer people. The computer word for
25 this is, this report is really, really, really bad. This says, on a scale of 1 to 10, these

1 systems are a 1 when it comes to computer security. This is garbage technology.

2 So, once you know that and you find the things that Jeff O'Donnell found, which
3 happened both November 2020 and April 2021 -- and the DA's rebuttal is ridiculous -- the
4 whole thing is garbage. And I'm not trying to get into refined conversations about who
5 did what. You cannot trust any result as reliable that came off these systems.

6 Q I just want to understand. Your position is that the thousands of systems
7 that reflected vulnerabilities after the SolarWinds hack, that no matter the advisories that
8 came out regarding assess whether those vulnerabilities actually led to a hack, if there
9 was a patch -- if there was a security improvement afterwards, your position is that every
10 system that was affected by the SolarWinds hack was garbage, unreliable? Every
11 business should've reported a possibility of a hack regardless of whether there was, in
12 fact, any taking advantage of the vulnerability?

13 A No.

14 Q So why is that different? That seems to be what you're saying for voting,
15 but every other system --

16 A I'm saying that the government has displayed a -- it's like we're in different
17 universes.

18 This alone, in a normal world, is such a remarkable concession. You can have
19 zero confidence in our electronic voting systems, given what CISA has said about the ones
20 that they have discussed. You can have zero confidence in them, given this.

21 Q So security vulnerability for you is enough. No evidence of security breach.
22 You're throwing the baby out with the bath water at security vulnerability. Patch,
23 irrelevant. Repair, irrelevant. Every time there's a security vulnerability?

24 A There are no patches. You go through the CVE and none of these have a
25 patch. They say, "Vulnerability under assessment." There are no patches.

1 Q So no evidence of hacking, no evidence of successful use of
2 the vulnerability --

3 A A ton of evidence of hacking. A ton of evidence of hacking. A ton of
4 evidence that somebody, 3 days into the counting, somebody changed the database,
5 created a new illegal electronic election database, moved 26,000 votes over, broke chains
6 of providence and all that stuff. And what do you know? It happened again in April.

7 BY [REDACTED]:

8 Q Do you know what Albert sensors are?

9 A No.

10 Q Are you familiar with any technology that can be installed on a voting
11 machine to determine whether there's been any sort of intrusion?

12 A Oh, there's a ton of technology that you can install. It's all, you
13 know -- there's all kinds of technology you can install. But, you know, everything is a
14 process. Everything is -- you know, you wouldn't have such awful technology. If
15 somebody in my company said, "Well, we're using technology that has all of these
16 vulnerabilities but we're putting an Albertson's monitor on it," I would say, you know,
17 "Let's just start with something better underneath." Everything has ways to get around
18 it.

19 Q Do you know to what extent Albert sensors were deployed throughout
20 jurisdictions in this country?

21 A No. And I believe that -- it's already -- I know I'm hearing nonsense if a
22 technologist is telling me that this stuff can be addressed because we put some monitors
23 on the machine.

24 Q I'm just wondering whether you knew whether there were monitors on
25 machines around the country.

1 A I know that there are claimed to be all kinds of security -- layers of security
2 protection. CISA has evidently come out and agreed with me that these are
3 vulnerabilities that are monstrous. And --

4 Q So, in Antrim County, do you believe that votes were flipped or switched?

5 A I'd say, let's look at the evidence.

6 Q Well, folks got into those machines in Antrim County. They spent 8 hours
7 exploring them. ASOG wrote a report about it.

8 Based on what ASOG wrote, including some of the folks -- I think Conan Hayes and
9 Todd Sanders might've been the primary folks on that job -- do you believe the votes
10 were switched or flipped in Antrim County?

11 A There's a lot that doesn't add up about Antrim County. It would sure be
12 nice to look at machines. We did not get the chance to look. There were two
13 machines. They were blocked from looking at the machine. They were not able to get
14 the data that they wanted.

15 It'd be nice -- and, primarily, the biggest part of the ASOG report everybody
16 overlooks is that the security log was overwritten, which means the whole thing is
17 untrustworthy once that happens.

18 Q But you're not prepared, based on what came out of that report, to conclude
19 that votes were switched or flipped?

20 A My -- I'm prepared to say you don't know what happened in Antrim County.
21 Nobody knows. They --

22 Q A lot of -- I'm sorry.

23 A They erased the security log. And so, really, at the end of the day, there's
24 so much that could've happened there. That could've been smashed -- it's called a
25 smash-down, just smash it down later. And we don't know, because somebody cooked

1 the security logs. And that doesn't seem to matter to anybody.

2 Q So would you say it would be irresponsible to claim that votes were flipped
3 or switched in Antrim County?

4 A No. I think that -- it's not up to us to -- we think that we've established
5 there are so many vulnerabilities and things that -- you know, in Antrim County, what I
6 know is, there were six -- they provided four different sets of numbers over 25 days.
7 The numbers changed each time. They certified each time. I mean, they said that was
8 the truth each time. It kept changing. 6,000 out of 15,000 votes got moved around.
9 And the explanation was that a woman forgot to update something.

10 So the first thing I would say is, hmm, gee, there's 3,000 counties with hundreds of
11 thousands of precincts. Is it really as easy as if some lovely 75-year-old woman just
12 forgets to flip the right switch, oh, that you move 6,000 votes around?

13 If our systems are really like that, that's pretty scary, isn't it? Because there's a
14 lot of 75-year-old ladies out there working in some town library that could make a
15 mistake like that.

16 Q Is that your understanding of what Sheryl Guy, the county clerk, said, that
17 she hit the wrong switch and votes got moved around?

18 A That they failed to update a card; they didn't update a card that they were
19 supposed to update in a few machines.

20 Q And what was the manifestation of that, to your understanding?

21 A That they claim that the movement of the 6,000 votes could be traced back
22 to her having failed to update cards with the machines.

23 Q Well, isn't it true the votes never moved; it was just the information that she
24 uploaded in the unofficial results to the website is where the error took place? That the
25 votes themselves and the tabulators never changed. Is that your understanding?

1 A I don't know, but I know some people who have examined it, some -- Ben
2 Cotton. And he's painted what he has described as a very dirty picture of what he
3 believes happened.

4 Q Do you know there was a full hand recount of the ballots in Antrim County?

5 A That means anything. The hand recounts mean nothing.

6 Q Why is that?

7 A Because there's ways to cheat where you're a backfiller.

8 Q So do you think that's what happened, that when they counted --

9 A We don't know. Why do I have to guess?

10 Q Let me just finish. So do you believe that when the Antrim County officials
11 hand recounted all the ballots and they matched the official count that that was
12 somehow rigged?

13 A Hand recounting the ballots does not begin to get to the fraud that we're
14 talking about. You can hand recount the ballots and they can be just fine.

15 Do you know that these can print? Do you know they can print? So they can
16 print after they adjudicate. They can print. Which may be why people in Maricopa
17 found thousands of ballots in a row with perfect circles, every single circle perfect.

18 Q Is that what you think happened in Antrim County?

19 A I don't have to opine on that. What I've heard enough is that this system is
20 so bad you can't trust -- I can't trust what comes off of it.

21 Q So were you involved at all in the forensic examination in Antrim County?

22 A No.

23 Q Did you pay for it?

24 A Well, no. I don't think anybody paid for it.

25 Q Did you pay for --

1 A I paid for the jet travel and the rooms of the people.

2 Q So for whom did you pay for travel to Antrim County?

3 A I sent a jet up with Conan, Todd. There may have been, like -- there may
4 have been Doug Logan or Tim Penrose. There may have been some other cyber people.
5 And there was one person from Rudy Giuliani's team.

6 Q Katherine Friess?

7 A Yes.

8 BY [REDACTED] :

9 Q Did you pay for their hotel stays?

10 A No.

11 Q So you just sent a jet to transport people?

12 A I think they went the same day. I don't know if they stayed overnight.
13 But I sent a jet.

14 BY [REDACTED] :

15 Q Did you fly Ms. Friess -- and I don't mean you -- but did Ms. Friess have
16 access to your plane to fly up to Antrim before the time of the actual forensic
17 examination?

18 A I seem to remember two trips. One -- I seem to remember two trips to
19 Antrim. And I don't know I really don't know who was on the flights. I mean, I would
20 imagine that she was. I mean, I can get manifests and such, but I don't --

21 Q How is it that you came to pay for flights or provide a plane to fly folks to
22 Antrim County, the first time?

23 A I believe that -- well, the first answer is, I don't know. But my supposition
24 would be that the request came from Katherine Friess or at least information that we
25 could have access to a machine.

1 It's all getting a little blurry now, but there were trips where they were asked to go
2 on that they went and they thought that they were being met with a welcome
3 government official who was cooperating, and they made super-clear we're not doing
4 anything -- these guys all have certifications, like digital forensic incident responder and
5 this kind of stuff. So they're super-punctilious about obtaining -- or, they can write
6 affidavits, they go into courts and mount cases, runoff and such. They're very, very
7 punctilious about that.

8 And so what I started hearing -- it's kind of funny. I set this up but then wasn't
9 paying enough attention. They started -- my understanding was they started being told
10 to go places, and they were went a couple places, and they were not met by what they
11 had expected. And then at that point they told me, "You need to make clear to these
12 people, do not ask us to -- we're not budging until we know that everything is paper
13 certified, we've got subpoenas and we've got, you know, some cooperating county
14 official."

15 Q Let me dig into that just a little bit. I think I know the types of things you're
16 talking about.

17 So this would be someone from Mr. Giuliani's team, probably Ms. Friess, who said,
18 "Hey, we think we've got access to machines in X jurisdiction," and your folks would travel
19 there, and then it turns out they hadn't lined it up and it wasn't kosher or they couldn't
20 get access. Is that what you're describing?

21 A Close, except -- it's coming back -- I'm leaving out one step. It was Phil.
22 See, Phil became the guy -- I said I didn't really count him in the Bad News Bears, is really
23 what I think of this team. I didn't count him in the Bad News Bears. He came, but he
24 quickly migrated off up into these other camps. So I'm sort of babysitting the Bad News
25 Bears, and Phil is dealing with Rudy and dealing with Sidney and dealing with Aninstead

1 (ph) and such.

2 So it would've been Phil arranging it. But -- it would've been Phil conveying to
3 us, but I don't remember specifically. And I don't remember, like, the phone call. But
4 it would've been Phil saying, we need to get these folks up to Antrim.

5 Q But, other than Antrim, it sounds like there were some fire drills, I'll call
6 them, where it was, "Hey, we think we can get access." And you sent a group, the Bad
7 News Bears or these folks, to that place, and then it didn't pan out? That's what I
8 thought I heard you saying.

9 A I don't know what came before or after. There was one in Georgia that I
10 know went like that. There was one in Georgia. And then after -- or, I think it was after
11 that, the guys said, "We need to make clear." And they were angry at Phil, and they
12 didn't -- so that was kind of going on under the table without me knowing about it. I
13 understood there was discontent. I didn't know what. I think it was around
14 Thanksgiving that they filled me in, "This is why we're on the team."

15 Q Got it.

16 Was the place in Georgia, was it Coffee County?

17 A I don't think it was Coffee County. I know that Coffee County became an
18 issue later. The people who imaged Coffee County, that was not anybody I was
19 connected to. I think that was the Strickler-Sullivan team.

20 Q I thought I've seen you publicly talk about the fact that your guys were there
21 and your guys were in Coffee County. Am I mistaking that with another county in
22 Georgia or another place in Georgia?

23 A Did I -- are we saying my men in -- is it my men in Georgia? I don't --

24 Q Possibly, yeah.

25 A I don't remember. The guys, the Bad News Bears, went down to Georgia

1 one place -- I don't know where -- that they were supposedly met by people, and instead
2 the people rebuffed them. And then they went out and waited. They were told, "Oh,
3 well, there's this other place to go." They went to the other place, again they were
4 rebuffed, and then they left.

5 I don't know what counties they would've been in. And that would've been in
6 mid-November or early -- or mid- to late November.

7 Q Here's the story I'm thinking of. I can picture you saying it. It was some
8 guy who you were sort of -- I won't say "bragging." I don't mean to be pejorative. But
9 you were sort of joking or recounting the fact that some guy had dressed himself up like a
10 tech guy with a pocket protector and so forth.

11 A Oh.

12 Q Do you remember the incident I'm talking about?

13 A Oh. You might be talking about one in Fulton County, Georgia.

14 Q Okay.

15 A Okay. But the pocket protector was the -- that was Mesa County.

16 Q Okay. Okay. So you were involved and you had someone involved in
17 imaging the system in Mesa County?

18 A No.

19 Q Tell me what your connection to Mesa County was.

20 A So, as I said, after we broke up, after we broke up in January and, sort of, we
21 said good-bye, but it'd been this intense experience, it wasn't unusual for -- especially
22 Conan and I had become close. And we stayed in touch. He called me once -- let's say
23 once a month.

24 I had not heard from him in 3 or 4 weeks. One day in May, he called me and
25 said -- and he's a very cool, low-key customer. And he called, and he was sitting in that

1 center in Mesa County, and he very quietly gave this explanation on the phone. And
2 someone had put it on FaceTime. And he very quietly explained that the county
3 recorder had asked for his help, and she thought there was going to be a cover-up and a
4 smash-down and that she had asked for his help to come -- and I said, "The county
5 recorder, the actual recorder?" And he said, "Yes. And she has the legal authority to
6 do this." And I said, "And she's asked you this? There's no question whatsoever?
7 This isn't going to be disagreed?" He said, "No. She's instructed me to do this."

8 So -- and he also said -- he put it on FaceTime. So he filled me in as quickly as he
9 could in his very low-key way, and then he put it on Facetime and let me see behind him.
10 And he said, "These people are committing 100,000 felonies. It's the craziest thing I've
11 ever seen. They're just sitting here wiping out the entire Trump '20 election."

12 It was maybe from here to madame here, over his shoulder. And I couldn't see
13 what they were doing, but he told me these were Dominion and secretary of state people
14 who have come in to wipe out the election of 2020. And I said, "So there's a
15 government official telling you they're doing this?" And he said, "Yes, absolutely."

16 Q Got it.

17 A And so the first I heard of it was then. The first I heard of it was while they
18 were just wrapping up.

19 Q Okay.

20 So I got us a little off track there, but talking about sending folks to Antrim. So
21 you think that that was -- somehow it came to you through Waldron that they had --

22 A Access.

23 Q -- access, and could you help get people there?

24 A Yes.

25 Q You didn't go, I assume.

1 A Correct.

2 Q Do you know who -- Conan Hayes went, Todd Sanders went, and I think you
3 mentioned that there might be some other folks?

4 A Phil may have gone.

5 Q Okay.

6 A I know Katherine Friess went on at least one of those trips. Those were the
7 people -- maybe there were people like Jim Penrose or Doug Logan and I wasn't
8 recognizing because I wasn't meeting them until later, or I wasn't getting familiar with
9 them until later.

10 BY [REDACTED]:

11 Q Sorry. This was the group you sent the jet, correct? You said, I think for
12 Antrim, you sent a jet for a group of people to go but you didn't go with them?

13 A Correct.

14 Q When you said you sent a jet, is it your jet that you own?

15 A No. NetJets.

16 Q NetJets?

17 A NetJets.

18 Q So you just paid for -- so it's, like, a rental, right?

19 A Yeah.

20 BY [REDACTED]:

21 Q Do you own a plane?

22 A I own shares in different planes through companies like that.

23 Q Okay.

24 Do you know who did the actual forensic examination in Antrim?

25 A No, I don't. I know that there was a room with Conan and Todd and then a

1 couple other people coming and going over about a week. It got into this -- really, if
2 they had a week, as I recall, it took them most of the week to get through the security
3 layers. And then they quickly got -- they didn't have as much time to do the exploits,
4 and the whole world was banging on the doors.

5 My understanding was, they turned over the technical results to the tie guys.
6 And I always understood that to be Russ and some other fellow with Russ that I didn't
7 know his name, and that those were the people.

8 Hello. I'm sorry I didn't greet you when you came in.

9 So my understanding is, the technical stuff was done and given to them, and they
10 wrote it up.

11 Q The technical stuff was written by Todd and Conan and was given to the tie
12 guys, who wrote the report?

13 A That's my understanding.

14 Q And do you understand that to be Russell Ramsland?

15 A I did understand it to be Russ Ramsland and such. I've later -- maybe it was
16 from other conversations with journalists that told me that Phil was involved in that.

17 See, Phil kind of drifted away from us. He sort of was climbing the ladder. He
18 was drifting, spending more time with the camps and the lawyers. And it meant a lot to
19 him, that he was sort of in that camp.

20 So he drifted away, and I'm not as clear. I mean, did he know? Some
21 journalists have told me that he cooperated in that, writing that report. I was not aware
22 until the journalists told me. I thought that it had all gone to Russ.

23 Q Did Conan or Todd ever tell you what work product they presented to Russ,
24 Mr. Ramsland?

25 A They told me about stuff as they were working through the machine, as

1 things they were finding, in particular the security log being deleted -- which, again, I
2 thought was decisive, but it doesn't seem to bother other people.

3 So, no. It was really a direct relationship.

4 Q Did you ever see a draft of whatever work product Todd and Conan came up
5 with?

6 A No. Sidney and Rudy, they were all very keen to maintain all that legal
7 privilege and this and that. And they thought Mike and I were just business guys writing
8 checks; why would you ask them? It was really painful dealing with them sometimes.

9 So all of that stuff, it was super-fastidious. Like, no involvement, they don't want
10 to be asked about it, they don't want anyone to talk to me, that kind of stuff. So, no,
11 everything went directly.

12 And my recollection is that, like, something -- my vague recollection is that they
13 got some stuff in -- it was completed in one evening, and the next day is when that report
14 came out. Which meant someone had sat up all night writing it, which struck me as less
15 than optimal.

16 Q But did Conan ever share with you what he presented to them, to the ties, to
17 Mr. Ramsland?

1 [12:10 p.m.]

2 Mr. Byrne. Not -- I mean we have discussed it.

3 BY [REDACTED] :

4 Q But the tangible work product?

5 A No.

6 Q Would you have access to that? Could you get it?

7 A Now?

8 Q Yeah.

9 A No, I wouldn't have. Well, I don't even know where -- who would have it.

10 Q Would Conan give it to you if you asked him?

11 A Maybe. You know, I'm not sure it would be him. It would be unlike him.

12 I would imagine it would be more like Todd Saunders who had it. Todd was sort of the

13 corporate guy. Conan is a special. Todd is the very well-balanced corporate,

14 cybersecurity guy you would imagine. Conan has sort of narrower but very developed

15 skills.

16 Q Where's Todd these days?

17 A I don't know. I haven't seen him. We parted ways last summer. We had
18 a lunch about 6 months ago. He is probably in Florida. Probably in Florida. I heard he
19 was moving.

20 Q It's been reported that Conan Hayes, maybe with Todd, but Conan presented
21 some sort of work product that reached some conclusions or documented his findings
22 with respect to examination in that -- without his approval or review that the report was
23 changed, and certain language added to the report that was then presented to the world.

24 Do you know anything about that?

25 A No, but that would be consistent with my understanding that they -- that

1 they prepared something. My understanding was they were just preparing technical
2 stuff, and then the tie guys are the guys who are running the English around it. I do not
3 know how much of the English maybe Conan and Todd wrote that somebody else may
4 have changed.

5 Q Did you ever review the report, the ASOG report?

6 A No, I never saw anything.

7 Q After it was published, I mean.

8 A After it was published, yeah.

9 Q You read it?

10 A Yes.

11 Q What did you think of it?

12 A I thought it was sloppy. I thought there were definitely things that were
13 sloppy. I remember it was a preliminary report, but it had about 25 things to look at.
14 And some of the claims were sloppy, but some of them were really powerful. The two
15 being the security log thing is a really, really big deal. If I were conducting an
16 investigation in a company, and I got the guy -- I discovered he had erased the security
17 log, I would sort of stop all the rest of the investigation. I know that this is what I need
18 to be digging into. In addition to the adjudication, the adjudication was an issue.

19 Q What do you mean by that?

20 A Well, it was not an adjudication log on the machine from 2020.

21 Q Do you know why?

22 A Well, there are different explanations. They told me -- it is the only thing
23 they told me about that trip, now that I think of it -- that when they got there to Antrim,
24 they, with the subpoena -- there were two machines that they wanted to look at, and the
25 people in the county said, No, this subpoena only covers this machine. And they have

1 kind of physically blocked -- they explained that there was a lot of sketchy behavior within
2 the county center, even to the point of just people always making sure they were getting
3 screened from that machine and blocked from that machine and such. I don't know
4 what was on that machine. But one of the findings of Antrim County is there was not
5 a security log, but there were security logs for 2018 and 2016. Now, then the question
6 becomes the adjudication log -- I'm sorry, the adjudication log. Was there an
7 adjudication log because it was on that other machine and people were kept from that, or
8 was there an adjudication just done by hand? Which I know Michigan came out later
9 and said the adjudication was done by hand, or was it done on that machine, and they
10 erased it, and then they changed, and that's why they overwrote the security log, which
11 would be another thing we could do?

12 Q Have you heard that they didn't have the adjudication capability on that
13 machine at Antrim; they didn't pay for it --

14 A I know that that's --

15 Q -- for 2020?

16 A They did not pay for 2020, but they did for 2016 and 2018. I would say that
17 these are a lot of things that get said. It would be nice if, you know, another way
18 that -- so Michigan came up with the response to that, and they said, Well, it is because
19 the adjudication was done by hand. You know, we would love to ask, why it is was done
20 2016 and 2018, but you didn't do it 2020? And -- or was it done on this other machine?
21 Let's look at the other machine. Things like that. The fact that all of that was screened
22 out, and then these very -- and careful answers were given, and no one has answered the
23 question about the security log, which is, in my view, decisive. They erased the security
24 log so you have no idea what happened really. No one does. You can't.

25 Q Yeah. You were asked in -- you were interviewed by A.C. Thompson for

1 that Frontline documentary that aired recently.

2 A [Nonverbal response.]

3 Q And he asked you about you talking about Antrim County. And I think you
4 brought up Alex Halderman's name at some point, or something. You said, Well, we
5 talked to Professor Halderman, and he was critical of that report. Do you remember
6 being asked that?

7 A Yes.

8 Q And you said, Well, fair enough.

9 And I think at least what we saw on TV, maybe something got edited out, but he
10 mentioned the fact that Halderman was critical. And your response, immediate
11 response was, Well, fair enough. It was quick work done in 3 days. It is ridiculous to
12 pretend that's what this is about. You are throwing out things that happened a few
13 weeks ago -- oops, excuse me, that happened a few weeks after the election. As we are
14 all scrambling, just beginning to unravel the biggest heist in history, it's gone far beyond
15 that. What did you mean by that response?

16 A What part isn't clear?

17 Q Well, were you -- you continued to say that -- some of it sounds like you're
18 like disavowing the ASOG report to the extent that it was -- maybe it was done in a
19 rushed manner, and therefore, Halderman's criticism might be valid, but you have to
20 understand the context. That's what I understand you saying.

21 A No, I'm not giving that much ground, at all. They just cut out the other
22 parts where I talked about what the Michigan never replied to. Halderman was brought
23 in for that reply, but just for one little sliver of it. He was not asked to address the
24 whole -- other issues. There were about 25 issues from the ASOG report, many of which
25 have been responded to.

1 Q Did you read Halderman's report?

2 A I mean, the response to this?

3 Q Yeah.

4 A That wasn't the whole report --

5 Q Close to 50 pages.

6 A His report was 50 pages?

7 Q Yeah.

8 A Well, I don't know. It is -- I thought his was a sliver of the 50-page report.

9 His was the whole 50 pages?

10 Q Yeah.

11 A You sure? If there were not other people in Michigan preparing that
12 report? Anyway, the ASOG report was a preliminary report done in a few -- you know,
13 like literally, I think they got the data one night and wrote -- and overnight, wrote the
14 other piece. I mean, overnight wrote the actual report and delivered it in the morning.
15 So I knew it was poorly written, and the guy confused Minnesota with Michigan, and
16 things like this. But, substantively, there were some real things in there that never got
17 addressed. And to me, the answer -- you know, it is suspicious -- first of all, the security
18 log thing is decisive in my mind.

19 Secondly, the fact of -- the thing about adjudication, there being the law, the
20 adjudication logs from previous years, not this year, they were kept away from another
21 machine. Only then Michigan comes out and says, Well, actually, it was done by hand.
22 That's a lot of stuff you would want to sit across the table -- maybe you just hold your
23 arms and accept that. But that all sounds a little hanky. I would like to look -- there
24 were 6,000 votes moved around out of 15,000, and they moved four times. So let's not
25 forget that 16,000 votes moved around. There were four versions of their final numbers

1 in Antrim.

2 Q Do you feel that the ASOG report properly addressed that?

3 A No, I --

4 Q -- that -- the reason for the moving around of the votes?

5 A I think that it's -- I think that it was a preliminary report that is suggestive of
6 voice -- someone should in any normal world, some DHS or FBI guys, should go in and
7 take a hard look and really get to the bottom of what happened here, and not just take
8 different people's word for it. Again, I think it could be solved, you know, relatively
9 quickly with an unfettered examination.

10 Q By the way, the Halderman report is 54 pages, but the last two or three or
11 references are footnotes. So the body of the report is, I think, exactly 50 pages.

12 A I may have made a mistake of thinking that that was a contribution; that he
13 made a contribution to that report. Weren't there other people from Michigan either
14 involved in that report or similar report?

15 Q So the Halderman report that I'm talking about is -- was part of some
16 litigation. Michigan hired him as an expert, and he submitted an expert report in
17 connection with the lawsuit in Michigan. There might be some other analysis that you
18 have in mind, but I was wondering if you had read that one.

19 A I know I looked at it. I can't say I read it carefully. I looked at it, and then,
20 in particular, I thought that it was -- it was addressing -- it was, I called it "dancing guy."
21 You know, he was addressing some very specific questions. Did he address the security
22 log question? I know he said that the votes had been hand-adjudicated, right? Wasn't
23 that the answer?

24 Q That was one of the things that happened. And we talked about that, you
25 feel that the hand recount was not really dispositive of anything. Am I understanding

1 your view on that properly?

2 A Well, I'm just saying in general, the types of fraud we are talking about is not
3 going to be found through hand recounts. Secondly -- but I wasn't saying that
4 specifically with regard to Antrim, just in general, but these ideas that you can get to the
5 bottom of this, it is not something -- I thought that the Senate insisted on out in Maricopa
6 was about half wasteful. But my understanding was that was their insistence; that they
7 wanted the optics of people sitting and looking at. So I don't think the hand
8 counts -- you need to get into the electronics. You need to check a whole bunch of
9 things. You need to check a whole bunch of things -- and that we've been prevented
10 from doing. You need to get into the electronics. And the hand recount is not
11 adequate. It really needs to be investigated. I wonder if they investigate anything.

12 Q Are you familiar with the report that the Senate Oversight Committee in
13 Michigan conducted with respect to Antrim County?

14 A I remember that they did, yeah.

15 Q Do you remember reading any portion of that report?

16 A Yes.

17 Q And did you think that that -- do you find their conclusions compelling?

18 A I think everyone's got the accent on the wrong syllable. And I think this is
19 not something that takes months and months to investigate. I think that you can send a
20 Jeff O'Donnell or a Conan -- well, a Jeff O'Donnell to do something like this, but for some
21 reason, they're not allowed to do it. I also believe that, you know, Ben Cotton has been
22 part of some effort with Antrim, and he has told me when he thinks happened. And it is
23 also something that you won't find by -- so I think there is a lot of mystery. And what it
24 really should -- it is not something we should all be debating. You could actually have a
25 real investigation. It doesn't have to be to lawyers and professors writing opinions.

1 Q That's why I focus on Antrim is because your guys -- your two main guys,
2 they guys you started this whole thing with got access to those machines --

3 A False.

4 Q -- and they --

5 A They got access to one out of the two machines they wanted.

6 Q Okay. And on the machine that they examined, they did not find evidence
7 that their votes were flipped or switched or moved or manipulated. And I'm -- I'm -- so
8 I'm wondering what you think -- what piece is missing there?

9 A Well, the security log would be a great start. Also looking at adjudication
10 logs, is it poor -- but really the security log. Once the security log had been erased, I
11 suspected foul play. That's normally --

12 BY [REDACTED] :

13 Q Mr. Byrne, let me ask you a question. I can't wrap my head around this.
14 And I think you said on multiple occasions that to you, this is like a murder scene with no
15 body. I don't want to put words in your mouth, but that was close, right?

16 A Where the body has been dragged off, and there's blood and guts spilled
17 everywhere. There's all these odd --

18 Q Okay. So appreciate the follow-up in the sense of the blood and the guts.
19 Because what we've been asking you is where in the blood and the guts? And what you
20 have been giving us is a broken lamp or a tipped over wineglass. And if I tipped over
21 your wineglass, and I broke your lamp, and then the government wanted to come in and
22 search your entire house, would you be okay if somebody was claiming murder from a
23 broken lamp and a tipped over wineglass and then seeking that as the basis to search
24 your entire house, claiming it was murder?

25 Because what I need you to do is show me the blood and the guts, not the broken

1 lamp and the tipped over wineglass. Show me like the actual -- we asked you where is
2 the evidence of the half; why there is a vulnerability? But --

3 A The security log being hacked -- the security log being deleted is all the
4 evidence that is needed that it is not trustworthy. It doesn't matter what you recount.
5 A good computer guy could do anything at that point, and if you get to erase the security
6 log, you -- nothing is trustworthy. They could have done any kind of smash-down and
7 erased the security log, and you won't be able to find it.

8 Q And you think that gives somebody the right to supply the explanation for
9 what happened and what's missing because there is security log that's gone?

10 A Well, I think that you have this odd situation where a counter with 15,000
11 votes wakes up one day, and it was 6,000 votes over here. And in over a month, those
12 6,000 votes -- there is four different totals. And I think you would want to get to the
13 bottom of what happened. You know, what do you know? We are not able to -- we
14 are really not able to because the security log -- because honestly, you really don't know
15 what it is you are looking at. You don't know if it's what was there.

16 Q But you haven't been saying that you don't know what you're looking at.
17 You've been saying it's election fraud.

18 A It is election fraud.

19 Q You've been saying it is rigged. So if you --

20 A CISA is saying these machines have dramatic vulnerabilities. The only place
21 we really got to the inspect was Mesa County, and they found exactly what CISA has
22 warned about.

23 Q But if I see the lock on the front door isn't the most secure model, and then I
24 say -- and that's evidence that a house has been broken into -- do you see the disconnect,
25 though, right? You have no evidence that the house was broken into; you have

1 evidence that a lock was possibly breachable --

2 A And --

3 Q Where is the evidence that it was actually broken into?

4 A -- in a county that reported four different result sets, which shifted six out of
5 15,000 votes, and the security log got erased 11 p.m. the night after the election, that's a
6 constellation of facts that I think a policeman walking down the street that sees the lock
7 broken and sees whatever the metaphor would be, that's -- at some point, it is worth
8 investigating. This whole thing doesn't really -- you all -- I mean, I feel like this is -- you
9 know, you're ignoring all these other things.

10 BY [REDACTED]:

11 Q Sure. And we'll get to some of the other things. I just -- Antrim County
12 just seems as if it were a place where, sort of, what your team had been looking for, they
13 had access to. And I was hoping that you would be able to point me to some -- and you
14 point to the security logs, but some concrete evidence that they came up with that would
15 support the claims that were being made by the President of the United States and his
16 supporters on a regular basis coming out of that report?

17 A But, yes --

18 Q To the point about -- not that you need to sort of continue to debate here,
19 but the point about things, votes moving over that several-week period -- it was actually
20 several days -- but that is addressed in the Michigan Oversight Committee report. And I
21 would commend you to that, to sort of look at that really like TikTok of exactly how that
22 happened. And I think you will be satisfied as to what happened with that.

23 A I'm not. I did look at that. And I remember now how they explained it
24 happened.

25 Q Yeah.

1 A And it was through this lack of update in cards. This is not to which that's
2 where her -- that why her votes got. She had failed to update two machines with
3 a -- right, the election definition file. To which the other side had said, you know what,
4 maybe -- why don't you demonstrate it, why don't you do it? And they refused to
5 recreate it. They say, that may all hang together, words on a paper, how about you just
6 demonstrate it? They won't demonstrate the data that happens. So that's been
7 Cotton's answer to Alex Halderman. And Ben Cotton is you know -- I mean, I respect
8 Halderman, and, of course, this size of the border, basically, the gloss on him. But Ben
9 Cotton's a very respectable guy. And I would talk to him about, you know, what he
10 found, what he has found, in Antrim.

11 Q Okay. So I want to pivot to another area, but we can take a short break, if
12 you need one before we do that?

13 A Okay.

14 Q Or we could just keep going. It's up to you.

15 A Give me 5 minutes.

16 Q Let's go off the record.

17 [Discussion off the record.]

18 BY [REDACTED] :

19 Q Okay. Let's go back on the record.

20 Okay. Mr. Byrne, so I want to talk about some of your attendance at some
21 Trump events in the timeframe after the election. My understanding is you attended a
22 rally here in Washington on November 14th?

23 A Yeah, I'm aware of a November 14th, a December 13th-ish, and then a
24 January 4th or 6th.

25 Q And in connection with the November 14th rally, did you allow people to use

1 a plane that you had access to come to the rally?

2 A I remember I was using planes to fly lawyers and people around and all, and
3 cyber people once in a while. I remember one request that was not -- that was like
4 some Latinos from Texas who wanted to come. And I said, yes, go ahead. And so, that
5 may have been it.

6 Q Yeah --

7 A I have heard two things, so I'm just jump ahead?

8 Q Sure.

9 A That I've heard that there is -- so, that's when I knew that the people came
10 to town in a bigger yet jet, they left. The leader was a woman named by Bianca Gracia.
11 They would -- normally, a woman named Suzanne would arrange this in my life.
12 Actually, this time [REDACTED], there was another name like Carlito. I just said,
13 sir, memory -- somebody would have said like, Hey, there's some patriotic Hispanic from
14 Texas who want to come to the rally. And I said, Fine. I thought about it and said,
15 sure, send them a plane. Later, I don't think I met Bianca -- well, I know I didn't meet
16 her that trip. I met her months later. It may have been well into 2021. And then I
17 recently saw her meeting this fellow Enrico Tarrio.

18 Q Enrique.

19 A Enrique. What's his last name?

20 Q Tarrio.

21 A Tarrio -- in an underground parking lot. And so, I asked her, I just saw her a
22 few weeks ago. I said, Do you know this fellow? And she said, Patrick, he was -- before
23 there was a Proud Boys -- he worked with me in Texas, and he was on my board of
24 directors and did that. And then he moved to Florida and became the State -- she has
25 group, Latinos for America, and/or maybe Latinos for America First. These names all

1 started sounding alike to me. So Latinos for America First. And he moved to Florida
2 and became, she said, my State director for Florida, and then later he joined Proud Boys,
3 like Proud Boys. She indicated this goes back, like, a decade. So that -- and she said,
4 yes, he and a couple of others were on that plane. So among the people she thought
5 are a Latino group or those people. So you now know I have exhausted that. And I
6 also understand there is a guy named John Sullivan who was claiming I provided a plane
7 for him. I don't recall any other personal planes I provided. He could have been on
8 that Texas plane. I don't recall another personal plane. So somebody -- and then there
9 is a guy, I have also been told, or by some journalist named Thaxter or Thaddeus or
10 something.

11 Q Thad Cisneros?

12 A Yeah. I don't know anything about him, and I have been told that's a lie.

13 Mr. Byrne. If I had -- oh, do you -- did I give you my phone.

14 Mr. Driscoll. Yeah.

15 Mr. Byrne. Because I actually texted -- I don't know why I'm sending this to you.
16 I texted -- oh, I turned it all off. I texted Bianca and said, do you know this guy? And
17 she said, No, he is lying, and that he was not on the plane. So I don't know if John
18 Sullivan was on that plane. It is possible there may have been another plane. I don't
19 recall setting up another flight that wasn't just taking dolphin people around and lawyers.
20 But -- so those are the -- if there is any one beyond those three that you want to ask
21 about, let me know. But those are the three problematic ones. I totally remember.
22 Anyway.

23 BY [REDACTED]:

24 Q How did you say they made arrangements to take the plane?

25 A I have a woman as sort of my executive assistant in my life that -- named

1 Suzanne. She happened to have gone down with a bad aneurysm and was in the
2 hospital for months just in the middle of all of this. Another guy who happened to be
3 outside with me now, Carlito, was a former major in the Army. While Suzanne was
4 down, he sort of took over that function. So I have actually asked for a manifest in the
5 plane trip that was scheduled to be created for me. I don't have it yet. So
6 somebody -- and it wasn't anyone from the Texas group. I think it was somebody -- it
7 was somebody who was just around that was in the Trump Hotel. It may have been a
8 woman named Regis who said there is this group of these terrific Latinos from Texas.
9 And I think she is from Texas, and she knows that community. And the request may
10 have come from her. And I thought a few seconds, I said, Yeah, go ahead. And I was
11 just trying to do something nice. And that was arrangements [REDACTED],
12 it would have been turned over to Carlito to me. Carlito would have, you know, again,
13 would have made a phone call but not would have looked at manifest or researched any
14 of the people coming.

15 BY [REDACTED]:

16 Q But you would have approved it, just the assistant, whoever it was who was
17 filling in for Suzanne would have worked out the logistics?

18 A Yes.

19 Q And who is Bianca? How does she fit into your orbit?

20 A At the time, not at all. And I asked her, also, on -- did we meet back then?
21 And she said, No, we didn't meet until later. I think it was --

22 Mr. Byrne. Like I said, do you have that phone back.

23 Mr. Driscoll. Yeah.

24 Mr. Byrne. I want to find a message to send to you that --

25 BY [REDACTED]:

1 Q So Bianca is not someone who worked for you?

2 A Not then. Later she -- with the America Project, she got -- you know, we
3 are close, she runs her group. And let me just send you -- there is -- I want --

4 Mr. Driscoll. You are sending me, correct?

5 Mr. Byrne. Oh, okay. Yeah. Well, anyway, I asked her about some of this
6 stuff, and she sent me a quick text explaining. Let me -- give me another -- okay.
7 That's back then. This must be the other one. There we go. Oh -- well, it only has
8 my -- anyway. I said, remind me, how did this -- this is June 29th. Remind me, how did
9 it come that I flew to Washington? Have I met you already? Or was it Regis who was
10 the intermediary? I kind of vaguely remembered hearing about a group of Latinos from
11 Texas. You wanted to come to D.C. Can you fill me in a little bit? And had we already
12 met Derrick at Trump Hotel. And/or was this all through Regis or somebody else? And
13 I just don't see where she wrote me back. But it was -- I am sorry. I'll have to look.

14 BY [REDACTED] :

15 Q Okay.

16 A But she wrote me back and said, Mr. Rogers told you. I said, no, I have
17 heard about some guy named Thad. Who is that saying? She said, no, he is lying. He
18 is a crazy psycho, and he is just making trouble. And I have heard from reporters that it
19 has come out that John Sullivan said that he rode on the plane, and I'm not -- it could be,
20 but I don't.

21 Q So back to the November trip, because I think Thad and Sullivan might have
22 been on a flight for January 6th. But back in November, there was a flight from Miami
23 to Washington with Latinos for Trump, and certain members of the Proud Boys, including
24 Tarrio.

25 A From Miami?

1 Q From Miami. That's my understanding.

2 A Okay. Then what happened was there were -- what I remember that there
3 were a bunch of Latino -- that's the same day that Bianca came to D.C., right? Well, I
4 think what happened was, that there were a group, and it turned out to be like -- there
5 were two different groups, and I said, Okay, have the jet go to the other place and pick
6 them up and take them. And it just turned out -- worked out to be cheaper just to have
7 two jets bring them. So I sort of put that in my mind with -- my understanding was she
8 was on the plane from Texas. Was she not on the plane from Texas? He is up from
9 Miami? Then it is the same day. It was the day --

10 Q Okay.

11 A -- that we arranged plans to bring a bunch of patriotic Latinos to D.C.

12 Q Take a look at exhibit 2. Is that the plane? Are you able to tell if it is a net
13 jet situation? Do you recognize that --

14 A It.

15 Q -- it says trail number?

16 A Well, first, the Trump tail -- is Trump on the tail of this plane?

17 Q That was one of the questions for you as to whether you ever had a Trump
18 insignia put up on the planes that you leased or had ownership interest in?

19 A No, and this doesn't make any sense because 156 Quebec Sierra,
20 Quebec -- November 156 Quebec Sierra, what I recognize is that's a plane that NetJets
21 were used. They end all their plane -- their tail numbers Quebec Sierra. So that was a
22 NetJets plane with a Trump painting on it, which is very odd to me. That does look like
23 the plane I imagined. I imagined that it was a Brazilian Embraer. And an Embraer is a
24 sort of lower cost, but big, mid-sized jet that can seat a lot of people. And what I had
25 remembered was there were like 15 people, and it is coming back to me that. And so

1 that's why -- I normally don't get a plane that big, but my understanding was there were
2 like 15 people. So I am just a little confused whether it came from Texas or Miami. Or
3 maybe the people from Texas went to Miami, or something like that.

4 Q Okay. And you wouldn't know how the Trump logo got on the NetJets
5 plane?

6 A It makes sense. It is extremely unlikely to me. That's -- because that's a
7 NetJets plane, I don't understand how there could be a Trump logo on it.

8 Q Got it. And just to retrace what you said earlier, you made the Tarrio
9 connection because sometime fairly recently, you saw publicly a video that may be
10 released by a committee of --

11 A Her meeting of --

12 Q -- of Tarrio and some other people meeting in a parking garage, and you saw
13 Bianca in the video?

14 A Yes.

15 Q Okay. And that caused you to reach out for her, and she identified Tarrio
16 and said he was one of the guys who was on the plane that we flew up to Washington in
17 November?

18 A Yes, and there were two more of his crew. And this is how I know Enrique
19 Tarrio.

20 Q Okay.

21 A That he is actually might -- before he was Proud Boys, he was my guy.

22 Q Sean, any follow-up on that?

23 BY [REDACTED] :

24 Q Just a couple quick questions. Are you aware of a company called Nereid,
25 LLC, N-e-r-e-i-d?

1 A N-e-r --

2 Q -- e-i-d?

3 A No, no.

4 Q Okay. And then before this conversation that you had with Ms. Gracia
5 about Mr. Tarrio, were you aware of the Proud Boys?

6 A I've been less aware. I've been aware of it means different things to me.
7 In other words, I actually -- I have met Gavin McGinnis, and he was part of sort of the
8 libertarian crowd that I knew. So I knew him as sort of a funny comedian guy, or
9 something like Nick Leslie. So I understand there is some confusion. I guess I did not
10 underst -- I did not -- my awareness of the Proud Boys, if you had asked me to describe it,
11 I would have given a different impression than I would now, if that's what you mean.

12 Q Okay.

13 A So that I was aware of its existence. I could not have named anybody in it
14 or anything like that, or really what it was. I thought it was -- to be honest, the way they
15 described it, I have seen Gavin McGinnis describe it where it was like a libertarian within
16 some office he worked, and it was -- I think he was saying like one of the guys involved
17 was gay. And they were going for Thursday drinking nights. They were making fun of
18 them a bit, and they all started adopting his clothes or khakis and the cloth shirts or
19 something. And there's some Broadway song about I'm a Proud Boy. I don't know the
20 nature of the song from the musical or like some kid thing. And it was all just from the
21 facetiousness and good nature. And what Proud Boys was was just a group of guys like
22 that. That's what I understood it to be. And, I guess, maybe later, since -- maybe
23 since -- or since this stuff, I become more aware of it, an element -- it didn't -- it really
24 didn't say that. There is an element, a skinhead-type element, or whatever you want to
25 call it is what I now -- I don't, I -- although, I also point out that the FBI leaked that

1 wonderful -- somebody in the FBI leaked that wonderful thing last week from Kansas City.
2 That big leak, I'm sure, that the Proud Boys in Kansas City was infiltrated, and the
3 infiltrator reported they -- his report of how they acted was what my understanding of
4 the Proud Boys would have been before all this. That it was actually a -- well, his
5 description -- the FBI document describes them being there, being nonviolent, helping
6 people, picking up trash, deescalating, things like that. That's what I would have
7 imagined from the Libertarian drinking club. So anything --

8 Q Oh, I'm sorry. Can I ask you about the relationship with Ms. Gracia? I
9 might have missed it. How did you come to know Ms. Gracia?

10 A I believe I -- well, she did confirm I didn't meet her on those trips. I meant
11 to ask her, when did we meet? It's possible we may have met in early January, but my
12 earliest recollection, I think a lot of people -- I think it was more like April or May or June
13 of 2021, is my first succinct impression. And I think it may be that's the time I actually
14 met her.

15 Q And what's that distinct impression that you are recalling?

16 A Well, it's just that I remember, she started -- she came to Florida. I met her
17 at maybe it was one of these -- I guess it was these a Reawaken America tour is where I
18 started meeting. That's right. And we spent some time, and I was impressed with her.
19 And, again, she is a real organizer. And so I think there was talk. So she is cooperative
20 with the American Project and her group does.

21 Q Okay.

22 A The American Project is about reaching out to different -- it's Civics 101.
23 It's reaching out to all of these different groups that are already there. And she was one
24 of the people already there that we became friendly with.

25 BY [REDACTED]:

1 Q Mr. Byrne, did you have any conversations with her or anybody else
2 regarding the value of the in-kind contribution that you provided to them in their PAC?

3 A I didn't even know they were a PAC. I understand that -- and I'm not
4 sure -- I don't know it is a PAC. I understand there would be a bunch of sort of patriotic
5 Latinos who wanted to come to D.C.

6 Q And so, to the best of your recollection, nobody in that group asked you for
7 any records regarding what the value of that plane ride was?

8 A I did not. I do not recall that.

9 Q I think you said at the time, it was Carlito; did I get that right --

10 A Yes.

11 Q -- who was covering for the woman that got sick?

12 A Uh-huh.

13 Q Did he ever talk with you about anybody requesting paperwork or any
14 documentation after they flew on the plane?

15 A No. I did not understand it to be, and I still don't understand it to be, like
16 we were an organization. What we understood -- I know it's kind of funny, it's not unlike
17 me to do things like this. There is a woman in town I see every day, the greatest
18 massage therapist in the world, I think. And I just sent her and three girlfriends on
19 a -- to a spa in West Virginia and picked that up.

20 So I just do things like this. It may turn out that -- if it turned out that there was
21 some 501(c)(4), and I -- you know, anyway, that -- I didn't know that. I just heard that
22 there were -- Regis is a very -- that's why I said in a text, did this come through Regis?
23 Regis is a gal who I just recently met at that time down in Texas who sort of wired into all
24 of these different -- this community.

25 Q So are you aware of the issues involved of in-kind contributions to PACs, or

1 candidates, or --

2 A I'm aware -- I didn't see any of this as an in-kind kind of reason to anybody.

3 I'm just trying to -- as far as some Latinos want to come to D.C., that would be nice.

4 Maybe they never got to fly on a jet and have a nice weekend in D.C. It seemed like a
5 nice thing to do. I'm not aware of any organization being associated with that. It
6 surprised me to learn. I thought these were just a bunch of friends. These people are
7 an organization? These people who flew on that were all part of one organization?

8 Q Are you asking me, or it surprised you that you learned that?

9 A No, I'm asking you at that. If that's what you're telling me, that's news to
10 me. I thought this was like, literally, a bunch of just Latinos who wanted to come to D.C.
11 for something.

12 BY [REDACTED] :

13 Q On January 6th, it sounds like there was also a flight that you paid for or
14 arranged --

15 A January 6th?

16 Q -- maybe from Utah on January 6th, 2021; that people came for the
17 January 6th rally and the events of January 6th?

18 A I don't have any memory of that.

19 Q Okay. And your understanding of this Thad person and John Sullivan, have
20 you just heard from press accounts and you've tried to dig in on it?

21 A Yes --

22 Q Okay.

23 A -- well, I only heard of Thad recently, and I texted -- and she said, No, he was
24 not on the plane. He is a liar or something. And so that's what she said. I can get the
25 manifest to serve with these names.

1 Q Okay. That would be helpful. And in the course of inquiring on -- of
2 Bianca, did -- and was it Bianca that had some understanding of Thad, or whether he was
3 or was not on the plane, if I'm getting that right?

4 A Well, I texted her, I said after she gave me her answer, this must be another
5 message system, she said -- I said, what about this guy Thad? Do you know a guy named
6 Thad? And she said he wasn't on the plane, and he is a big liar.

7 Q Okay. Well, she may be thinking of a different flight.

8 A Okay.

9 Q So my understanding is there was a flight in November, the one that we've
10 been talking about. And then there was another flight maybe from Utah to Washington,
11 D.C., on or around January 6th. That probably would have been just before January 6th?

12 A That doesn't ring a bell. I'm not denying it. And we can easily assess that
13 it doesn't ring a bell. But it could well be that maybe I did something like that like you
14 were or some people wanted to come and did it, but that doesn't ring a bell.

15 Q Do you remember anyone having a discussion with you in the early days of
16 January, saying, Hey, there is a group from Utah, some Proud Boys in Utah who wanted to
17 come --

18 A No.

19 Q -- to Washington?

20 A No.

21 Q -- and do you mind?

22 A No. Absolutely not. And if somebody said Proud Boys, I would have said
23 no. But if that -- but I don't remember -- the only favor trip that I remember off the top
24 of my head was the one I understood there was some Latinos that wanted to come in
25 from Texas and see Washington, D.C., and be part of things.

1 Q So you got your computer team that are flying around from time to time that
2 you're arranging -- you're handling that, right; the so-called dolphins?

3 A Right.

4 Q Then we talked about two Antrim County trips that you helped facilitate and
5 paid for?

6 A There was a Georgia trip. There was a time like Phil Waldron needed to get
7 from Texas to Phoenix. There were things like that.

8 Q Other than the sort of election integrity group or the lawyers or the cyber
9 guys, it sounds like you recall being asked if you would fly these folks from Texas/Miami.
10 Any other -- I'll call them Trump-related, meaning in sort of the election --

11 A Broadly speaking, Trump supporters.

12 Q -- Trump supporter flights that you agreed to arrange?

13 A That's the only one I remember. The one from Texas, and now you remind
14 me, I remember that it was -- there was supposed to be one trip and a plane making a
15 couple of stops and we decided to make two different planes.

16 BY [REDACTED] :

17 Q But these have all been done through your -- and pardon me for kind of not
18 really maybe knowing the mechanics to your NetJets account. I know you said it's
19 multiple planes that you have shares in, but is there a central booking --

20 A Uh-huh.

21 Q -- or anything that keeps track of your reservation?

22 A Yeah, it may not only be NetJets. Sometimes I just chartered with other
23 companies to depending. So it may not be NetJets, but there's one called Flight Options,
24 and there's a couple other ones. So between them, I could get -- I could get all the
25 planes that were arranged. And I can get them -- I can contact -- they have to maintain

1 manifest. I can get manifest, too.

2 Q And I know earlier you said -- and I can't remember if we are calling them
3 dolphins or cyber sleuths, but --

4 A Dolphins.

5 [REDACTED]. Dolphin speakers.

6 BY [REDACTED]:

7 Q The dolphin speakers, earlier when we were talking, my understanding was
8 you had said that was all paid to Deep Capture LLC. But was the other trips, the Antrim
9 County trips, the Latinos for Trump, were those all paid out of pocket, or --

10 A Deep Capture. I don't know about Latinos. But although I did issue a
11 standing order that just put these under Deep Capture -- so maybe that was included
12 under Deep Capture, but it was -- so all the flights would have been under Deep Capture, I
13 would imagine.

14 Q Okay. Do you have any reason to think that they weren't paid for by Deep
15 Capture LLC?

16 A No.

17 [REDACTED]. [REDACTED], anything else?

18 BY [REDACTED]:

19 Q Just one summary question to make sure we got everything for the 6th.
20 Did you pay for any travel for anybody to January 6th?

21 A Not that I remember, but it -- not that I -- I don't remember anything like the
22 Latinos for America, or Latinos for that America First that -- that like Bianca and those. I
23 don't remember doing that a second time. But it is possible somebody said, Hey -- if this
24 turns out to be true, then, I mean -- but if John Sullivan came in, and my guess is what
25 happened is I heard something, like, Yeah, a bunch of good patriotic people want to come

1 in from Utah and all, do I -- and maybe I knew somebody on the plane or something
2 because I literally did the job for the 20 years -- I don't have any recollection of that, but I
3 may have provided a plane that I just don't remember.

4 BY [REDACTED]:

5 Q What about other than flying the plane, other expenses, hotels, or other
6 modes of travel, flying commercial, do you recall supporting anyone or paying expenses
7 for folks to come to Washington for January 6th events?

8 A Not for January 6th. I remember doing that, a lot for people in the
9 grassroots movements who were coming in from like Arizona, buying people commercial
10 jets that -- the people who were coming in with affidavits -- sort of take Shelby and Steve.
11 They are two people in Arizona. When the craziness happened in Arizona, hundreds of
12 citizens started finding each other and talking. And among them were this type of
13 Shelby and Steve. I'm sure you know them. And so they might say, oh, you know, we
14 have -- so I flew them, for example, gave them tickets on the private jet, but gave them
15 tickets to pick up the hotel room and say, Please, while you're here, stay -- you know, stay
16 in Hilton; charge all your meals you want to the room; enjoy Washington, D.C.; we'll get
17 you while you're here. So I did that a bunch. I don't remember doing it for -- it's
18 possible I did that for some people on J6. I don't remember a jet, but I may have said
19 buy a commercial ticket for people. I just -- I bought a few commercial airline tickets. I
20 don't remember setting up a jet for anybody for J6.

21 BY [REDACTED]:

22 Q How did you get here for January 6th?

23 A I was here.

24 Q You were already here? Okay.

25 A Well, I was here from really October, but I guess I left for a little bit, and then

1 I came back right like November 5th or something. And it turned out -- and I was there
2 until January -- from like November 5th, 6th until January 8th with the exception of about
3 5 days over Christmas to Florida.

4 [REDACTED]. You want to reach a stopping point.

5 [REDACTED]. Yeah, let's see if --

6 Mr. Byrne. We can push on if you want to go.

7 [REDACTED]. But Amanda's got to -- let's push through just a couple quick names
8 here.

9 [REDACTED]. And if you want to push through, we don't have to break just because
10 of me. I can step out.

11 BY [REDACTED]:

12 Q So take a look at exhibit, starting at exhibit 3, and it's 3 through 6, I'll
13 represent to you that these are photos that were all taken, I think, on the same day. It
14 could be taken on the same day. I believe it was December 12th. So there's a -- did
15 you attend a rally in Washington on December 12th?

16 A Yes.

17 Q And --

18 A This was by the Supreme Court.

19 Q If you take a look at exhibit 3, that's you in the picture with General Flynn,
20 right?

21 A Yes.

22 Q Okay. And then 4 is sort of in that same general timeframe?

23 A Yes.

24 Q Some of the same people.

25 A And these were the people that were -- yeah.

1 Q Are those folks around you, or do you know -- are you able to identify any of
2 the people in this picture, for example, in exhibit 3?

3 A No. I can't identify them. I recognize -- I remember seeing the face, the
4 man directly behind Flynn with the cap and the gray mustache. So the -- I understood
5 these people to be sort of off-duty police or retired policemen or retired vets. But no, I
6 didn't -- I only remember that guy because he looked like an actor, and I remember
7 remarking to myself that he looked like an actor.

8 Q If you go to exhibit 4, it's a more zoomed in picture, is that the same guy
9 you're talking about?

10 A Yes.

11 Q Is that Yoda?

12 A No.

13 Q Do you recognize the guy on the right side of the photo to the left of General
14 Flynn's left?

15 A With the hat?

16 Q With that hat? The cowboy hat?

17 A No, I do not.

18 Q Have you ever met Stewart Rhodes?

19 A No.

20 Q Have you heard that name?

21 A I've heard the name after all this.

22 Q Do you know whether Mr. Rhodes had any connection to General Flynn?

23 A No.

24 Q Do you know why he is with general or near General Flynn in this photo?

25 A Yeah, I have heard of this. That what happened -- I think where I learned

1 this a couple months ago, but somebody told me that this group, I forgot their name -- I
2 did see a picture of Yoda in here. This guy on number --

3 Q Oh, there is Yoda in exhibit 5, yeah, so.

4 A That's Yoda. For some reason, well, because he is bald, I guess. I maybe
5 confused him in sort of -- we understood all these people just to be volunteers, patriots,
6 the people that wanted to come and protect us. Somewhere several months I learned,
7 Oh, Pat, don't you know, while they were doing that, they were bringing in militia guys
8 taking pictures, and they were getting pictures of you, these militia guys and standing
9 around. I couldn't tell you if this guy with the black hat is Mr. Rhodes, and things like
10 that. I would have no idea.

11 Q What do you know about General Flynn's practices with respect to private
12 security? Did he have someone that he looked to to arrange that?

13 A It was all forming organically, and he -- I remember he was the one who told
14 me about some patriotic -- some group of volunteers who when we -- for these rallies,
15 there was going to be some group of volunteers come in, and they would come into
16 town. And I forget the connection. Maybe they reached out to Joe or something.
17 And they said that they would protect us when we walked through Alex and things like
18 that.

19 Q And so, it's your understanding that Joe Flynn, Michael Flynn's brother, was
20 the one who was responsible for coordinating these folks?

21 A My guess is that -- I mean, so it's a guess, but whose ever in charge of these
22 folks -- and I don't think it's Yoda -- it was a smaller guy, green beret, short, compact
23 fellow; had three names.

24 . Is it Robert Patrick Lewis.

25 Mr. Byrne. That's it. Him to be the leader, and he would have coordinating

1 with Joe. Like, okay, say -- and Joe saying, We are going to come down at 11:15
2 and -- but that's a supposition. That that's how the coordination would have been done.

3 BY [REDACTED]:

4 Q If you go to exhibit 5 --

5 A Yes.

6 Q -- there's a guy seated to General Flynn's left with a beard. Is that -- do
7 you recognize that person?

8 A That looks like Robert Lewis.

9 Q Do you know if he is affiliated with any organization?

10 A I understood him to be retired Green Beret.

11 Q And have you ever heard of an organization called First Amendment
12 Pretoria?

13 A That's the name of the group there. I remember it had the word Pretoria in
14 it. This group of what I understood to be volunteers was, yeah, we were told we didn't
15 have to pay. It was all I'm just going to come for free and do this, First Pretorians.

16 Q Have you heard of an organization called Veterans for Trump?

17 A I've heard of a lot of organizations with names -- is that me? I'm sorry,
18 Mr. Driscoll. You want to turn that off?

19 Mr. Byrne. Yeah.

20 BY [REDACTED]:

21 A To be honest, I have heard of a lot of organizations. They all have very
22 similar sounding names. So I stopped paying much attention to that.

23 Q Do you know someone named Joshua Macias?

24 A I have seen that name in connection with this, but I don't know.

25 Q Take a look at exhibit 4. As I understand it, his face is obscured by a sort of

1 a face mask, or a gator. Do you see the guy with the American flag?

2 A Yes.

3 Q Do you recognize that person?

4 A No. Is that Joshua Macias?

5 Q I believe it is.

6 A And is he the guy they call Spider, by any chance? Anyone know?

7 . Not that I'm aware of.

8 Mr. Byrne. I heard -- okay.

9 BY :

10 Q And how about the person who we are referring to as Yoda who's in exhibits
11 5 and 6, I believe? Do you see him there in the light-colored baseball cap and the
12 glasses on top of the cap?

13 A Yes.

14 Q That's Yoda?

15 A Yes.

16 Q And I think I asked you earlier, do you know him by any other name?

17 A No. My understanding he is a law enforcement -- a retired law
18 enforcement officer.

19 Q So any of the security folks that was all -- you said this a couple of times -- I
20 think volunteers. You didn't pay for any of these people?

21 A Correct. I think I may have at the end of it all to thank them; sort of grab at
22 the end of the last -- at some point, I may have given them like what I call a gangster wad,
23 500 bucks or something to thank them. I'm not even sure I did that. I may have just
24 asked or thought of maybe that's something we should do. I actually don't think we
25 ever did pay them is my recollection now. They insisted on being -- as I recall, they

1 insisted on being volunteer.

2 Q Do you know if General Flynn had any relationship, other than the fact that
3 these folks would volunteer to provide security for them, any other relationship with the
4 Oath Keepers?

5 A No. I know General Flynn doesn't -- yeah. So if there is Oath Keepers in
6 here, it -- oh, well, that -- I know the Oath Keepers are the people who are retired law
7 enforcement and soldiers. So, maybe. Anyway, no, we don't have any contact going
8 on with militias. Not out of disrespect, but they got more maybe fixated on the same
9 Millard Star, but they have -- no, we don't. And he would not -- I think that the few
10 knew that there were people, militia brought he would probably be, Hey, I guess not.

11 Q Why do you say that?

12 A I think that he doesn't really run in those circles. I think that he, you know,
13 he needs protection. And so, with having him retired vets and law enforcement seems
14 perfectly appropriate. But I think, in general, he doesn't -- why he keeps his distance
15 from militias.

16 Q It just seems there is a lot of folks that are affiliated with various militia
17 groups who seem to show up, circling General Flynn in various public gatherings. And
18 so, I'm just wondering why you think he has an aversion to those folks, those types of
19 people.

20 A I'm not sure he actually has an aversion to them, but it's just not our orbit.
21 It's not our -- and you don't know what you're getting. But the fact that there are these
22 people around us, I mean, we don't -- even, for example, what that FBI guy just leaked
23 from Kansas City, about what happened in Kansas City, it's quite possible somebody had
24 an assignment -- get in there and say, Okay, you're a group of retired vets; get Byrne to
25 accept you as being around then; and we can just going to start bringing people in; we

1 can get snapshots of you two -- so things like that get done all the time. And as you
2 know, I sort of -- I am part of things like that, or I've done things like that for the
3 government. So you can't really -- things like that happen all the time.

4 [REDACTED] [REDACTED], do you want to follow up on that.

5 BY [REDACTED] :

6 Q Just a couple of questions. So you described some of kind of like the
7 organization with the Oath Keepers and that are retired military and law enforcement.
8 Who was telling you that, or who was giving you that sort of information?

9 A Oh, when I met them with this guy with the three-letter name, the
10 three-word name is -- that's what I understood from him about this.

11 Q Robert Patrick Lewis?

12 A Yes --

13 Q And so you had had a conversation with him?

14 A Yes.

15 Q Did they describe to you what -- like did they have a role at the
16 December 12th rally? What did he say they were there to do?

17 A That they were just going to protect us. I remember Joe Flynn told me that
18 they said these people -- when we got to go to rallies, that these group of retired vets and
19 law enforcement were coming, and who are going to be provide failings around us. And
20 it was real volunteer. It was not -- they were not very slick. And I had to protect
21 General Flynn once.

22 So they thought it was funny. But they -- so that's what Robert -- this is what
23 was going on. We had -- there were lots of groups coming to the city. A hundred
24 people would come in -- I started thinking of them as boys from OshKosh. Groups would
25 come in, well-meaning Americans who just wanted to come in to be part of this. They

1 generally had a leader. Those leaders were basically telling their people, Oh, come with
2 me to D.C. from OshKosh because I'm in, I'm in. And then, once they're there, they're
3 sort of trying to muscle into our scene. So there was a lot of that kind of stuff. And so,
4 some of it -- and that's okay. And some of it is innocent. But they want to get pictures
5 taken and such so they can go back and say to their hotel or their people and say, Oh, I
6 was just with General Flynn.

7 So, we kind of thought that was going on. And so the town was filled with that.
8 And that's how we interpreted it. And these people came or showed up sort of in that
9 same context. I kind of understood them as that -- just sort of a group, some group like
10 that of like law enforcement people who knew each other.

11 Q And did you understand that they were doing that independently, like, on
12 their own volition --

13 A Yes.

14 Q -- or were they asked to do that by someone?

15 A No, my understanding was we were just doing that independently. And it
16 was for free. And they were clear about saying it was for free, that I don't want any
17 money. So I thought that was nice. So when he walked into the Supreme Court, we
18 just, you know, there tended to be more of us.

19 Q Actually, sorry, one other follow-up. So there was two organizations we
20 talked about: First Amendment Pretorians and the Oath Keepers. Robert Patrick Lewis
21 was a First Amendment Pretorian, and we talked about Mr. Rhodes with the Oath
22 Keepers. When you met them, were they together?

23 A I was not aware of there being any, any folks like the Oath Keepers
24 around -- any militias around this group. In fact, can I tell you it never occurred to me.
25 Back in November, December that wasn't the current -- not that I'm looking -- I don't look

1 down at them. They're great Americans, too, as long as they stay peaceful. But, no, I
2 did not -- if we had known that there was sort of -- we wouldn't have not wanted militia
3 people around us, just because it is a lot of hair on it, which doesn't mean to say that I am
4 looking down on them or anything, it's just not how we would have wanted to walk
5 around. Because we didn't see this as any sort of militia thing. This is a citizens' thing.
6 I did write about one of those militias contacting me, though. I know I told you about
7 that, right? No, that is written about it. That is written about. So you know that
8 story?

9 BY [REDACTED]:

10 Q I don't. Or I'm not recalling it right now?

11 A Well, there was one reach-out to me from a militia on January 5th. See I
12 thought -- I was so -- I'm not a big rally goer. So I thought what happened -- when I
13 signed November and December, I was really proud of it. A lot of people behaved the
14 way to be proud of. They cleaned up. They were super polite to the police. Everyone
15 was great. And a wonderful -- I have never seen an America, such a multiracial crowd
16 with such a wonderful energy. And I was debating -- I considered an outside, well,
17 possibility. Well, maybe we should go into this after lunch. It all ties together
18 with -- okay. On January 5th, somebody showed up at the Trump Tower and said, I was
19 trying to choose what to write, what to say on the morning of January 6th. And I had to
20 about keeping the peace. And I had two stories in mind, one concerns Moldova, and
21 concerns the Jerry Garcia story.

22 Q I have read that, yes.

23 A Sorry. I was just trying to decide what to say on the morning of
24 January 6th. And some militia guys came and came to my hotel room -- and the Feds
25 know this, by the way, the Feds know all about this -- that he came to my hotel room and

1 said, we want you to know you're the only man outside our militia that we listen to.
2 And we are coming to town. We are coming to town tomorrow. We are taking the city
3 with -- we got 10,000 long guns coming into town. And we're just waiting for your word.
4 And bum, bum, bum, bum, bum. And I said -- everyone stepped outside in the hall.
5 And we were saying, I know Benson Holly told me all this. As you could imagine, it was
6 kind of -- I think it was one of two conversations I was somewhat flabbergasted by. And
7 I said, you are telling me if I give an order, you guys will follow it no matter what? They
8 said, where are your men? I said here is my order I want you to take back. Under
9 no -- I said, I think it was a little rude -- I said the order to take back is I think you're out of
10 your minds. Under no circumstances -- and I regret that I said I think you're out of your
11 minds -- but I said under no circumstances is there to be any weapon, any weapon
12 brought into D.C. If there's one weapon, I'll be so disappointed. And absolutely,
13 under no -- if there's any instruction that people will listen to, not only listen to me, but if
14 they have one instruction is no violence, no weapons, whatsoever.

15 And then I went and I immediately got on and wrote the Jerry Garcia story, and
16 tweeted that out a couple times. And I was going to tell the Moldova story the next
17 morning, but the whole schedule for January 6th got completely disrupted. And it was
18 supposed to be Flynn, myself, and two scientists speaking is what I understood it was. It
19 was not supposed to be a pep rally. It never occurred to me that anyone would put on a
20 pep rally. It was supposed to be a very sober, clear explanation as to some scientists
21 about why people should be concerned, and what the real evidence was at that point and
22 why people should be concerned.

23 We felt that we owed that to the Senate, to the House, to the American people, to
24 the world for whom our elections are ran. That's the whole point. And so anyway, I
25 wrote -- I immediately wrote the Jerry Garcia story, tweeted it out. I had said a bunch of

1 times on the radio, of course, this is peaceful, of course. And I actually was going
2 to -- like I said, I was so impressed with how people conducted themselves in November
3 and December. I still thought it was kind of an outlier, although -- and then, on
4 January 6th, I was going to tell the Moldova story, and instead, it outright cancelled.

5 Q So we're going to talk a little about the 6th. And just before we break,
6 though, I want to follow up a little bit on this interaction you had at Trump Tower. Did
7 the person identify himself?

8 A No.

9 Q Did he tell you -- what made you think he was from a militia?

10 A He said.

11 Q Did he identify the organization?

12 A He didn't -- if he did, I don't remember.

13 Q Do you remember what words he used other than the fact that there were
14 10,000 long guns? Did he specify that I'm a militia member or something?

15 A He said that I'm with the militia. I'm in the militia. I think he named
16 Michigan. I don't know if there's one.

17 [REDACTED]. Did you ask him who he was.

18 Mr. Byrne. No. He was kind of an odd-looking character. Out of place in the
19 Trump Tower. Cadaverous face. Bald, cadaverous fellow. Very, I would say,
20 serious-looking, sober with a trench coat. And I didn't let him into the room. I stepped
21 out and was down the hall. And he -- and he told me this. I took him to mean that
22 they were kind of, come take Washington, D.C. I took him to -- that's what I understood
23 him to mean. And I was imagining something like, are you familiar with what in Beirut,
24 Hezbollah did back in, like, the May 8th Movement, or whatever it was called. Hezbollah
25 walked into the town, the Beirut, with, like, 20,000 people one day armed. And they

1 just took the city for a few days just to show that they were so overwhelming. That's
2 what I thought the guy was saying. I had some image that he thought they were going
3 to have people with machine guns on every corner. And I said, you're out of your mind.
4 Absolutely not. Blah, blah, blah.

5 BY [REDACTED]:

6 Q Did you report this to anyone in real time? You said the Feds know about
7 this, but did you -- in the minutes or hours after the guy left, did you report this
8 conversation to anybody?

9 A It's really hard for me to talk about my relationship with the government,
10 even understanding -- my understanding is they knew. My understanding is that they
11 knew.

12 Mr. Driscoll. We'll probably leave this for after lunch.

13 Mr. Byrne. My understanding is they knew, but they had a very close eye, and
14 they knew everything. I was given to understand that they knew everything that was
15 going on with me.

16 [REDACTED] I see. Okay. Let's go off the record.

17 [Discussion off the record.]

1 [2:24 p.m.]

2 [REDACTED]. So, normally, at the beginning, we make it clear that we are recording
3 and video recording and we make clear that you are not allowed to record anything and
4 we confirm that you are not, in fact, recording. I don't know that we did that at the
5 beginning here.

6 Mr. Driscoll. I'm not recording anything.

7 Mr. Byrne. We're not recording anything. I will state, I just found -- and I let
8 your woman know -- your young lady know about this -- I just found there was a recorder
9 on me. However -- not a recorder; it was a microphone -- I did an interview with VICE
10 TV this morning. And it's just one of those little interview mikes. And they walked
11 away, and they're in some other part of the city. Those only broadcast, in my
12 experience, about 50 feet, 100 feet.

13 I just discovered there was a mike on me this morning I knew nothing about.

14 You're welcome to take the mike and check for yourself.

15 [REDACTED]. They left it taped on you or something?

16 Mr. Byrne. Yeah, they had it taped in my shirt, and I --

17 [REDACTED]. Oh.

18 Mr. Byrne. -- forgot all about it when they put it in this morning.

19 But I just went through security again -- and, actually, I must have gone through
20 security with it this morning and they didn't find it. It's just -- I just left it with one of my
21 security detail. I had no idea it was there. I can't imagine -- I'm welcome to surrender
22 it to you. I had no idea it was there.

23 [REDACTED]. Is it still on you?

24 Mr. Byrne. No, I just pulled it off --

25 [REDACTED]. Oh.

1 Mr. Byrne. -- and I left it with one of the guys outside. And I turned my phone
2 off. I left my phone here, actually, during lunch.

3 . You didn't turn it off.

4 Mr. Byrne. I just did turn it off. I just checked.

5 No, I thought -- I mean, it crossed my mind that Project Veritas would've thought
6 how disrespectful and inappropriate that would be. And, of course, I would not do that
7 to you.

8 . We appreciate that.

9 . We can go off the record for a second.

10 [Discussion off the record.]

11 . Okay. Let's go back on the record. Okay.

12 BY :

13 Q So, Mr. Byrne, when we left off, we had been talking about -- we looked at
14 some pictures from a rally in mid-December -- well, maybe we didn't -- yes, from
15 mid-December.

16 Around that, just to sort of get that timeframe in mind, that was around the time
17 that the electors met throughout the country to cast their votes in connection with the
18 Presidential election. December 14th is actually the day.

19 Do you remember that being a date of some consequence with respect to the
20 election?

21 A Well, just for the reasons you just stated, that it shifts things into a different
22 phase.

23 Q And you had that in mind, that that was a date that mattered in terms of
24 confirming the result of the 2020 election?

25 A I don't remember the -- I don't -- so what was I thinking at that moment? I

1 don't remember, but that seems like a rational thing to be thinking.

2 Q I think you said publicly that, after that date had passed, that different
3 strategies were discussed in terms of ways that the election result might be challenged.
4 Am I, sort of, recounting that properly?

5 A I don't recall that, but it sounds accurate.

6 Q What do you remember about discussions that took place at or around or
7 shortly after the electoral college deadline, or count, on December 14th regarding what
8 strategies were still available to the Trump campaign to maybe change the result of the
9 election?

10 A Well, first, I respectfully say, the phrasing using "changing the result of the
11 election" is itself begging the question, because we question the result of the election,
12 what the result of the election, what happened on that. We never saw -- ever saw
13 ourselves as trying to disrupt an election. We saw ourselves as trying to expose a
14 massive crime, a massive heist.

15 Q So I use that term because the electoral -- the electors had met in the States
16 that Biden won by the announced count and by the secretary of state's certified results
17 and so forth and they cast their electoral votes for then -- well -- for Mr. Biden. And that
18 would inexorably lead to Mr. Biden becoming President on January 20th, unless somehow
19 those results were changed. Is that --

20 A Or challenged.

21 Q Is that a fair way to -- or challenged.

22 A Or challenged, such as Congresswoman Lee did in 2017 and I think
23 Congressman Raskin did.

24 Q Sure.

25 A If they challenged, that would be legitimate.

1 Q Sure. So, when I say "the outcome," I'm talking about the decisions of the
2 electors were leading towards an outcome, and the Trump campaign wanted a different
3 outcome. Is that fair to say?

4 A I think that you're framing it differently than it was understood by the Trump
5 people of whom I am speaking.

6 I'm aware of -- so, like I say, for some strange reason, I was excluded from a lot -- I
7 just sort of got whispers, but this was sort of the -- some of what was going on was, it was
8 really a conflict between Rudy and Sidney about what strategy. And Sidney had been on
9 the court-heavy strategy, and Rudy had been on the strategy of this was all about -- it's
10 ultimately all up to the electors, it's all up to the legislatures in the State to look at it.

11 There was sense that they had not -- there was all kinds of stuff developing. I
12 mean, all kinds of stuff. As I recall, the Wisconsin Supreme Court only ruled around
13 December 20th that, like, something that had created about 120,000 ballots or something
14 had been unlawful. And, of course, they recently have basically decided their 2020
15 election was fraudulent. Well, they -- you know, how they word that, but they've -- that
16 stuff developed, like, in the days after.

17 So there was a sense that there was a lot of developing information and a lot of
18 stuff that requires more of an exposition, more investigation.

19 And, actually, I would like to revisit Antrim for a moment when you have time. I
20 don't want to dwell on it, but we should revisit that a little bit. Because I think I
21 misunderstood something when you -- I think if you look at the tape, you stumbled over
22 some words. Do you mind if I revisit --

23 Q Sure.

24 A -- Antrim for about 2 minutes?

25 You said something about, it made me wonder if you were suggesting that Conan

1 had admitted this was not definitive proof of election fraud and such. And I
2 remembered that that was an issue, because he was quoted in a newspaper saying
3 something like that. So I asked him about it.

4 He first wants to know -- you know, this was a 4-day deadline. That's why it was
5 labeled "preliminary." And he was absolutely misquoted on that, that it was -- well, he
6 jumped on the same thing I did. He said, at the end of the day, they deleted all the audit
7 logs, so you really cannot say anything about what really happened on that machine.

8 But besides the audit log hacks, then there's the question of it's very sketchy that
9 they had the audit module and machine audited for a couple of years but then in 2020 for
10 some reason it's all gone. But they didn't just delete audit log files or -- they deleted
11 other files. And he says, if you look in his report -- and that's something that's never
12 been addressed. They deleted all kinds of other files from 2020.

13 And so his real answer to the journalist, he says, is, one cannot be certain because
14 of deletion of records, to which the journalist quotes him as saying, "So he's no longer
15 certain that there" -- you know, the lack of certainty is because they deleted the records,
16 which is a much bigger deal to us. I kind of saw that as definitive.

17 Once you discovered at 11:04 p.m. someone went in and overwrote all the
18 records, I mean, what is that? You've solved crimes before. Does that seem odd, when
19 people do things like that?

20 [REDACTED]. There's no world in which I could charge somebody for anything
21 simply for deleting a file without proof of the actual conduct or any kind of evidence of
22 intent.

23 Mr. Byrne. Yeah, you're in the --

24 [REDACTED]. So it's a different -- I understand the question.

25 Mr. Byrne. You're in the legal world. I'm in --

1 [REDACTED]. Right.

2 Mr. Byrne. -- reality world. We're trying to get to the bottom of the crime.

3 And it does seem funny, respectfully, that this whole time there's been a group of
4 people saying, where's the evidence, where's the evidence? Oh, but no one's allowed to
5 look at anything. No one's allowed to look at anything. This could all be looked at in
6 six hard drives and have an answer in a few days.

7 BY [REDACTED]:

8 Q Okay. Was Mr. Hayes sharing other information regarding Antrim County
9 report writing or what he had produced versus what Mr. Ramsland produced?

10 A He did say that he drew some distinction between what he had written and
11 what they had gone with. He drew some distinction between them.

12 Q And would he be willing to talk to us? Did that come up in your
13 conversation?

14 A I did not. He's a very shy guy. He's not -- if he you do a bunch of the
15 normal intimidation -- I like you people. This doesn't bother me. But there's a lot of
16 people that would be shy about this.

17 I mean, if you wanted to take one person to sit and talk with him -- but he'd be
18 very -- he's just a very shy person. I think his natural inclination is to say no. If you
19 wanted to, I could probably get him to sit with an investigator quietly and talk. He's just
20 a -- there's issues of life security and such, not just related to this but other cooperation
21 that he's been provided.

22 Q What caused you to reach out for him on our break?

23 A Because I had been thinking about what [REDACTED] said and got to thinking
24 about the different things that had been at issue, raised between us. And I just wanted
25 to be clear, if you -- because I got to replaying it in my head, and I remembered it

1 sounded like you had stumbled.

2 I couldn't tell if you were suggesting that I said that Conan -- it was Conan had said
3 he didn't stand by the results or something like that. It was a weirdness in the
4 transcript. I was replaying that, and then I got to thinking about it. And I called him to
5 say, well, what -- and you folks had been asking about Antrim, and centered Antrim
6 heavily, which I understand. I think there's a lot more to talk about than that. But
7 what would you say to somebody who said this?

8 And he said, well, it was a preliminary 4-day report, to me, very indicative, of
9 course, saying things have to be looked into. If they did hand-adjudicate, well, then
10 where's the paper records of that? Can we look at the paper records of that?
11 Everything you would do in a normal investigation. But, ultimately, it's about deletion of
12 records.

13 And I said, yeah, I told them about that 11:04 p.m. thing. He said, yeah, there
14 was that, and of course that makes the entire audit impossible. When somebody's done
15 that, you -- but, in addition, there were a bunch of other records deleted.

16 And I said, yeah, but didn't Michigan come back and said that you had said there
17 was a bunch of audit logs deleted because they weren't there? And then Antrim,
18 Michigan, said, oh, they didn't have -- they weren't there because they never were there,
19 because they hand-audited that year.

20 Q Adjudication, you mean.

21 A I'm sorry. Adjudication. Thank you.

22 To which -- that they hand-adjudicated that year, to which he immediately said,
23 well, that's pretty sketchy too, or that's extremely unusual, but there could be an
24 explanation. But if it happened that way, if it really happened that way, then why isn't
25 there some papers? When they adjudicate, there's paperwork and stuff, and then we

1 don't have to open anything.

2 But, ultimately, beyond that, Patrick, there were other deletions from 2020. And
3 if you look, he said something I didn't quite catch about, if you looked in such and such a
4 place, you'll see a reference to it. And we didn't really go into that. There were
5 definitely files from 2020 deleted.

6 So really the true answer on that is, can't get to the bottom of it because of
7 deletion of records. And I said, is that what you -- why did this New York Times -- or
8 somebody from New York Times -- I never read this story --

9 Q Los Angeles Times.

10 A -- but I heard this. She said that you said -- some other reporter quoted her
11 story to me, saying you admitted that it wasn't proof. And he said, well, it's not -- it's,
12 you know, not definitive proof because of deletion of records. That's the answer. You
13 can't prove anything because ultimately they deleted the records.

14 And if a journalist quotes that and turns around and saying, "Well, he's saying it's
15 not definitive proof," you sort of get a taste of my world.

16 Q Okay.

17 Anything else you wanted to share about the conversation with Mr. Hayes or
18 Antrim?

19 A No, sir.

20 Q Okay.

21 So I want to go back to this issue of the strategies that were being discussed, and
22 without getting sort of hung up on sort of -- I'll try not to characterize it in a controversial
23 way in terms of what the objectives were.

24 But what discussions were you involved with in the mid-December timeframe
25 about what the best strategy was for the Trump campaign to achieve its objectives?

1 A It's more like I was hearing of such discussions occurring in the Trump legal
2 circles. But also there was a -- we were being inundated, frankly, by people with
3 strategy. I mentioned Mr. Raiklin, who seems like a very fine guy. But there were
4 people, like I say, trying to bump up on us and, within the bounds of being polite, trying to
5 keep them out and then later they were sending -- in some cases, not even being polite.
6 That British fellow I messaged, Andrew, was one of them. He got marched off of
7 property.

8 And yet later they're sending in suggestions and constitutional term papers. And
9 I don't mean to be disrespectful to anyone, but it wasn't -- you understand that there
10 was -- and so there that was stuff going on.

11 I don't really remember the specifics other than being aware of conversations
12 going on in the Rudy-Sidney kind of world. But it was more like, I think, less of a shift
13 than a Rudy was just continuing on his strategy. In retrospect, with everything I came to
14 know, it's more like Rudy was continuing, and Sidney's strategy was burning out, and that
15 was the strategy to fight through the court system.

16 Q So in a -- it wasn't an interview -- it was a video that you posted in February,
17 and then there was some Q&A afterwards -- you talked about what you described as a
18 digital strategy, a bureaucratic strategy, and sort of a political strategy which you then
19 sort of equated with the Green Bay Sweep.

20 Do you remember that -- what will we call that -- that podcast or that sort of
21 presentation that you made in February?

22 A No, but I take your word for it. And I feel like I always have to apologize to
23 any people in a deposition. You've just reminded me you've spent hours of your life
24 having to read and watch my stuff. I'm very sorry. I really am sorry. I feel sorry for
25 you.

1 So the digital I understand. That would have been sort of "this stuff" strategy.

2 Q As you described it, it was the perfectly legitimate, white-glove, all-legit
3 efforts to get access to machines in whatever appropriate legal ways were possible and
4 sort of get at some of the cyber forensic stuff that you've been talking about. That's
5 what I understood digital to mean.

6 A Correct. Political, what I did mean by that?

7 Q Well, I was going -- I think you meant -- what you said, what basically came
8 into your mind this, what became the Green Bay Sweep. So I want to put that one to
9 the side.

10 And there's what you've also called the bureaucratic --

11 A Okay.

12 Q -- which I'm trying to have you help me understand whether that was the
13 lawsuit track, whether that's more of the Powell track you've described, or the Giuliani
14 track that you were describing.

15 A No, I think of that more as the Powell track, although I don't remember using
16 that term. It's probably not the best choice of term, but by that, it sounds like it meant
17 the Powell strategy.

18 The Rudy strategy -- what I thought of at the time as the Rudy strategy, is what's
19 now known as the Green Bay Sweep. But I only heard of that -- I only heard of that
20 many months after the fact. Like, maybe sometime last year I heard that that was the
21 name. I think I heard that was Navarro's name for it. But I had never known it by that
22 at the time. I just thought of it as the Rudy strategy.

23 Except, as I said, there was some confusion left with me. If I had known that was
24 Rudy's strategy from the beginning, I would have been just focused on supporting him.
25 Sidney basically was telling me, Rudy doesn't really have a strategy, so just stick and

1 support my court-based strategy.

2 The strategy -- I only came to understand much later that this was always Rudy's
3 strategy, that Sidney was too wed to the court case, and that Rudy, that his reason that
4 he wanted to have some hearings and do some things, wasn't able to generate, to do the
5 Green Bay Sweep, to do the Green Bay Sweep, to escalate or elevate surface information,
6 and that, ultimately, the right and appropriate way -- he's a very judicious fellow -- and
7 that the right and appropriate way was through political activity in the States, bringing
8 attention of matters and what had happened to the State legislatures and having them
9 use their constitutional -- you know, ultimately, the Constitution centers the authority,
10 really extraordinarily, it seems to me, in the State legislatures. They kind of can do
11 whatever they want.

12 And it would seem to me, and given the reference in the Federalist Papers, that
13 they understood that, as a beautiful design, to create a watertight strategy so you could
14 contain everything within the States and the information passes up. And so the tumult
15 and discord of the -- and they knew how elections could go -- that that could be made
16 watertight and contained.

17 And I saw that as beautiful and was kind of confused that nobody seemed to be
18 pursuing that strategy. Well, Sidney was the go-between for everything, and it was
19 never really clear to me that that is what Rudy had wanted to pursue. So I was really
20 kept very, very distant from this kind of theorizing.

21 Q When did you come to realize that this was the strategy that Giuliani was
22 attempting to pursue?

23 A I don't even know if it was -- it wasn't before January 6th. I think it was
24 months later. I think it was months later. Someone else -- I sort of unraveled that I
25 had just gotten a different version of the truth. This -- I didn't -- it was much later. It

1 may have been after January 6th. I just know -- I don't remember -- it may have been
2 months after, but it was that I came to understand that his strategy -- Sidney's
3 explanation to me of what Rudy was about was maybe not right on the money and maybe
4 tended to favor a strategy that would let her be up in front of the Supreme Court in front
5 of the cameras.

6 Q You said early on today, I think, that Ms. Powell's characterization of
7 Mr. Giuliani's strategy was that he was going to make some sort of token effort but really
8 his heart wasn't in it and he was going to fold the tent.

9 A She specifically mentioned that he just wanted to file some objections and
10 hold a few hearing and then go home.

11 Well, it turns out, no, Rudy wanted to file and have some hearings and stuff, do
12 what Maricopa, what -- you know, Maricopa, November 30th, 300 citizens came in, and
13 100 or so gave testimony, and say what you will about it, they were just -- people gave
14 5-minute -- citizens gave 5-minute versions of what they saw and gave affidavits.

15 Ultimately, that's what started Maricopa. I didn't start Maricopa. This is the
16 way they started. All other avenues of petitioning government for regressive grievance
17 at the State level seemed to be closed. And those affidavits -- I came to understand this
18 much later from some of the State senators involved -- that they took all that to the State
19 Senate Judiciary Committee chairman, and that man said, "Well, that turns out to be a lot
20 of substantial evidence," and signed off on the subpoena or whatever that got that whole
21 process started.

22 So it turns out that what Rudy was looking for was doing things like that. And
23 that's what he wanted to do. And that -- and so that was written. And then the State
24 legislatures would do their thing, and the Senate would do its thing. So that was what I
25 later came to understand was called the Green Bay Sweep.

1 Q So you said in the same presentation that I was referring to that you had
2 reached a conclusion by November 10th that there was no way to unscramble this thing,
3 no way to Encyclopedia Brown your way down to the bottom of it.

4 Do you remember talking about -- you're talking about what I was referring to
5 earlier as the digital strategy, of trying to drill down and get to the underlying sort of
6 forensic analysis? Or --

7 A No.

8 Q -- are you talking about something different?

9 A To me, that would be more almost the mathematic and a priori strategy or
10 analysis.

11 It was quite meaningful to me that I knew about, for several months, how these
12 different election scandals around the world -- which all seemed to create the same kind
13 of graph, which I'm sure you've seen, the "F" that we speak of, the red line and the blue
14 line and the little -- that has occurred in many places associated with things being shut
15 down.

16 And so I had -- you know, there used to be videos on YouTube that showed guys
17 like -- there was a guy named Barnaby Jack, a famous hacker who died, but he once made
18 a Diebold machine that spit out cash, you know, on the stage -- people like that showing
19 how easy these were to -- and I learned from these guys like Conan the different levels
20 and how compromised these machines are, but in specific.

21 So I didn't have much trust to believe to begin with, but then, on the night of the
22 election, the shutting down of these different polling locations and the electoral
23 significance of all of those locations, that's some facts that line up. That's odd. That's
24 odd. I mean, it's not decisive, but -- so that's odd, itself.

25 And then, by within a few days, digging into the numbers and the election results

1 and seeing patterns that would never exist, of astronomical improbabilities, literally stuff
2 that we started working a scientific notation on and it's not explainable by down-ballot
3 analysis. These are -- I mean, so many statistical anomalies.

4 So, to me, those were, I guess because of my math background maybe or
5 my -- that means a lot to me. I know that, to lawyers, that that kind of evidence isn't in
6 general, I guess -- I know in general that that kind of evidence doesn't work for convincing
7 lawyers.

8 Is that a fair analysis?

9 Q What I'm wondering, though, is, what was the piece that you sort of come to
10 the realization you weren't going to be able to Encyclopedia Brown your way down to the
11 bottom of it?

12 A Between those two facts and the reports that we were learning about
13 anomalies in how things were run, it was clear there was so much noise injected into the
14 election, one couldn't back out the noise and find what the original vote was.

15 Q So where did that lead in terms of what the strategy had to be to sort of
16 bring light to this, the problem that you perceived?

17 A Well, to be honest, the, kind of, purist in me, in a perfect world, would've
18 loved to have had a real new election, like, everybody got to vote clean again. Because
19 you couldn't really find out the truth of what happened. That was obviously not a
20 realistic probability.

21 The next best thing would be the State constitution. I mean, that's kind of -- the
22 first strategy isn't a strategy. It's sort of a fantasy. The first real strategy is the State
23 legislatures, the State legislatures. I understand why the constitutional structure was to
24 put all this authority there, so you could make watertight the tumult and discord in the
25 States. They knew this kind of stuff was going to happen.

1 So that's really where it belongs. It doesn't belong going up through the court
2 system and do challenges in the Federal -- and the judges, judiciary doesn't like to get
3 involved.

4 Q So, other than the hearings that you've mentioned, what did you understand
5 the mechanism to be in Mr. Giuliani's approach or this Green Bay Sweep as to how the
6 State legislatures were going to be able to exercise this plenary authority that you've
7 mentioned?

8 A That, really, the reason they were given such design is, at some point, you
9 might have elections that were just so rotten that no one could really say what -- you
10 know, if an election is a certain degree compromised and you realize somebody brought
11 in, you know, 400 ballots or something illegally, and then maybe you can track them into
12 the system and where they're going or where they went and back them out. But if
13 there's something that has shown so little integrity at so many levels -- and that was my
14 impression certainly of Arizona by then.

15 Q I guess my question wasn't very -- wasn't clear. What was the mechanism,
16 what was the plan that you were, to the extent you were aware of one, as to how
17 Mr. Giuliani or those working with him were going to have the State legislatures change
18 or affect the outcome of the election?

19 A I understood them to be discussing that. I -- well, again, not change;
20 challenge before it got set in concrete. Before it got set in concrete, we felt that there
21 was a lot of evidence pointing forth that the legislatures had not even had the ability to
22 consider and, at the very least, it was so compromised that what it really needed was a
23 real, independent investigation. So they were just trying to challenge -- they were trying
24 to challenge, just as the Democrats did in 2017.

25 Beyond knowing that they were working on that strategy, I don't know. That's

1 probably just kind of came to me through channels, maybe through Phil Waldron or
2 something.

3 Q Okay.

4 And once you understood that that was the path that was being taken, where
5 did that leave sort of your cyber crew and the folks that had been sort of trying to work
6 on the forensic issues? Did that continue all through December and into January?

7 A They could only continue -- I guess there's other -- so you're saying what are
8 the -- could you go back to that previous question? Are you asking why did I think that
9 this -- you're asking -- okay. What are the strategies that Rudy was considering to
10 challenge after that point?

11 Q So I understood from your prior answer that you felt that the -- you came to
12 the realization that sort of getting down to, you know, a clear, complete understanding of
13 what had actually infected the election or trying to deconstruct the election was not
14 going to work and, instead, that there was this more political process that was probably
15 where the recourse was going to have to come from.

16 Am I right on that?

17 A Close. It's that that deconstruction, it would take too much time, and
18 deconstructing it and feeding it to the court system --

19 Q Okay.

20 A -- was futile. Deconstructing, to the extent we could, and feeding into it
21 the political process to inform the decision-making was not futile.

22 Q Okay. So I think you then maybe answered the next question I had, which
23 was: Where did this cyber forensic work or this deconstructing work fit in once you had
24 sort of come to this place where you understood it was heading in this political direction?
25 I take it that it continued.

1 A Yes. And we're probably not as reductionist as you're imagining. We're
2 looking at -- the way we were thinking of it is, we're looking at -- we're supporting efforts
3 to look into all kinds of different areas. And yet we're being excluded from these
4 decision-makers, who seem to be making somewhat -- just always struck us as hilarious
5 that they had to keep us out of the -- the only guys who should have been making the
6 decisions were these guys. They had so much better -- they were on the front lines.
7 They had so much better information about what to look at and such. Instead, they
8 were getting direction from these people like Ms. Friess. And it was a very frustrating
9 relationship.

10 Q I take it you don't think highly of Ms. Friess?

11 A I wouldn't say that. I have -- well, I'd rather not comment on that. She
12 was really sort of very impolite to people around me. It was really quite remarkable. I
13 wonder if this is how this town works. Like, you would never be able to work at a
14 company like Google and be disrespectful and sort of -- like, she got her manners -- I don't
15 know. Maybe that's where she came from.

16 [REDACTED] You haven't worked at enough tech companies.

17 Mr. Byrne. Say again?

18 [REDACTED]. You haven't worked at enough tech companies.

19 Mr. Byrne. Really? Well, maybe.

20 BY [REDACTED]:

21 Q Would you call her mediocre?

22 A I wouldn't comment on that.

23 Q Okay.

24 A I wouldn't comment on that.

25 Q So did you understand Giuliani and his team to also be interested in trying to

1 get access to voting machines? Obviously, Ms. Friess was involved in that.

2 A Well, I understood whatever she was doing was on their behalf. But we
3 didn't really have any contact after that famous Thanksgiving dinner.

4 Really, that's what got very frustrating to me. I was so far out of the Rudy camp,
5 I really was looked at like this schlep. It was so funny, being one of the only guys who
6 actually knew anything or could do anything substantive, watching these lawyers off in
7 their stratosphere doing this stuff, writing each other's term papers.

8 So I was so excluded that I didn't know -- I thought he was over at the Mandarin
9 Oriental. I didn't know he moved to what is effectively across the street from the Trump
10 when he moved. I only found out at the very end that he was there.

11 Q Did you work with Mr. Bannon at all --

12 A No.

13 Q -- in this time period in December?

14 A Bannon and I have an odd -- I don't know what's up with Bannon and me,
15 but there's some -- do you know about that? Not really.

16 Q I don't know what you're referring to.

17 A Bannon -- it's kind of funny. I thought maybe you -- you don't know
18 anything about that?

19 When he got fired from the White House, he went into, like, seclusion for 6
20 months, 9 months, and when he came out, he went to The New York Times editorial
21 board. And I got a call from Nathaniel Popper after he left. And he said, "What is it
22 between you and Bannon?" I said, "What are you talking about?" He said, "Steve
23 Bannon was in here for 3 hours, and he spent the first 45 minutes raving about you,
24 saying you're the greatest American, you should be this, you should do that." I said, "I've
25 never met the guy. Didn't even know he knows my name."

1 I learned that since October 2020 he does nothing but poison my name around
2 town. He tells every journalist not to talk to me, does everything he can to turn people
3 against me. And I'm still -- I actually spent -- I went by once and -- years ago and shook
4 his hand for an hour.

5 Q So, in this timeframe, in the --

6 A Yeah.

7 Q -- post-election timeframe, no interactions with him?

8 A I've never met with him since -- well, since early 2019 was the time I spent
9 just an hour with him.

10 Q How about Peter Navarro?

11 A I had a phone call with him. I had a phone call with him, and we talked
12 about China. His Chinese is great, and we talked about the book "The Hundred-Year
13 Marathon" and his relationship with Michael Pillsbury. He was kind of offended because
14 I thought of him as a protege of Michael Pillsbury. Anyway, he -- and that's what we
15 talked about.

16 No, I'm not even sure I understood -- when that Navarro report came out, things
17 started clicking for me that he was involved and what was happening with him and
18 Garrett. I had just understood Garrett as sort of a social contact to have. I did not
19 realize he was playing that back scene at all.

20 Q Because Mr. Navarro and to some extent Mr. Bannon have taken credit for
21 devising what they've called or named the Green Bay Sweep, and it's a strategy that you
22 seem to have -- you know, you acknowledge was sort of the right one. And I'm
23 wondering if you had any --

24 A No.

25 Q -- part of any discussions in which they were talking about how they came up

1 with it or what it meant to them.

2 A No. And that's the funny part, because everything Bannon -- Bannon writes
3 and reads like he's reading my email. We think a lot alike. People even say we look
4 alike. It's kind of an insult to him, but -- so you would think we would be attuned, but
5 this guy hates my guts. Don't know why. You can ask him.

6 Q How about Mr. Flynn, General Flynn? Was he involved in any -- were you
7 involved in any discussions with him about the appropriate strategy for obtaining the
8 objectives that President Trump and his supporters were heading towards?

9 A It's more like my sense was that Sidney was with him like she was with me.
10 Like, I don't want -- I don't want Mike too close to any of this. So he was on the outside,
11 probably not as much on the outside as I was, but he was on the outside from that inner
12 circle.

13 Q And did you ever --

14 A Sidney was very careful about that.

15 Q Okay. Putting aside Ms. Powell's communications with him, did you have
16 conversations with him about what the best approach would be to try to impact the
17 election?

18 A You know, it's a funny story. His reaction to things was the same as mine.
19 And one was, what do I do with these guys who are sending me constitutional term
20 papers about all this and that? I said, just don't answer it, just be polite, but don't -- I
21 didn't read any of those. It was kind of funny that somebody, to us -- I don't know.

22 There were people trying to sort of muscle into our circle and take pictures and
23 then writing term papers. I guess, I'm sure they're -- God love them, and I'm sure
24 they're great Americans. But I'm sure they were telling people, I was in briefing the
25 President in the Oval Office on this strategy, and it's actually some guy that, like, got

1 walked off to Tomotley for whatever he got walked off for it.

2 Q Do you remember who some of the people were who were sending you
3 these term papers?

4 A Or sharing their ideas? Ivan -- Ivan, fine guy, liked him. Ivan was one.
5 There were several like that. There were a lot of people who had theories, who had
6 read the Constitution and they had analyzed it and they knew exactly what we should do.

7 Q Did you ever take any meetings with Mr. Raiklin on this --

8 A No.

9 Q -- stuff?

10 A No. He's a wonderful fellow. He's a wonderful fellow. He tries to
11 portray himself as Michael Flynn's, like, lieutenant. He's not. But he's a fine guy, a
12 good American, just --

13 Q I was going to ask you about the Flynn lieutenant piece, because he has been
14 characterized as a close associate of General Flynn's. How would you characterize their
15 relationship?

16 A I'd say that's outrageous. That's outrageous. That's just exactly what I
17 mean, people trying to muscle into the photograph. He's a little -- I don't mean to
18 offend him, but that's outrageous, when he does that. And when I mentioned it to
19 Mike, he thought it was outrageous. He was angry but also shared my laughing at it.
20 But he's like, he shouldn't do that, he just shouldn't do that. It's not --

21 Q But you spend a lot of time with General Flynn. I mean, how you
22 characterize the relationship between Ivan Raiklin and General Flynn? It's not what has
23 been said in the press, but how would you characterize it?

24 A He's like, I ran a shop with 30,000 people; he was somebody who worked
25 there. So, yeah, I knew the man by name, on sight. That's how I know him, and I was

1 polite to him.

2 I said to him, do you feel sometimes like it really bites you to be polite? Like
3 people are trying to muscle in, and if you're not a jerk to them and you let them in at all,
4 they're out there -- and he said, yeah, that's exactly what it feels like, that's exactly what
5 it feels like.

6 Q We have in the binder, I think it's towards the back, it's exhibit 14. It's an
7 email from Mr. Raiklin to several individuals in the White House. I think it's mostly
8 White House folks. I'll represent to you, I think we've seen iterations of this sent to
9 other folks as well or posted online.

10 Were you familiar or were you aware of fact that Mr. Raiklin was working up a
11 memorandum along these lines, which he's referred to as the Pence Card, Operation
12 Pence Card?

13 A I was not aware of it in specific, but this is what I meant about getting
14 something in the mail --

15 Q Uh-huh.

16 A -- that I respectfully think that not 30 seconds would be given this. But,
17 yeah, there were things like this and papers being left for us or something.

18 Q Okay.

19 A That's what I mean.

20 Q Do you remember any discussions in the December timeframe with anyone
21 that you were in closer contact with than Mr. Raiklin regarding the role that the Vice
22 President should or could play on January 6th?

23 A I do remember that being mentioned as one of the steps but not much focus
24 being put on it. It was more the focus was how to get information to surface that the
25 State legislatures could look at, figuring that if the State legislatures -- you know, that is

1 the political process.

2 If the State legislatures change their mind -- and I'll tell you, it's the truth. Mike
3 and I on occasion said to each other in frustration, you know, it really does not matter to
4 me; if the State legislatures look at the facts and they find that, yeah, there's some
5 skulduggery here but not enough for us to change our electoral votes, that's just totally
6 fine with us. But that's the political process our Founders wanted. That's what the
7 focus was all about.

8 And I guess there was an assumption that, once we had that, or if we -- if we got
9 that to reconsider, to having hearing like Maricopa and then just recommit your votes,
10 that's all they had to do, that we could -- that things would work out.

11 Q There's, in mid-December -- and we've got some documents. And, actually,
12 let's turn to exhibit 7.

13 In mid-December, were you involved in any efforts to draft executive orders
14 relating to the seizure of voting machines?

15 A No. Although that may be what about the draft says, that's not -- we
16 didn't -- I mean, there was a range of options. I'll say up front, I'm the guy who
17 described it to the President, the range of options. I'm the guy who said all the words,
18 so I'm to blame if there's blame to be had, if this was inappropriate. But I'll state to my
19 dying day that the range of options I had presented was reasonable. In that range, there
20 were different options discussed, a range of options discussed, and that being among
21 them.

22 Q So, before we get to the meeting with the President which I think you're
23 referring to, which was December 18th, it looks like some effort went into drafting
24 Presidential findings regarding the 2020 general election and a proposal that the
25 President authorize the seizure of voting machines either by the Secretary of Defense,

1 Department of Homeland Security, or some other sort of government agents.

2 Were you part of any effort to draft such Presidential findings?

3 A Not part of any effort to draft.

4 On the night of Friday the 18th, when I got this appointment from these two
5 young fellows, I called them and said, hey, we've been asked to come over for a tour, if
6 this is a good time -- which it absolutely was not.

7 I let Mike and Sidney know -- I don't have a clear memory if I actually let them
8 know specifically I thought we had a way to get to the Oval Office, but I let them know
9 that we had a very possibly important meeting. Again, she may have known. It may
10 have been a nudge and wink thing.

11 But, anyway, so they had about 15 minutes. And Sidney had a suite of rooms
12 with her attorneys, and they shared a printer. And I went up to help her get her stuff,
13 and this was just coming -- well, there was a paper just coming off the printer. And I
14 remember the December -- I thought it said "December 18th." I just remember
15 "December 18th," centered. I did not read it, but I remember that coming off the
16 printer.

17 Other than that, I have -- other than that, I have with me what we brought the
18 President. I have the nuclear football that we brought the President.

19 Q Okay. I want to get to that, but what you saw coming off the printer looked
20 a little bit like what's on page 2 or page 7 of exhibit 7?

21 A It did, except it said "December 18th," and I thought it had some
22 fancy -- some fanciness at the top.

23 Q Okay.

24 A That's what I visually remember.

25 Q Okay.

1 So, if you go back to the first page of this exhibit, it looks like General Flynn is
2 copied on this email. And then on the -- that's a December 16th email. And then on
3 page 5 of the exhibit, General Flynn responds to the email and says he's reviewed, fixed
4 the spelling error in the title, and so forth.

5 Do you see that? Page 5?

6 A I'm sorry. Okay. Yes.

7 Q So it looks like General Flynn was asked to review and did review the
8 attachment to that December 16th email at 5:14 p.m. and responded at 5:50 with a
9 revised draft. Do you see that?

10 A Yes. Yes, I see that.

11 Q Okay. Did you have any conversations with General Flynn about his role or
12 involvement in drafting executive or Presidential findings regarding the seizure of voting
13 machines?

14 A I was not part of any of these discussions regarding challenging the
15 election --

16 Q Okay.

17 A -- or imaging hard drives, not the work-up to this -- not the work-up to this
18 document.

19 And that's very much like Sidney. She kept me at arm's length from all this kind
20 of stuff. I think it was a big deal that I was able to take it off the printer and hand it to
21 her. So --

22 Q Okay. I just -- well, and I understand your point about Ms. Powell. But I
23 thought the General Flynn reference might have brought it a little closer to one of your
24 more closer colleagues at that time.

25 A I don't -- well, they were equidistant for me at that time. And I don't -- no, I

1 was not part of these discussions about this strategy.

2 Q Okay.

3 A I mean, about the details of drafting this letter. I'm aware that this is the
4 one thing I don't have in my files, but I have the other things we brought the President.

5 Q Okay.

6 Take a look at exhibit 8, which is in roughly the same timeframe. I'm just
7 wondering if you've ever seen this document before. It seems to discuss some --

8 A I have not.

9 Q -- strategy for determining --

10 A I've not.

11 Q -- or finding evidence of foreign interference in the evidence.

12 A I have not seen this before.

13 Q At the very bottom, it references someone named Frank Colon. Do you
14 know that person?

15 A I do not.

16 Q How about Michael Del Rosso?

17 A I know the name. The name rings a bell. I noticed that. And I know the
18 name Rich Higgins. I've never met him. I know the name Michael Del Rosso, but I can't
19 place it. I may have heard him mentioned to me.

20 Q How do you know Rich Higgins?

21 A I don't know him personally. He was a friend of numerous friends.

22 Q Including General Flynn?

23 A I believe so, yes, but I knew of him from someone else.

24 Q Okay.

25 So I know you've started to talk about it; I know you've got a lot to say about it.

1 I'm familiar with generally the information you've written and published regarding your
2 December 18th meeting. But I'd like to know a little bit about -- I'd like you to dig in a
3 little on sort of the genesis of the meeting and how it was that you came to be at the
4 White House that night.

5 A I have to say, I am probably the genesis of that meeting. I got fed up with
6 lawyers talking to lawyers, and I wanted to get in front of President Trump myself.

7 And I called I think Patrick Weaver or Garrett Ziegler, said, "You've been offering
8 me a tour. Can I come over?" And they thought it was strange I was doing it Friday
9 night at 6:15, but I said yes.

10 And I told Sidney and General Flynn that we had an opportunity for a senior
11 meeting in the White House; can they come with me? I don't think -- I don't recall if I
12 really spelled out to them exactly where I thought we might be able to get to.

13 Q Let me stop you there, because I want to go to a little bit of sort of a
14 tick-tock on this.

15 So, when you reached out to Mr. Weaver and Mr. Ziegler, you had in mind that
16 you were going to try to get to see the President.

17 A Yes.

18 Q Did you tell Mr. Ziegler or Mr. Weaver that's what you had in mind?

19 A Not when I first called them. I thought it would be better explaining face to
20 face.

21 Q And when you said you wanted a tour, did they say, "Sure, maybe next
22 week"? Or --

23 A No.

24 Q You said, "I'd like to get a tour tonight"?

25 A I had said, "You've been asking me to come by anytime for a tour. How do

1 you feel if I come by?" And they said, "Well, okay. Yeah, sure. We'll meet you down
2 at the gate in 15 minutes."

3 And I went and got -- told Mike and Sidney that we had an opportunity for a
4 meeting in the White House and to join me and come with me. I'm not sure if I spelled
5 out exactly what I was thinking of until maybe we got in the car or something.

6 And then we got over there, and they met us at the gate. As soon as --

7 Q Let me stop you there again. So when you called, were Mr. Flynn and
8 Ms. Powell together, that you were able to reach them together on a Friday night?

9 A No. We were all in the same hotel. They were down the hall.

10 Q At the Trump Hotel?

11 A Yeah.

12 Q How long -- you'd been staying there for quite some time by then, maybe 6
13 weeks?

14 A Don't remind me. Yes.

15 Q Was General Flynn also a long-term guest at the Trump Hotel?

16 A He was -- when I said there was a block of rooms that contracted and
17 expanded based on the number of guests, he'd be the people within that list that I
18 said -- he and Sidney, when they came, they started staying in those rooms.

19 Q So mostly through November and into December they were -- other than
20 when they might be at Tomotley or someplace else, they were also at the Trump Hotel?

21 A Latter November and December, when they came to town, they were
22 generally staying there. So they're staying there in my block of rooms, but Sidney
23 especially is off -- Sidney and Phil Waldron were off doing their thing with the
24 mucky-mucks. I basically was babysitting the dolphin speakers in the Trump Hotel.

25 Q Okay.

1 So, on the night of the 18th, you've made this call to Weaver and Ziegler; they said
2 sure. Then you reached out to Ms. Powell and Mr. Flynn and told them there's a
3 possibility of a White House meeting.

4 A I think something like that. I think I dropped by their room. I think I
5 dropped by their room.

6 Q Okay. And you didn't tell them who was going to be part of that meeting?

7 A I don't think I remember exactly what I told them. But I think -- I just
8 remember a very short period where they got themselves ready, and something was
9 printed off the printer, and I went over to get the printer, and I saw something with
10 "December 18th" at the top in the middle.

11 Q But did you tell them the types of materials that they should gather up for
12 that meeting? Or was that kind of self-evident, what a White House meeting would be
13 about?

14 A It was self-evident because we had this idea that seemed to have been
15 well-overlooked that we wanted to make sure the President understood.

16 Can we take a break, please, so I can use the washroom?

17 [REDACTED]. Yes. Let's go off the record.

18 [Recess.]

19 [REDACTED]. Okay. Back on the record.

20 BY [REDACTED]:

21 Q So you were describing General Flynn and Ms. Powell pulling some materials
22 together for this meeting. And I think you were explaining how it is that they would
23 know what to bring to a --

24 A Yes.

25 Q -- meeting that you had just announced without giving any details.

1 A I remember.

2 I also just remembered the Albert sensor. You asked if there was anything else
3 Conan told me. I'll come back to that. That's the other thing I asked about.

4 Is that the day -- when did the DHS stuff about SolarWinds come out? Wasn't
5 that, like, December 14th or 15th?

6 Q I don't know.

7 A That was the trigger. That was the trigger.

8 December 16th is the day the SolarWinds -- I thought it was much earlier than
9 that. I've been saying December -- I thought it was, like, the 12th. The earliest I have is
10 December 16th.

11 The SolarWinds hack was a very big deal. And it gets into an area that -- the
12 SolarWinds hack was a bigger deal to us than it was maybe to the public. This
13 SolarWinds admission by the government is a really big deal. That's because the
14 SolarWinds' Orion product -- I think I walked you through before. We don't need to
15 repeat that.

16 The SolarWinds' Orion product is embedded in all of the FTP product, and if that's
17 been hacked, then there is no integrity to any of the systems. Anyone who has that
18 hack has administrative privileges over every database. So that's kind of decisive, to me.

19 So they initially denied that the SolarWinds hack affected them, but it later was
20 acknowledged by February or March, so that the SolarWinds' Orion product is in, sort of,
21 view.

22 So, to me, once you know that, that the whole industry is architected on this FTP
23 product that itself has embedded in it something that the Federal Government is saying
24 is, you know, hacked to its teeth, the whole system is compromised. It's a horrible
25 thought, I know, but the whole system is compromised for everybody.

1 Q Okay. So what we're getting at is how it is that General Flynn and
2 Ms. Powell knew what documents to pull together for a meeting when you gave them
3 very little detail about who was going to be there and what it was going to be about.

4 A Because, once the SolarWinds hack was announced, we saw this
5 strategy -- that's right. Once the SolarWinds hack was announced on December 16th,
6 there was a strategy that no one else had considered. And the strategy is the strategy
7 that President Obama and President Trump had independently signed an executive order
8 or some extension of an executive order or two very similar executive orders that said, in
9 the case of a foreign government interfering on our elections, the President had a vast
10 range of powers, from having a quickie investigation, to, you know, a real investigation, a
11 Presidential commission, a this, that, anything, all the way up to really Draconian steps.

12 And what we wanted was him to acknowledge there was enough evidence -- and I
13 think there's some specific language -- of it that he could authorize a quickie investigation
14 and we could have an answer. We debated how long to say.

15 And, anyway, when -- so that all started happening on December 16th when this
16 announcement came out from -- that that opportunity was open. When this
17 announcement came out from FBI and CISA and the DNI, it, I think, tipped the scales.
18 And the scales were -- so there were these executive orders which established
19 Presidential authority in the case of foreign involvement in an election.

20 Q Uh-huh.

21 A There had been, October the -- I get the dates wrong. I'll memorize them.
22 October 22, 2020, there was the CISA -- "Iranian Advanced Persistent Threat Actors
23 Threaten Election-Related Systems." So that was their statement on October 22.

24 And if you say, does the fact that they had put out a report like this trigger the
25 President's authorities under these two executive orders, I would say that's a stretch.

1 An aggressive person would say maybe they could make some argument it does, but I'd
2 say it's a stretch.

3 But then you put on the scale, if we're talking about a scale, you put on the
4 scale the next letter that came out, which I always call November 30th. It was last
5 revised November 30th, first put out on October 30th. It actually would be quite
6 important to compare the two, because literally the verb tenses and everything is what
7 were discussed.

8 And these two documents together, where they've gone from saying Iranian
9 advanced persistent threat actors are threatening to hit our election systems, to here,
10 where they say it has happened, they've been successful in one State, there are other
11 States under attack, and somewhere in here there's an oblique sentence that says we've
12 analyzed the penetrations and we've realized they're not coming just from
13 around -- they're coming from other nation states, well, that starts looking a lot like what
14 authorizes the President to start doing something -- doing something outside,
15 unconventional.

16 But, still, let's say that doesn't -- I would argue that those two together are
17 pretty -- you know, once they've admitted that it's not a -- that they were threatening
18 but, you know, they go -- well, as I've described, in the Oval Office it was quite strange.
19 It was like sitting in a graduate class --

20 Mr. Driscoll. Let me just stop you.

21 Mr. Byrne. Okay.

22 Mr. Driscoll. You can answer the question. The question was, how did General
23 Flynn and Sidney know what to bring to the Oval Office?

24 Mr. Byrne. Oh. Because for 2 days we've been talking about this stuff. We've
25 been talking about this stuff and that this argument could be made. So this all explains

1 what we've been talking about for 2 days -- well, what we've been talking about for more
2 than 2 days.

3 But once this comes out, this statement by the Federal Government, the
4 argument is that these three things now trigger the Presidential authority to do a vast
5 range of options, of which, let's suggest, the most light-handed one possible, the most
6 minimal one possible, to do a quickie investigation.

7 BY [REDACTED] :

8 Q So, if I'm understanding you correctly, you had had some discussions in
9 mid-December about the concept of triggering Executive Order 13848 and maybe
10 another executive order as well.

11 A Yes, sir.

12 Q There's some information that now come out regarding SolarWinds that you
13 think really solidifies or bolsters --

14 A Bolsters.

15 Q -- whatever arguments you had been discussing.

16 A Yes.

17 Q You then have this idea of trying to get a White House meeting, which you
18 then initiate with Ziegler and Weaver --

19 A Uh-huh.

20 Q -- right?

21 A Yes.

22 Q And when you mentioned to General Flynn and Ms. Powell, "Hey, I might
23 have gotten us -- I might be able to get us a meeting at the White House," it's, in your
24 view, obvious to them that it has to do with what you've been discussing for the last
25 several days.

1 A That's my recollection, yes. I don't remember specifically needing to do
2 anything more than, "Hey, I think we have -- I've got a meeting lined up. Let's get
3 ready," and they just pulled together what we've been discussing.

4 Q And so, given the context in which it was raised, it's not surprising to you
5 that they knew what to grab off the printer or what to pull together, because that's what
6 the meeting was going to be about, even though you didn't have to articulate that. Is
7 that --

8 A I don't remember the details that precisely, whether I said this, that. I think
9 it may well just have been just understood, like, "Hey, I got us that meeting. Let's get
10 ready in the next 10 minutes," and boom, boom, boom, and they got ready.

11 Q Okay. Understood.

12 So do you remember how you got to the White House?

13 A Yes. We had a chauffeured sedan that I understood -- not a sedan -- an
14 SUV that I understood to be arranged by my -- arranged by the -- actually, because
15 Suzanne was sick by that point, arranged by my colleague here, Carlito, which is kind of a
16 joke. He's a very big guy. So I -- to -- I could get him down; he could tell you. But
17 he'd probably have to refresh his notes and memory.

18 But our understanding was that we arranged that. I understand somebody
19 claims to have driven for us. I can't remember who it is. That's not my understanding.

20 My recollection is that somebody, a company was arranged for us. It was a real
21 professional guy, I seem to remember, African-American gentleman, very professional.
22 And he took us over, and he waited. And when we left, we had -- because it was, like,
23 4 hours later, 4 hours and 20 minutes later, he found us in the snow.

24 That's how I remember it. I understand somebody's claiming to have secretly
25 been the driver. That's all --

1 [3:24 p.m.]

2 BY [REDACTED]:

3 Q Yeah. Robert Patrick Lewis, the guy you mentioned earlier today from the
4 1st Amendment Praetorians, he's the one who is taking credit for bringing you to the
5 White House.

6 A That's not my --

7 Q Or one of his people.

8 A That's not my recollection.

9 Q Okay.

10 A That's not my recollection. And I find it improbable. But anything's
11 possible. But I find that definitely conflicts with my recollection.

12 Q So I think your account of how you got through security and into the West
13 Wing has been -- I mean, I think you've described it many times. I understand Mr.
14 Ziegler and Mr. Weaver played some role in helping you get in?

15 A Uh-huh. Yes.

16 Q When you got to the White House, did you tell either of them that it
17 wasn't -- you really didn't want a tour after all and that you had other goals in mind?

18 A I think when they saw Sidney Powell and Mike Flynn, they already saw the
19 plan, because there was this moment where they were, like, for a split second, deer in the
20 headlights. And then they looked at me, "Come on in."

21 So, yeah, I think they were down with the plan. They did tell me that this is going
22 to cost us our WAVE-in privileges and things like that.

23 Q Did they -- they didn't accompany you into the West Wing?

24 A We were in the old Eisenhower Building for a while. I forget whose offices.
25 I remember we were in one and then we moved to someone else's. There was a female

1 involved. I forget her name. But she was another person who worked for Navarro.
2 Not physically she was not involved, but I think her office was.

3 Q Maybe Joanna?

4 A I don't remember. I don't remember.

5 Q Or Hannah?

6 A I wouldn't recognize the name.

7 She, herself, was not involved. It was involved in the sense that we staged in one
8 place, then we bounced to another. And then, before we knew it, we were -- I forgot.
9 There were two or three just offices that were empty that we moved to, frankly.

10 Or I don't think it was that simple. That we were escorted to, maybe visited
11 somebody, a couple offices anyway, before we got to -- Mike called -- General Flynn
12 called somebody he knew up near the Oval Office. And they got chatting. And the guy
13 said, "Come on by."

14 And we went up and dropped him off, and Sidney and I walked around the corner
15 until we saw the Oval Office and waited until we -- I think until we saw Donald Trump and
16 then he saw us. He looked confused.

17 And so we walked in, and Mike came in. And there was a fourth person there. I
18 don't know why I always leave her name out.

19 Q Emily Newman?

20 A Yes. Can I call her Allison? I tend to be more respectful. I don't know
21 why. She was sort of young and somebody's junior lieutenant being brought along on
22 everything. I feel like I am very centered to that. But if you want, we can go with --

23 Q I think it's publicly known that she was part of this meeting. She works for
24 the America Project now, doesn't she?

25 A No.

1 Q Has she at all?

2 A She did in the early setup phase. She did in the early setup phase. And
3 we sort of pursued one direction. And then we parted months -- a long time ago,
4 8 months.

5 Q Okay. At what point in this process did you tell -- in the process you've just
6 described -- did you tell Ms. Powell, Mr. Flynn, or Ms. Newman that, in fact, you did not
7 have a meeting set up?

8 A Well, I did have a meeting set up. I think we were all on the -- you know, as
9 soon as -- somewhere probably on the drive over, about as we got in, I may have
10 whispered to them that we didn't have -- that we had to sort of play it by ear.
11 Somewhere in there I let them know.

12 Q And so at some point the President sees you and he motions you in, and you
13 meet with him in the Oval Office?

14 A Yes.

15 Q How long were you in the Oval Office with just the -- I guess it was the four
16 of you?

17 A Yes.

18 Q Was it just four?

19 A Yes. Well, the four of us, plus the President.

20 Q Right. The four, Ms. Newman, Ms. Powell, Mr. Flynn, and yourself --

21 A Yes.

22 Q -- were meeting with the President in the Oval Office. So it was just five of
23 you in the Oval Office for some period of time?

24 A Yes.

25 Q How long, approximately?

1 A I think about 20 or 30 minutes.

2 Q Okay.

3 A Yeah.

4 Q And --

5 A No, no, no. Because the lawyers came in somewhere near the end of it.

6 They were in for -- if I have to estimate, I would say we were in for 25 minutes, and they
7 came in and they sat in the back for 5 minutes, and then they began engaging. That's
8 what I -- that's my recollection.

9 Q So let's just start with the portion of the meeting where it was just the five of
10 you.

11 A Yes.

12 Q The four visitors and the President.

13 A Yes.

14 Q Tell me how you -- tell me how that portion of the meeting started.

15 Mr. Byrne. May I please?

16 Mr. Driscoll. Yes.

17 Mr. Byrne. Well, I think I was dressed in my yoga clothes with a motorcycle
18 jacket over them.

19 It kind of gets weird. Okay? I mean, it's hard for me to talk about this, just
20 understand. I don't know -- whew. There's -- so this is where it's odd for me. And I
21 wouldn't be surprised if people want to edit this date.

22 You understand that -- well, I've been told I'm a designated national intelligence
23 asset and things like that. I've been -- this isn't so strange where my life goes. And my
24 understanding is that everything I'm involved in, I've been for over a decade -- or, well, a
25 long time ago I was told that everything you're tasked with, the U.S. Government -- the

1 White House is in the loop on.

2 So I don't know what that means, if someone told me some designation, like a U.S.
3 national asset, blah, blah, blah. So I'm not quite sure what my status is when I'm -- it's
4 an odd -- it's an ambiguous situation.

5 BY [REDACTED]:

6 Q I'm not sure I follow.

7 I want to know what was discussed at this Oval Office meeting and who started off
8 the meeting and who said what at the outset.

9 A He greeted us. He was much more polite than I expected. He greeted
10 each of us. He said something to General Flynn about how he had been -- my
11 understanding is they did not talk, that they had not spoken since the pardon, it was the
12 first time meeting and -- or speaking -- and that he had -- he just asked him about him.
13 He said something to Sidney.

14 So he had -- well, she had been fired. She had been his lawyer for 8 days and
15 then fired through a tweet. So there was that moment between us. He greeted Emily.
16 He turned to me, and he said -- he was very polite about it, but he said, "I understand you
17 didn't vote for me and you said some real unkind things about me."

18 And I said, "Yes, sir, I did. My feelings about you have warmed since you've been
19 President. But really that's not why I'm here. I'm here because I think the election was
20 stolen and rigged." And he said, "Okay," and went on.

21 And then he went back and spoke with Mike for a while. And then it was
22 basically, as Sidney explained, this strategy.

23 And these three papers were what were walked through, and it was quite odd
24 because there was this point where you had a three-star general and the President and
25 Sidney Powell and Emily Newman looking at verb tenses and showing how they had

1 changed. And so it goes from being a threat to being a, you know, past participle or
2 something, that it did happen in this State, they're going after other States and there's
3 other nations, and they're all doing it, bum, bum, bum. And then you layer on this.

4 Does that trigger -- so that that creates enough of a suspicion that it triggers the
5 authorities granted in the law. And I don't know if it's just this, but this law and maybe
6 that -- maybe there's quotations and -- I don't remember that other document being
7 referred to until later.

8 The whole thing was kind of philosophical. It was these documents. The
9 government has now published this, this, and this. Do these trigger that?

10 Q And this is Ms. Powell, for the most part, walking the President through
11 these documents?

12 A Yes, plus Emily, plus Emily sort of on the legal -- addressing legal fine points
13 and General Flynn addressing things when he was asked to address.

14 Q Did you speak at all in this initial portion of the meeting, other than the
15 pleasantries that you exchanged at the very beginning?

16 A No, not a word.

17 Q And did either Mr. Flynn or Ms. Newman or Ms. Powell explain to the
18 President why it was that they felt it was important to have him understand his powers
19 under this executive order?

20 A Yes. They explained that if he understood his powers under these orders,
21 that he had the power, given what the government had already published about the
22 tenuousness and the attacks on our system and the achievements of our opponents, that
23 that, in fact, triggered his authorities, that that, in fact, triggered his powers, that that
24 was the argument that was being made.

25 Q Was there any discussion in that initial phase of the meeting about what

1 those powers would be or how he could use the powers that were delegated to him
2 under these executive orders?

3 A No. That was not -- so it was all about this philosophy, this language, this
4 verb tense changed from conjunctive to past participle. It was this kind of stuff and
5 going back and forth between the papers.

6 And then -- and that's -- I was completely out of that. The three of them had
7 their chairs kind of up in front of me a few feet and I was back. And at some point in
8 there these fellows came in behind me, the three of them came in and sat in the back
9 and --

10 Q Before you get to that --

11 A Three lawyers.

12 Q So you're 20-plus minutes into the meeting before the lawyers come in,
13 right?

14 A Roughly.

15 Q And so there's -- obviously, it took a little bit of time to walk through the
16 verbiage and the tenses and so forth in these various documents.

17 A Uh-huh.

18 Q At any point did the President say, "Well, why are you telling me all of this?
19 Why is this important for me to know?"

20 A That's what happened about 20 minutes in. He said, "Okay." So there
21 was this moment that I metaphorically describe as, like, I'm going to lean back and smoke
22 the cigarette for a few seconds.

23 And then it continued in that he picked -- that's when my recollection is he picked
24 up that -- the December 18th document that's in there, or a document like that, and he
25 said -- and I had been so impressed actually.

1 So my estimation of him before I was with him did changed. He's very quick.
2 He studied everything. Everything that was given to him he would, like, hold and study
3 very closely for like 45 seconds and then like have an intelligent -- we had an active
4 discussion about it, document by document, they had an active discussion.

5 When he got to this, he just said, "So what are you folks telling me?" And that's
6 when I spoke up for the first time. And it's the best line in the whole thing that I forgot
7 in my book. That was the first draft. That was the first draft of history. And the line
8 was -- that's when I first spoke up, and I said, "Put us in, Coach."

9 And he looked back at me, and I said, "Put us in, and we'll get to the bottom of
10 this very quickly for you. We can -- it's December 18th. If you -- and I think that you
11 ought to ask Mike" -- well, eventually I said -- no, that came later. The Mike and Sidney
12 stuff came later.

13 I said, "If you pull the trigger on this, we can do -- that gives you this broad range
14 of powers. And what we're recommending is the most light-handed investigation
15 possible. And if you agree to it, there's a range of -- there's three questions that you
16 need to answer, and each question I'll present you a range of options, from light-handed
17 to heavy-handed."

18 And I practiced this once or twice in my room that day, so I had practiced it, and I
19 laid them out. And your first question is: How many places do we investigate, the 6
20 ones that are really at issue or another 6 that look dodgy, so 12? Or there's a political
21 chap we know -- I don't know if you've met Seth Keshel, who I think everyone -- who
22 picked 31 counties that were a nice cross-section of urban, rural, suburban, White, Black,
23 Latino, Republican, Democrat.

24 So anyway, what I said to him was, so the 6, the 12, or the 31, which has been
25 selected by a political science type, and that that will give us an answer to this question

1 that has bedeviled American politics: How much election fraud is there really in the
2 system? If that's more objectionable than just doing -- he said immediately, "Go with
3 the six, go with the six." So I said, "Okay."

4 And then the next question is, "What are they to do?" And as I recall I laid out
5 the options this way: The most light-handed thing is just go in and image the hard drive.
6 You can do it in a couple of hours, image the hard drive. The next thing up from that is
7 you image the hard drive but you also open the ballot boxes on live-stream TV, recount
8 them and check the forensics on them live-stream TV. And the third thing you do is you
9 actually take the machines back to some government facility and exploit them and check
10 for all kinds of equipment and such.

11 And I remember that he specifically asked me to -- oh, and I said, "But, you know,
12 the truth is, sir, you really get 80, maybe 90 percent of the benefit of doing that you can
13 get just by taking an image of the hard drive." And I maybe didn't say that so clearly the
14 first time, and I remember he asked me to repeat it. And I said, "Well," and then I
15 repeated it clearly, that everything you would get from actually taking the machines
16 away, you can sort of get 80 or 90 percent from just getting an image of the hard drive.
17 And he said, "Well, do that, do that."

18 So that was the -- and then I said, on the third issue, the question is, who is to do
19 it? It could be FBI, it could be DHS, or it could be -- I understand it could be a U.S.
20 marshal, teams made up of a U.S. marshal with a small team of cyber experts from the
21 National Guard. I think General Flynn had mentioned to me that the National Guard has
22 good cyber groups. We mentioned in connection to my -- the company I used to run,
23 that we were talking about, like, a labor force, and he had mentioned that.

24 So I said my understanding is the cyber -- the National Guard has very good cyber
25 groups who perform small teams with a U.S. marshal, who the people trust, and the

1 National Guard. And I know that there's a taboo against having uniforms around
2 elections, but this is a very special situation.

3 And to their credit -- I'm sure you know I don't like Pat Cipollone much, but
4 to -- whatever. He -- that's when he pulled up from behind me, and he got up next to
5 me -- and he let me finish. He let me finish, and I give him credit. I give him credit.
6 He let me finish. And when he thought I was done and when I was done, he turned and
7 said, "Mr. President, people will go nuts if they see any uniform around any of this."

8 At which point the President turned to his -- well, Pat Cipollone said his peace.
9 The President turned to the speakerphone. Rudy and Mark Meadows had joined us.
10 So we weren't completely alone. In fact, I hadn't realized when they had joined us. I
11 had not realized I think that they had been on because I had said -- at some point I know I
12 said, "You know, I love Rudy. Rudy is a wonderful man. He's not right for this. This
13 takes a field marshal. General Flynn should be your field marshal. He can manage this
14 beautifully. Rudy is a lawyer, and we love Rudy."

15 And President 45 said immediately on Rudy, "Rudy has got to be the guy," or
16 something like that. Rudy -- I didn't even realize that Rudy was on the phone. And I
17 had also said to the President -- anyway. So --

18 Q Can I stop you there for a moment?

19 A Yes.

20 Q So do you recall when in this explanation that you were giving Mr. Cipollone
21 arrived?

22 A They arrived after -- I think it may have been after I spoke up and said, "Put
23 us in, Coach." And then I think it was sometime during when I was walking through
24 you've got -- if you really go forward, you've got three questions you need to answer and
25 each question has a range of options. It was sometime in that explanation.

1 I know that by the time I finished the third point, he sort of came up hovering next
2 to me, but I had already heard him come in significantly earlier, like they had been sitting
3 in the back for a while. And that's when he came up next to me, waited till I finished,
4 and then came in with his opinion.

5 The -- Trump turned to -- President Trump turned to the speakerphone. That's
6 when I realized -- only then did I realize Mark Meadows and Rudy were on the phone.
7 He addressed them.

8 Q Let me stop you on that.

9 You were in a meeting with the President, just the four of you and the President.
10 You don't recall any point in that process him asking someone to get Mr. Giuliani or Mr.
11 Meadows on the phone or them calling in and just appearing on the speakerphone?

12 A No. And, in fact, I took the -- I walked away with the impression that, oh,
13 when I -- in that first moment between him letting us in, I remember there was a little bit
14 of fussing and this and that, maybe 45 seconds. I didn't know what it was. And I don't
15 know if it was chairs being set out or something, but there was some fussing.

16 But I left with the impression that what had been done was he had told somebody
17 to get Rudy and Mark Meadows on the phone and actually they had probably been on the
18 phone the whole time. I left with that understanding, that they had actually been on
19 the phone the whole time or basically the whole time.

20 Q Had there been any discussion prior to you launching into your "Put me in,
21 Coach" and then your explanation, any discussion in front of the President about the
22 dynamic between Ms. Powell and Mr. Giuliani?

23 A Not yet.

24 Q So it was just going through the documents with him, and then he sat back
25 and asked, "What do I do with this?" And you said --

1 A He said, "What are you folks telling us? What are you folks telling me?"
2 And then I spoke up, said, "Put us in, Coach. If you're willing to move forward,
3 there's a range of options. There's three questions you need to answer. There's a
4 range of options that you have. We're recommending the most lighthearted [sic]
5 option, which is a quick investigation. If you agree to it, there's three questions that
6 need to be answered. Each has a range of options from light-handed to heavy and you'll
7 decide." And then I laid them out.

8 In each case he took the most minimal one, until we got to the third, and that's
9 the one where I laid out FBI, DHS, or joint marshal and National Guard teams.

10 Cipollone, once I was finished, maybe made, say, a 30- to 45-second argument
11 against it, beginning with, "Mr. President, the country is going to go crazy if they see one
12 uniform around this."

13 He listened. He heard him out. He listened to Mark Meadows and Rudy who
14 each gave sort of 10- or 15-second versions of, "I agree with him."

15 He turned to Mike Flynn and said, "What do you think?" And General Flynn
16 thought for a bit, and he said something about the DHS has perfectly adequate resources
17 for this. And I don't recall if he asked Sidney herself.

18 And then he turned back to me and said, "Look, okay, continue. So DHS." And I
19 did something that I now understand was a faux pas. You're never supposed to
20 second-guess the President. But I said, "Sir, of course this is your choice, of course, but
21 let me hit my reasons for that again. Our country has faced a real crisis of trust in the
22 election system. Arguably, I know that there's a taboo against uniforms, but arguably
23 we have to do what injects the most trust into the system. I'm not sure how much the
24 population trusts the FBI, DHS. Everybody trusts the U.S. Marshals. And I know
25 National Guard are in uniforms, but it's not like it's big Army. It's our local. It's our

1 brothers and sisters and coworkers and colleagues, citizen army. And those two groups
2 working together would reinject trust immediately into the system in a way the others
3 wouldn't."

4 And he heard me out, and he said, "No uniforms, Pat."

5 And I said, "Yes, sir."

6 So that issue of uniforms was on the table for about 28 seconds. I put it there.
7 It was shot down by everybody in the room. That was me. Come after me if that's
8 seditious conspiracy. I'll defend to my dying day the reasonableness in that moment.
9 We were in an unprecedented time.

10 But that was me. The President, if he made an error, was he didn't hear me out
11 for 20 seconds -- well, you know, a few minutes. But that was 100 percent me putting
12 that on the table.

13 Q Okay. You said in an interview shortly after this meeting that, in your view,
14 in the first 30 minutes the President had agreed to your plan. Do you agree? I'm not
15 holding you to the 30 minutes. But is that your sense of it, that fairly early on in
16 this -- what ended up being a multi-hour meeting --

17 A No, that's probably not real. That's probably not real. The real agreement
18 came -- we had reached that point. Let's say, I would say he felt discouraged. We
19 were sounding it in the tone of, okay, assume for the moment this covers this. What are
20 you saying? What are we talking about here? That's what it was. But I would say he
21 was undecided.

22 Some of the lawyers came in. And then this was all reviewed again. This was
23 all reviewed with the lawyers. They all had their chance to review, to look at the
24 language. They sat in the back. They opined, bum, bum, bum. They didn't really
25 have any -- I would say some meaning developed from it. But they all had their chance

1 after they came in to review this stuff and talk about it with Sidney and Emily.

2 Q Is it true that Mr. Giuliani eventually came to the White House in person?

3 A Yes. That was just as things broke up. So there was a chapter where
4 there was 2 hours in the Oval Office and there was a half an hour in the Cabinet
5 meeting -- in the Cabinet Room with Sidney, Mike, Emily, and Rudy came in. And then
6 there was another -- well, maybe there was 20 minutes in the Cabinet Room, and then
7 there was another nearly 2 hours up in the Yellow Oval. So collectively it represented
8 4 hours and 20 minutes.

9 Q Is it true that when Mr. Giuliani got to the Oval Office he took some of the
10 papers that had been provided to the President and went off somewhere and looked
11 through them and analyzed them himself?

12 A That's not how I remember it.

13 Q Okay.

14 A That's not how I remember it. We came in -- we waited -- so, you asked
15 about the President addressing the Sidney-Rudy issue. You asked about that.

16 He said as we were breaking up, you -- "For this to work, Rudy and Sidney have to
17 get along. Can you smooth -- schmooze that?" I forget the words he used, but it was
18 something like that. And General Flynn and I said, "Yes, we'll settle that."

19 So we took Sidney into the Cabinet Room. We waited for Rudy. Rudy came in
20 tying his tie. He had been at dinner as all this had gone on. He came in tying his tie
21 and sat.

22 And I know he said something about reviewing affidavits or something. I never
23 saw any affidavits. There were no affidavits brought in or discussed, to the best of my
24 knowledge. I don't know where he gets that, that he said that he sat and reviewed.
25 There were no affidavits about vote flipping from space or Italy or Antrim or South Korean

1 jets or anything. It had zero to do with that. It was 100 percent to this. Why would
2 Rudy come in and say that he saw a stack of affidavits? I don't know. But I didn't see
3 any. I don't remember any affidavit being discussed.

4 But the truth is the conversation in general -- I mean, what he had, what he was
5 given and we saw was like a copy of the stack we'd given the President. There was no
6 affidavit in anything. So I can't explain why he says that's what he saw.

7 Q Okay. So I quoted back to you your comment about the first 30 minutes
8 the President agreeing to the plan. You said that may not be accurate. At some point
9 during the evening, did the President agree to the plan that you had proposed?

10 A Over the course of that 2 hours, it really became this large, more and more
11 debate from those lawyers to him in the presence of Sidney, Mike, Emily, and myself.
12 And that's, frankly, when I heard that they said voices were raised. The only voices I
13 heard raised were those guys with the President.

14 It was really strange. We thought it was surreal. And they were just objecting
15 to everything and not even trying. And they were the ones who were getting frustrated
16 and eventually started shouting at him. Eventually they were very immature to Emily.

17 I remember sitting there thinking, "Boy, this is madman stuff." I didn't know that
18 in government it still worked like this, that men sit around and talk like this to a woman
19 and lording her. He was lording over him. She was sitting down. I thought, "Well, it's
20 not my place, I'm a tourist, but this is crazy."

21 And then at one point Mike had stood up, like, super nonthreatening, like a
22 college professor. He was very gentle. And these guys came over and got in his face
23 eventually. And that's when I jumped up and interceded and got in one of the
24 guy's -- not Pat Cipollone, but the other guy's face. And, no, he never said anything like,
25 "Sit your ass down, General, or I'll sit it down for you." That's all total bullshit.

1 Q Okay.

2 A In fact, Sidney Powell and I happened to have been together on tape when,
3 like, the news of that came in or the word of that came in, and our peals of laughter were
4 [inaudible].

5 Another nice thing I could say about them, they were at least very deferential and
6 respectful to General Flynn through the entire thing, other than at the end when that
7 happened.

8 So the only voices I heard raised were those guys at President Trump, at Emily,
9 and sort of eventually at Flynn when I jumped up, but I didn't really catch what they said.

10 Q Okay. And --

11 A Oh, I'm sorry.

12 Q But at some point during the discussion, did the President agree to --

13 A At some point in the discussion when they were being super obstructionist
14 and there was a point where I confronted them. And I said, "Mr. President, just so you
15 know, there are people who will confirm these folks have been saying since
16 November 4th, just get the President to concede." And that turned into a bit of a shout
17 from the lawyers, and they stormed out.

18 They stormed out on three different occasions, the third being that last one I
19 mentioned. At somewhere in there the President said, you know -- he agreed. He
20 said, "Well, you know what? I'm making a decision. Okay. Sidney Powell, special
21 counsel."

22 And when they made some objections -- you can't, she just doesn't have a TS
23 clearance -- he said -- and General Flynn pointed out, you can just give her one verbally.
24 And he said, "Okay. She's got a TS clearance." And that's one of the times the guys
25 stormed out.

1 Q Let me stop you on that.

2 And, by the way, I'll note for the record Mrs. Murphy has joined us.

3 When you were describing the first 30 minutes or so of the meeting and you were
4 walking through the executive orders and the authorities that the President would have
5 under those orders, you didn't mention anything about the special counsel piece of it and
6 Ms. Powell.

7 When did that first come up, the idea that the President should or could appoint a
8 special counsel?

9 A It's when the lawyers came in that everything turned -- and after some
10 discussion of this, of these documents and the President's powers and such -- everything
11 turned to -- everything turned more general like that, like, Well, what would Sidney do?
12 Could she be special counsel? How would this run?

13 And also, but more -- while they were trying to have that discussion of how it
14 might work, they kept just interceding and eventually saying things like -- just obnoxious
15 things, being, like, "You're not even a lawyer," they said to Emily, which is when I got
16 confused. I was, like, "Why would you even say that? She's a lawyer. They even
17 work together."

18 So they didn't -- we tried to bring them in to contribute, but their only
19 contribution was don't do it. And -- but when challenged about why he couldn't do it,
20 there was -- they would not, I would say, enter that as an intellectual discussion. They
21 would not really engage why does this not authorize his powers here. I would say I did
22 not see them intellectually engage on that as I would have expected. It was just don't
23 do it.

24 Q Okay. But what I'm focused on here is the "it." So when you say they
25 didn't want him to do "it," I'm wondering what -- it seems like there are different aspects

1 of what you were proposing.

2 First you were talking about the executive order and these findings and the use of
3 the lightest footprint possible and all that, but now you've mentioned the special counsel
4 piece. So what was the "it" that they were trying -- that you were proposing and that
5 they were saying he shouldn't do?

6 A To take -- the "it" was the plan of taking -- picking six counties, sending in
7 joint teams of a U.S. marshal with three National Guard people attached to spend an hour
8 imaging a hard drive in each of six questionable counties.

9 And from that we can get to an answer really within about three -- oh, well,
10 that's -- that was the answer -- and to do that under the authority, appoint Sidney Powell
11 as special counsel for one -- there was some discussion of there's such a thing as
12 appointing a special counsel for one issue and appoint a special counsel for that
13 investigation. Something like that was discussed.

14 So although that was less -- the big "it" that was being discussed was the plan of
15 going ahead with these joint little teams to go into six counties and take an image of a
16 hard drive. After refinement, that became what the plan was under discussion.

17 Q Okay. And I note that we don't have the document that was presented to
18 the President, the December 18th version, but these December 16th and 17th versions
19 that are exhibit 7, one of the items -- in fact, the last item in each of them is to appoint a
20 special prosecutor to oversee this operation.

21 So that's the piece that was part of the proposal.

22 A That sounds right.

23 Q It wasn't discussed necessarily in your recitation of it or your summary of it
24 for the President. That was part of the proposal, and that became a point of contention
25 with Mr. Cipollone and the others. Is that correct?

1 A That's fair to say. It didn't -- right, that's fair to say. When they came
2 in -- the proposal discussed with the President was nothing about Sidney Powell as special
3 counsel that I remember. Maybe at the end of it it was. It was all focused on the range
4 of options and if you agree to do something out of this set of choices, what would you
5 select. That was 95 percent, 98 percent of the intellectual discussion.

6 The stuff with Sidney only became an issue. The other lawyers came in that we
7 fought about this. And then somewhere I think in their presence, and also it turned to
8 this question about Sidney as special counsel and with some investigative title.

9 I understood, as I recall, somebody had -- maybe Emily had it on her laptop
10 because there was an emphasis on having it -- we saw it as a draft, and there was
11 emphasis on a willingness to edit it however you want to edit it.

12 So there was some time with the lawyers there that I recall the discussion ended
13 up being off the "it" of what the plan was and this whole -- all became about Sidney
14 Powell.

15 Q Okay. And so you said, I think, just before maybe I interrupted you a few
16 minutes ago, that the President indicated his intention or willingness to appoint Sidney
17 Powell as special counsel?

18 A Near the end of this whole 2 hours he got fed up. He several times turned
19 to me in frustration. Because it was all clear to everyone in the room that people were
20 just being obstructionists. They would not even really engage civilly in the conversation.

21 And at some point he got -- he complained about the third time. And then the
22 guy said something else, one of the lawyers said something else nasty or pushing back.
23 And Trump finally did say, "Well, you know what? You said that I can just make it
24 happen by making it happen."

25 That's right, Cipollone had said somewhere in the middle of this argument, "You

1 don't have to argue with me, Mr. President. You don't need my permission. You can
2 just say it and legally that makes it happen."

3 So later he referred to that, and he said, "Pat Cipollone, didn't you tell me that I
4 can just say it and it makes it happen? Okay. Sidney Powell is now special counsel."
5 And they stormed out at that. The three of them stormed out at that.

6 Q And did the issue come up that, well, she doesn't have security clearance,
7 and he said, "Well, fine, I'll grant her a security clearance"?

8 A No, that happened. That happened. I'm sorry. They said the -- he said,
9 "Fine, special counsel." And then the guy objected and said the thing about the security
10 clearance. Trump answered, "Okay, she has a security clearance." And that's when
11 they stormed out.

12 Q So, to your mind, at that point in the meeting he had agreed to -- the
13 President had agreed to appoint Sidney Powell as special counsel?

14 A Well, I would have -- if you asked me my state of mind at the moment, I
15 would have said, yes, tentatively. We're clearly in a hot -- I wouldn't really say anything
16 is really settled yet. But, you know, he's just said that. Let's see if everything sticks.

17 Q What did he say, if anything, about his approval of or agreement to the other
18 parts of the plan that you had mentioned that we were just talking about with the six
19 counties and the marshals and so forth?

20 A He didn't say anything specific about that. Well, I mean, during the
21 discussion it made clear it was going to be six counties, an image, and DHS teams.

22 So after I laid out -- that's where the thing had settled. And then with the
23 lawyers and it continued. And then I suppose that's where this stuff about Sidney
24 started coming up, and it all became centric about Sidney as special counsel.

25 Q At any point in this lengthy multi-hour meeting at night, did the President

1 accept or indicate that he was willing to pursue the path that you had laid out with the six
2 counties and DHS and the imaging of the hard drives?

3 A I wouldn't say he -- I wouldn't have ever called it definitive, but we thought
4 we had reached a point where that was the clear choice, that that was the clear favorite.
5 And everybody had had their say, and the lawyers had the chance to say that the choice
6 of going and looking at six counties, imaging the hard drive, with small DHS teams was -- if
7 you would have asked me, I would have said, well, that's where things seemed to have
8 settled. Stay tuned.

9 So I wouldn't have said no. There was like a --

10 Q Was there a document available for the President to sign along the lines of
11 these Presidential findings that we looked at as exhibit 7?

12 A I believe there was. I think that that was this document that you have
13 shown. I think there was some finding or something for him to sign. I don't think he
14 signed it.

15 Q Was it presented for a signature? I mean, was there a reason why you
16 didn't sort of close the deal that night if you felt that he was in agreement?

17 A It was presented. It was among the papers on the table. It was among
18 the papers out. There was a folder. And there was even some discussion. Like, I
19 remember he was sitting considering it. But, no, he didn't sign it.

20 Q Did anyone call the question? I mean, was there a reason why, in your
21 mind, why it didn't get signed if you felt that he was willing to go along with it?

22 A Well, it was a little bit pushy, because everyone I think understood there had
23 been a moment of heat between the lawyers. And he said, "Fine, make her special
24 counsel." And they stormed out.

25 But there was no -- it would have been a bit pushy to say, "Well, all right then."

1 Can we have your signature on this?" It would have been pushy. It was clearly a
2 matter up in the air for -- I mean, I thought that we were having the better part of the
3 argument.

4 Q When, after the lawyers stormed out, you all reconvened again at some
5 point?

6 A No. It's like we all started standing. He said something about reconvening
7 upstairs in half an hour. Rudy's coming in and see if you can make things work. There
8 was a moment he was sort of coming around the desk, and he said so Mike and I could
9 hear, and, like, Sidney was off talking to Emily for a moment, and I -- and he said
10 something about, "For this to work, it's really got to work between Sidney and Rudy.
11 Can you work on that?" And we said, "Of course, of course."

12 So we took Sidney into the Cabinet Room and we waited until -- and Emily -- and
13 we waited until Rudy came in.

14 Q You've described this meeting, a portion of this meeting in various
15 forums -- for a -- over the last many months. And in one telling -- maybe more than
16 one -- I think you said that when the White House lawyers were pushing back and saying,
17 "You can't do this, Mr. President," he had a, what you felt was a very sort of pithy
18 response, which was, "Well, what's your plan?" And that he said that multiple times.

19 Do you remember anything like that?

20 A It wasn't quite -- I wouldn't characterize it like that. He said -- I remember
21 him once saying -- it was just like, "Well, what's your plan?" It's like, "What's your plan?
22 At least they're showing me some options." He said, "Why haven't you even told me
23 about these letters, Pat Cipollone? You haven't -- why haven't" -- that's what he said,
24 "Why haven't you even told me about these?"

25 Q But did he say at some point, "Hey, at least -- you guys are complaining

1 about this plan," or words to the effect, "you're complaining about this approach that
2 they've given. What ideas do you have? What plan are you offering?"

3 A At some point the fellow said -- but I don't know if it was to that question.

4 One of the moments of frustration was when, like, Trump asked him about, "Why
5 haven't you shown me these letters?"

6 That Pat Cipollone answered, "I'm your White House lawyer. I'm not your campaign
7 lawyer."

8 And it didn't sound at all appropriate to what was being asked about. I think it
9 was these letters or it may have been the executive orders as well. It didn't sound
10 appropriate. It sounded like a guy just doing this. That's --

11 Q But do you remember the President saying words to the effect of, "You guys
12 aren't coming up with an alternative plan?"

13 A I remember him saying words to the effect of, "Yeah, at least they have a
14 plan. You guys aren't even showing -- you guys haven't even tried helping me. You
15 haven't -- why didn't you even show me about this? Why didn't you" -- and that's when
16 it sort of melted down.

17 Q And is it true that there was some disagreement between General Flynn and
18 the White House lawyers about General Flynn saying that they weren't fighting hard
19 enough for the President?

20 A I don't recall him ever saying that at all. I remember him saying -- I
21 remember the President -- it was surreal because it was clear to everybody in the room,
22 and I said -- at some point I spoke up. I had been quiet for a while. I said, "This is the
23 most surreal meeting I've ever been in." Because they were shouting at the President
24 and wouldn't join the argument like a civilized business meeting would be held.

25 I don't -- Flynn didn't say that, "You're not fighting hard for the President." I

1 remember when I read that in one of these stories thinking that's somebody putting
2 words in his mouth.

3 There was a point where he very gently -- and he reminded me of a college
4 professor I had named Etchemendy -- stood up and like hunched over, like a guy who just
5 had a thought, wanted to charge the blackboard. And he said, "Can I ask you folks a
6 question? Pat, can you tell me, what do you think happened on November 3rd? Did
7 anything unusual happen, Pat?" But it was, like, very gentle like that. "Do you think
8 any unusual happened?"

9 I don't remember him ever saying anything like, "You're not fighting hard enough
10 for the President." He just -- that was the confrontation moment when he just said that
11 very gently, not sarcastically, and they wouldn't answer. They wouldn't answer. He
12 was, like, "Do you think anything unusual happened? Do you see anything unusual in
13 what happened?" It was almost sarcastic he was being so low key about it.

14 Q So after you said that the meeting broke for a little bit, did you end up
15 reconvening in the -- what they call the Yellow Oval in the residence?

16 A Yes, after 30 minutes in the Cabinet Room, which ended with Rudy coming
17 in, and things escalated -- you know, try as we could, things escalated between them
18 within a minute.

19 So then that broke up, and we all made our way to the Yellow Oval. Trump was
20 not in the Cabinet Room with us. So then we made it to the Yellow Oval. We were
21 there for about -- well, I think we left at 12:15 or 12:20.

22 Q And was there any difference in terms of the nature of the discussion or the
23 topic of discussion once the meeting sort of reconvened in the residence, or was this
24 more of the same?

25 A It's more of the same. Actually there was no -- it's not like we went

1 backwards. It was -- the understanding was we had left -- there was discussion that
2 Sidney would be starting on Monday. So there was sort of a sense that we were -- but it
3 was still discussion. It was still discussion.

4 I know just what happened subject to what we have learned. Like, I'm kind of
5 vague what was happening as I lived through it. I have retrospectively or retroactively
6 uncovered what happened.

7 Q What do you mean?

8 A What happened was, so we left. Again, I thought it had been roughly
9 decided upon. I wouldn't be shocked if it had fallen apart. But we had not covered
10 that ground again. We had not while in the Yellow Oval gone back over the ground with
11 Sidney. And, in fact, we had talked about -- it didn't seem to be a very productive way
12 to spend 2 hours, other than I tried the President's grandmother's meatballs, which were
13 great.

14 And we -- but we understood it to have been resolved in our favor, and we left at
15 12:40 with an understanding Sidney would start on Monday at the White House. And
16 we walked out to the east, saw -- in the snow, and we were excited because we thought it
17 had been done.

18 So that's that. Do you want to know about the Jan. 6th tweet? Is that the
19 ultimate thing we're getting to or --

20 Q No. I just want to know what you're talking about when you said you put it
21 together.

22 A So then later I -- so we went home -- actually we were excited. And that
23 was one of the times that Mike Flynn and I said to each other, "You know, it really doesn't
24 matter. Let's just get whatever they find, service it. And if the legislatures want to
25 look at it and say, 'Eh, we've got to check into these and investigate later, but we still are

1 comfortable with our votes going to Joe Biden,¹ that's fine."

2 We were like, "We'll go off" -- he said, "I'm going to be off surfing. I'm going
3 to" -- that's fine. We were so happy that we thought that -- we knew we were going to
4 be in this constitutional crisis without it.

5 And so that was the tone. And I found out by Monday that it had all fizzled, but
6 nobody told me, as I recall, until Sunday or Monday. And I -- but it all fizzled the next
7 day is what I really found out when Sidney called and said, "Hey," to Mark Meadows, "I'm
8 going to need a press pass, I'm going to need a White House ID," and it all got pulled out
9 the next morning.

10 So there's that storyline. Okay? Let me take up a different storyline, the story
11 of J6.

12 There had been discussion among us that some of the people who was here -- or
13 here with me actually were in that discussion, about what to do about
14 the -- something -- we were going to do something about -- by December in our circles we
15 were discussing about organizing rallies around J6. The discussion was whether to do it
16 in D.C. or to do it at the State capitals.

17 Somebody, some people who had been involved in this, had organized the Jericho
18 March, which had been some kind of march that started in the fall and people organized
19 at the State capitals. It went really well.

20 So we were sort of debating among ourselves on Sunday about what was the right
21 thing to do. I'm told that I had a modest or clear preference for -- well, I had a modest
22 preference for, hey, let's do it at the State capitals.

23 On that Sunday or Monday, I found out that Trump had come out and said
24 something about come to D.C. January 6th. So, of course, I immediately went out and
25 said -- and supported that and reminded people over and over about the need to stay

1 peaceful, et cetera.

2 Only sometime later did I ever notice that Trump had sent that tweet like an hour
3 and 15 minutes after we had been in the White House, and that always kind of stuck in
4 my mind as unusual because there had been no discussion of the whole what about
5 January 6th, other than that I had mentioned it twice about this all had to be over.

6 I realize we've skipped over some stuff we should hit back from the conversations.

7 And so I didn't know -- I wondered -- I noted it was odd. And I wondered what
8 happened. I recently spoke -- I saw Rudy again for the first time a couple months ago, a
9 few months ago, and he let me know, "Patrick, by the time you walked out, I went back
10 and told the President, 'You can't go forward with this plan, absolutely can't go forward
11 with this plan. We'll all end up in prison. And you can't go forward with this plan.'"

12 So when we walked out, he already had decided that and they had already
13 decided that. They just hadn't told me, told anybody. So as we broke up and left the
14 meeting, he had gone back and done that.

15 [REDACTED] Rudy had?

16 Mr. Byrne. Rudy had.

17 [REDACTED]. Okay. And Rudy was telling you, "After you left, I went back and had
18 a" --

19 Mr. Byrne. Yeah. Rudy said that after we left, he had gone back and told the
20 President, "You can't go forward with this." And I only found that out, he told me
21 directly recently, I saw him for the first time. So that's what happened.

22 BY [REDACTED]:

23 Q And how do you connect that, if at all, to the tweet about January 6th?

24 A My guess is that he had had about 4 hours of his spirits lifted and had been
25 excited and then got his hopes dashed and sort of went back and said -- and went back to

1 the strategy that would have been.

2 And that -- so by him going back to the J6, he's really going back to the Green Bay
3 Sweep strategy, which we did not see as antithetical to us. We saw ours as informing
4 the Green Bay Sweep strategy. But it was just kind of funny because J6 had not come up
5 between this, other than me bringing it up.

6 And then I walked you through how at least twice publicly and once privately he
7 said, "Pat" -- "When I said at some point we will know, I'm telling you, Mr. President, it's
8 going to take 14 days, but the truth is we'll have an answer in 7. By Christmas Eve we
9 can give this country an answer," which seemed like a pretty good idea. "And the truth
10 is, sir, we can give you quick read in a few days if we haven't found what we think we are
11 going to find."

12 He cut me off. At least twice I went there, and I said, "Sir, if we don't find what
13 we're going to have to find, you're going to have to concede immediately."

14 He cut me off and said, "Pat, you have no idea how -- you have no idea, you have
15 no idea. On January 20th, right over there, Pat, Marine One is going to land, and you
16 have no idea how easy it's going to be for me to walk out and get on that helicopter and
17 go. I will never spend a day in this town again, let me tell you. I've got my golf courses.
18 I've got my friends. My life is going to get a lot better, Pat, I promise you. It's just if I
19 think this election has been stolen and I suspect that there might be a foreign
20 government involved, how can I do that? Can I really do that?"

21 It seemed entirely appropriate and normal deliberation, and twice I tried
22 to -- twice he cut me off to drill me on that. And then once when we were alone-ish, in
23 the sense of it's like we all got up to move from the Resolute and we had the thing about
24 Sidney, there was a moment where he was going up to the main door, he turned to me,
25 and we had just sort of a moment, him leaning in to say, like, "Pat, you have no idea how

1 easy it's going to be for me to walk away from this job. I promise you. I just don't
2 know how can I do that? I know this was rigged. And, you know, if there's a foreign
3 government's involved in this, how can I do that?"

4 I swear in my eyes he was entirely appropriate, more deliberation in my view. I
5 kind of thought maybe he -- I wish he had deliberated more.

6 Q I want to go back to something you said about your belief or understanding
7 as to what led to that tweet.

8 My understanding of what you just said is that your thinking is that he had -- he,
9 the President, had some expectations built up by you all after that multi-hour meeting
10 that there was a clear path through to get to the answer that he had been working
11 towards, and that after Mr. Giuliani threw water on that and told him, "Sir, you can't do
12 that," and talked him out of doing it, that he shifted to -- reverted to this Green Bay
13 Sweep plan?

14 A Okay. That's what it feels like. In reconstruction afterwards, after my
15 conversation with Rudy and putting the dots together, that's what it feels like to me.

16 Q And how is it, in your understanding, that the tweet fed into the Green Bay
17 Sweep plan?

18 A Well, the Green Bay Sweep plan was to ask ultimately the folks at the Senate
19 to sustain enough objections that Vice President Pence would say -- and as is provided for
20 in the 1887 electoral law act-- that there's a dispute resolution process in there and that
21 at some point the Vice President might say, "This is not something that's going to be
22 resolved. As someone presiding over this meeting, I announce a 1-week suspension.
23 And we want all the States' legislatures to revisit, to do things, whatever they want to do,
24 have a couple of days of Maricopa-like hearings, have the State legislatures look at it all
25 and say, 'We're keeping our electoral votes where we put them or we're shifting them.'"

1 And that was it.

2 So we wanted -- well, for that to work, Pence had to be willing to announce a
3 1-week suspension.

4 Q And how would calling people to Washington on the 6th impact that strategy
5 or the ability or the willingness of Vice President Pence to make that decision?

6 A I saw it less in terms of Pence and more in terms of the Senate and the
7 House.

8 Q And how would calling people to Washington --

9 A To bolster --

10 Q -- on the 6th impact what the Congress might do on the 6th?

11 A To bolster the Senators and House Members who were willing to do
12 something that they thought was right, they knew was right, but it was going to take
13 some political courage. And to have people coming to show support would -- not to
14 intimidate -- but would give -- at all -- but that it would show -- that it would bolster the
15 politicians who seemed to think that was the right thing to do anyway.

16 Q Two days -- I'm sorry, not 2 days. On the 22nd, so 4 days after this
17 meeting, you gave an interview to a guy named Dave Zanda. Do you know who that is?

18 A Not off the top. The name rings a bell. I don't remember the -- oh, is he a
19 doctor?

20 Q Yes. He calls himself Dr. Dave Zanda. I don't know if he's a real doctor.

21 A He might be a medical doctor, for example.

22 Q It appears that you may have been on the show more than once. You seem
23 to be somewhat familiar with him?

24 A I remember him, nice guy. No, he knows a doctor. I don't --

25 Q At the very end of that, of that interview, so this is after the December 18th

1 meeting, you talked about -- Dr. Dave Zanda asked what his audience could do. He
2 talked about how enthusiastic they were and that they would do anything for President
3 Trump. And then he asked you what you thought they could do.

4 Do you remember that, any part of that discussion?

5 A Not specifically.

6 Q And you said, "American patriots on January 4th, 5th, and 6th need to know
7 that they will not allow an election to be stolen and they need to let their feelings be
8 known. They should go to their State capitals or come to D.C., camp out on the mall,
9 and so forth."

10 You also then quoted John Locke and started talking about John Locke and the
11 social contract. And you said, "If they" -- meaning, I guess, government or
12 society -- "renege on the notion of free elections, then you, quote, 'regain your right to
13 self-help justice.'"

14 Do you remember talking about that?

15 A I remember John Locke talking about it. I don't remember -- I remember
16 talking about that fundamental trade in our philosophy, the creation of constitutional
17 republics that were -- that that's part of what Locke describes.

18 Q And that if, in fact, that social contract is broken and there aren't free and
19 fair elections, then the other part of that contract shouldn't necessarily be held up either.
20 That is, that there could be self-help, what you called self-help justice.

21 A Well, there can't be -- I've never been a proponent of self-help justice in
22 regards to anything about an election, but I feel I emphasize -- I'm told I emphasize to the
23 point of being tedious about how often we have to stay peaceful, how we have to stay
24 peaceful.

25 However, it is -- I'm not saying self-help justice in terms of taking back an election

1 or something, but that this is a huge violation of the social contract, a broken election.

2 Q So you also said at the very end of that interview that, "We have to make it
3 clear to our politicians" -- and then you didn't finish that sentence. You said, "This can
4 all be resolved on January 6th." You told people they need to be prepared to make their
5 dissatisfaction known. You referenced goons, certain goons that might bring violence.
6 And you said be prepared, be prepared for violence.

7 Do you remember having that discussion?

8 A I don't remember having a discussion. We definitely expected to be
9 attacked as had been -- happened in so many cities and towns at that point.

10 In the few days before the election, I started noting that, in fact, something else
11 might happen. But I did think that there was going to be a bunch of -- the other times
12 there had been things going on in D.C., antifa had been roughing up people in D.C., and
13 there had been lots of fights and stabbings and things like that.

14 So I felt I had to -- I remember now the philosophy of the discussion that I
15 felt I -- the philosophy of the discussion on the show, but explaining to people we don't
16 want to be violent, no violence, no violence. You have a right -- you can't -- you know,
17 we're not saying people are going to -- if people show up and start attacking you, you
18 have to have -- be prepared, you know, to defend you -- to, you know, not get beat up.
19 I'm not saying you should just let get yourself beat up. But other than that, we want to
20 be as peaceful as possible.

21 That to me was the message I said over and over. You can find some words
22 where it's just part of that. But the message I said was telling people over and over
23 peace, peace, peace, peace. Don't let yourself get beat up, but other than that peace.

24 Q Did you -- other than the -- before January 5th when the guy from Michigan
25 came to your hotel room and told you that he had 10,000 long guns stashed in D.C. and

1 was awaiting an order from you as to what to do, did you have any sense that there was
2 going to be violence at the Capitol on January 6th?

3 A Not really. And he didn't tell me he had 10,000 long guns. He told me he
4 had 10,000 people coming with long guns.

5 Q Okay. Well --

6 A Just to be a stickler.

7 Q Sure.

8 A Which is equally scary. And like I said, I thought that we -- I though he was
9 talking about a Beirut-like scene where every street corner was going to be occupied by
10 somebody.

11 Yeah. I'm sorry. So what was your question again? I'm sorry.

12 Q Did you expect there would be violence on January 6th?

13 A No, I did not up until then. I really expected -- I was so pleased with how
14 people behaved in the two rallies I had seen, how I had never seen, just like I said, such a
15 multicultural, loving, cool group of people. Everybody was super polite and respectful.

16 Q Were you involved in any meetings or discussions -- actually before I move
17 on, does anyone, Mrs. Murphy or anyone else, have any questions about December 18th
18 and that meeting?

19 Okay. Were you involved in any meetings or discussions about having people
20 come to Washington on January 6th, other than the comment that I alluded to, but did
21 you have internal discussions with General Flynn or anybody else associated with sort of
22 these election integrity efforts about trying to draw people to Washington on the 6th?

23 A Not specifically that I recall, not specifically that I recall. I did ask -- I just
24 asked Carlito (ph), who was booking the jets then because his name was down, do you
25 remember anything about a plane, remember who flew some Latinos for America in at

1 some point? He kind of vaguely remembered.

2 I said, "Do you remember anything like that around January 6th, bringing anybody
3 in?" And he said, "I would have to check my notes, but not at all. I can't remember
4 any plane coming in like that." But he said if given direction, he can find it.

5 So, no, I don't recall -- I don't recall any specific conversations. But other -- there
6 may have been some incidental ones like, "hey, some people are coming in" kind of stuff,
7 but I don't remember a big plan.

8 Q And I was talking more just generally about the idea of how are we going to
9 get sort of this -- sort of along the lines what you described with the President and his
10 tweet, trying to get people to come to Washington to make their voices heard?

11 A Yes.

12 Q Were you involved in any of that effort?

13 A No.

14 Q Take a look at exhibit 10.

15 A Wait a second. Did you say that I said about the President's tweet? We
16 did not discuss anything like that in the Oval Office, and it was quite a surprise.

17 When I discovered later that had he tweeted that an hour afterwards, I always
18 wondered what was -- was there a connection that I missed? Then I had the Rudy
19 conversation which cleared it up.

20 What did you ask for, 10?

21 Q Exhibit 10, yes.

22 This is a tweet of yours. The first page is a tweet from January 4th, and you
23 tweeted a link to the document that's behind it.

24 Do you remember this document or this tweet?

25 A Not specifically. I'm retweeting a CD Media piece.

1 Q What do you understand, what do you know about CD Media?

2 A There's a gentleman named Todd Wood, and I know that he's bought a
3 couple -- well, Todd Wood is a journalist and a publisher in Georgia.

4 Q What's your relationship with Mr. Wood?

5 A We've met a few times. And he does -- I respect his research quite a bit,
6 and his journalism is small but focused. For example, on the Georgia election stuff, he
7 followed those issues through on Georgia better than anyone else reporting. So I sort of
8 tuned to him on that kind of as a favor to him. When I see a good story from him, I'll
9 tweet it out. He sends me all his stories, and I pick sort of a quarter of them.

10 Q Do you know of -- okay. I'll leave it at that.

11 Do you recognize the document that's attached to your tweet? It's marked as
12 10A, exhibit 10A.

13 A I don't remember this. I remember this picture. I don't
14 remember -- who -- may I see who wrote this? "The Tipping Point," is this purportedly
15 then an article in CD Media? Is this what I tweeted?

16 Q That's my understanding, is that it was published by Todd Wood on his
17 website. It's called "Reclaiming a Superpower: Americans Prepare for War."

18 A Yes.

1 [4:23 p.m.]

2 BY [REDACTED]:

3 Q Do you remember if you read it before you tweeted it out, if all?

4 A I don't remember if I read it.

5 Q I see on page 9, after describes, it goes on for 8 pages talking about the
6 claims of election fraud and foreign influence. And on page 9, it has a page at the top.
7 It says, "our choices," do you see that?

8 A Yes. No, I have never read this.

9 Q It says, Our remaining options are (A) contingent election for U.S. President,
10 (B) accept all obvious corruption in U.S. government, or (C) war.

11 A Yeah, that's inappropriate. I did not see that. Absolutely not. On -- and
12 he was rejecting me only the plan we had. I did hear that there was a -- I always
13 described it as a week. I did become aware that the -- sort of the official thing being
14 discussed was 10 days somewhere in the process. But, no, I never knew that he rejected
15 that, but as an alternative. That was the only alternative we got.

16 Q Were you involved in any meetings or discussions about the plans for the
17 joint session of Congress on January 6th?

18 A I was in the Trump Hotel on, I believe, it was January 5th, the morning of
19 January 5th. There was a meeting -- however, there were two meetings that get
20 confused. You understand it was one evening. There is -- in Trump Hotel, there is an
21 odd room on the ground floor that's a two-story condominium where the swanky suites
22 are. That evening there was one meeting -- and by the way, Mike Lindell was not there.
23 I happen to have crossed paths. He was -- Mike Lindell. Mike Lindell went off to see
24 Balsinero. And it was on at that meeting since we were falsely reporting that. In the
25 morning, there was a meeting there and that -- I was in that meeting -- and that was

1 some people, three Senators, and I know some people from the House as well as some
2 delegates and ambassadors from other people from the Senate and House, as well as Don
3 Berlin (ph) and then some people -- some people who to speak -- on our side speaking
4 about the election.

5 Q How did you come to be that meeting?

6 A I think I was a late addition. I think I just got told this morning, Hey, this is
7 about to start, we are going to bring you. And some somebody came into contact with
8 me.

9 Q Do you remember who?

10 A I don't remember how that came about.

11 Q Do you remember which Senators were there?

12 A I believe Ron Johnson was on the -- it was either there or on the phone. It
13 may have been two more there. I am not as current on my Senators. I used to know
14 them all. I don't these days.

15 Q Who were the presenters?

16 A Well, really Jim Penrose. And there was another government guy involved,
17 that name -- Jeff. And Jim Penrose I know had quite a career at the NSA. In part, he
18 attributed to his -- he is an excellent briefer. Very, very clear briefer. And there was
19 another guy named Jeff. I am blocking his last name. I probably know it. And they
20 were the substance of the presentation. I think there may have been a third person in
21 that category of a scientist, but those were the main ones. Then there was Phil
22 Waldron. There was Sidney, myself. I think that was about it on that side. And then,
23 these political types in and around. And somewhere, I think there was a -- if I'm not
24 mistaken -- we were on a video feed and some people may have been watching over in
25 the office.

1 Q Mr. Waldron prepared a PowerPoint deck, probably a 30, 35-page
2 PowerPoint deck that he was showing at various places around Washington, and those
3 days before the 6th. Do you recall whether he made his PowerPoint presentation this
4 January 5th meeting?

5 A I don't believe he did. He was not centric to the meeting. Like I say, he is
6 the kind of guy with a tie that you put up in front of other people with ties. But we are
7 the actual scientists there, and it was really -- he did some talk. And the same kind of
8 stuff he has talked about, he did a quick talk. But, no, it was centric on these two
9 scientists specific -- well, on Jim Penrose and this other scientist, Jeff.

10 Q And was the purpose, to the extent you knew, was the purpose of the
11 meeting for these scientists to provide evidence to the Members of Congress, or the
12 Senators who were going to be -- who would have the opportunity to object at the joint
13 session the following day?

14 A Yes, more broadly, yes. To explain, or explain why we doubted the
15 election, and why what everybody was saying about the debunking themselves had to be
16 debunked. That the debunking of our position were very superficial and not
17 appropriate. And the deeper questions about why we thought what we thought. And
18 so that -- and they're very sober, sort of scientific, straightforward.

19 Q You said previously about this meeting that there was a -- this presentations
20 phase. And then not too long into the meeting, it sort of became a strategy session. Is
21 that your recollection?

22 A I think it is about half and half, or maybe 60/40. It was 60/40 presentation,
23 and the people did a bunch of poking at it. Well, what about this we've read? What
24 about that? And these two fellows, they were very clear -- to be honest, they were my
25 first choices to speak on January 6th. I thought January 6th was going to be Flynn,

1 myself, and these two scientists. We could have explained in 30 minutes. And I
2 thought that was the whole point. I didn't think it was supposed to be a pep rally. But
3 those two guys are -- so, it was all centric on them, and they explained it, and they
4 debunked when people said, Well, what about this that we've read in The Washington
5 Post? What about that? They were very good at debunking them.

6 Q And then what was the strategy portion of the meeting? What did that
7 consist of?

8 A Can we -- 40 percent, I will hit it just as soon as I run back. But the strategy
9 was --

10 Q Let's go off the record.

11 [Discussion off the record.]

12 BY [REDACTED]:

13 Q Back on the record. So I think when we broke, we were -- I was asking you
14 about the sort of strategy portion of this January 5th meeting.

15 A Oh, yes.

16 Q So what can you tell me about how that went?

17 A It was really implementation of the Green Bay Sweep. That if the -- if
18 we -- if the Senators and House Members were convinced, and they didn't start
19 off -- there were a lot of objections, a lot of discussions. Like I say, it was 60 percent that
20 side, that the goal was to get to -- if they were convinced, then they would, on
21 January 6th, I forgot the legal terms, but it's what the Democrats -- a number of
22 Democratic people did on January 6th, 2017, sending up objections to the recognition of
23 electoral votes. They did not have Senators with them. I thought that there was a
24 small number -- I would have left that -- I think I only found out later that there may have
25 been 140, 150 House Members, and like 12 Senators who were ready to go along with it

1 all. And they were just going to object in making these objections to the recognition
2 from the stage that we had convinced them of. And they were noncommittal with us.
3 They were noncommittal with us. Like I didn't walk out -- I would say poker face with us.
4 Somebody observed the meeting who could -- no one could characterize, it would be Don
5 Berlin. And I understand he is a fellow well-respected on Capitol Hill. And there was
6 somebody who was a -- I would designate as like an ambassador for Pence. And I was
7 told Pence, this person is going to leave this meeting when it's over and go directly back
8 to Pence and report.

9 Q Do you know who that person was?

10 A I was shown the person, maybe shook hands, but I didn't catch a name. A
11 male. A middle-aged male, as I recall. Not middle-aged. Younger. Much younger
12 guy. Anyway.

13 So even then -- oh, I guess we left without me understanding. Like I say, I
14 stepped out for about sometime in the middle of it and came back. It was just stuff I
15 had heard before. So it was just implementing -- that seeing if we could -- whether
16 Senators who had an objection and would be willing to stand and object, and if they did
17 had we convinced enough that on January 6th, they would stand and object and follow
18 basically what people have tried to do in 2017. But it was not decided, because I
19 remember now I got a phone call -- and I may have mentioned this in the book -- that it
20 was -- I didn't leave that meeting with a clear understanding of where they were coming
21 out, because they were so poker-faced and played the cards closer to vest. But I got a
22 phone call that evening around 6 o'clock or 5:30. I seem to recall it was a woman. And
23 maybe it was woman all over in Capitol Hill who had been part of this, calling to say, We
24 are going forward. And it was a bit of a surprise because they had been so -- no one had
25 come out and say, Gosh, you are right, this amount. They were really poker-faced.

1 Evidently, they all went back and discussed it in Congress. People had been on the
2 phone, and people had been there. And then at some point, I heard there were 12
3 Senators, and I think 140 or 150 House Members ready to go along. And I heard that -- I
4 actually heard that at some point -- well, that's what I heard. I also heard that Mike
5 Pence had been briefed like some for some reason, like 2:30 to 5:30 sticks in my mind,
6 and then he had ultimately come around and agreed. And I, specifically, I placed some
7 phone calls.

8 Q Okay. I want to come back to that conversation or that information about
9 Vice President Pence. I want to ask, though, about generally about how this discussion
10 proceeded. Who was leading this discussion of the strategy and what was going to
11 happen the next day?

12 A Really, it was more -- it was leaderless because we have a bunch of Senators
13 in the room and some Congressmen, some House Members. So I say it was being driven
14 by them and their questions. I don't remember there being a specific leader to it.
15 They were questioning. It was them questioning these people until they ran out of
16 questions and objections. And the answers from Jim Penrose and Jeff, the scientist,
17 were so clear and convincing that that's the -- that eventually became the group of
18 questions that dwindled out.

19 Q Well, but I understand your description of this, both today and previously,
20 was that there was this presentation, then a Q&A session, and then after that, it turned
21 into about 60/40, or either 40 to 50 percent of the meeting was about strategy. And I'm
22 talking about that latter portion of the meeting, who was leading that discussion?

23 A I don't remember there's been a leader. I do believe Senator Johnson was
24 there and was speaking.

25 Q Who else was -- the non-elected officials, who else was participating in that

1 discussion?

2 A I don't -- I don't -- it may have been more among the politicians themselves,
3 frankly, at that point.

4 Q Was it you? Were you participating in that?

5 A No. In fact, I stepped out and came back in sort of well into that. Maybe
6 with 10 or 15 percent of the meeting left. That's not my bailiwick. My bailiwick is the
7 Jim Penrose and Jeff, the scientist stuff.

8 Q Right. How about Mr. Waldron? Mr. Waldron, was he helping guide that
9 discussion and talk about what the options would be for the following day?

10 A What I remember at some point was that events had became discussions,
11 mostly amongst the political figures with some sort of chiming in from guys like Phil,
12 chiming in from the other people there. Maybe Sidney, maybe Phil, or something. I
13 don't specifically remember that Sidney, but it was at some point became a lot of
14 discussion among them with a bunch of -- with the other people there to sort of answer a
15 question when asked.

16 Q Was there discussion about the Vice President's role when you were in the
17 strategy portion of the meeting, discussion about the Vice President's role at the joint
18 session?

19 A I don't remember it specifically, but it had -- it had to have been discussed.
20 And like I said, Pence's guy was in the meeting.

21 Q Was there any discussion about the -- what the outcome of the joint session,
22 or this plan was supposed to be in terms of whether the Vice President was going to
23 declare that the proceeding was suspended for a week or 10 days, or whether he was
24 going to accept certain votes or not? Or was there any discussion about what those
25 options looked like for January 6th?

1 A Yes, that it was -- that the option was for him to suspend for a week, and
2 then given the legislature's time to spend on what they call hearings like happened in
3 Maricopa. Just do 2 or 3 days of hearings, reprint the electoral votes. I thought we
4 were always talking about a week. Somewhere in the process, I became aware of
5 10 days. I don't remember if that was where I became aware; if maybe it was after the
6 whole mess. But it was -- they -- the discussion was that whether -- if they raised these
7 objections, and Pence -- that the plan would be that -- they would raise these objections,
8 and ultimately, if it worked, that Pence would say, this is -- needs another week of study,
9 and set it up for the legislatures to go and then make whatever decision that they wanted
10 to make. And, again, that was spoken of -- I don't recall if it was spoken of in that
11 meeting, but General Flynn and I sure spoke enough of like, We are fine. Whatever the
12 State legislatures decide, give them another look at it.

13 Q Yeah. Yeah. I got that. But who presented at this meeting to the
14 Senators and Members of Congress and their staffs and the Vice President's delegate that
15 this notion that that's the plan, we are going to ask for 7 to 10 days?

16 A I don't remember. Normally I remember. I have really good memories of
17 meetings. But in this case, it was like I was tuned into the discussion of the evidence.
18 And at some point, I drifted out because -- I thought it became now is the time for the
19 lawyers and the politicians to figure out what it is they're going to do with us. And the
20 other people in the room to answer questions, I stepped out, and I came back. It
21 seemed like the 10 or 15 minutes left in the meeting, just people summarizing. So I
22 can't really tell you how that developed. But I would imagine Don Berlin would have a
23 very clear as well as anyone. He is the one name I remember that -- well, who was
24 probably observing from that point of view.

25 BY [REDACTED]:

1 Q Do you remember any discussion -- and I apologize if you already asked
2 this -- but if I'm understanding you right, this is January 5th, correct?

3 A I believe so.

4 Q And do you remember any discussion about whether there would be people
5 present outside of the Capitol --

6 A No.

7 Q -- during the certification?

8 A No.

9 Q You don't remember any discussion about whether there would be people
10 from the rally marching? There is no discussion about what impact protesters would
11 have if they were present at the time of the certification?

12 A Correct. There was no -- that wasn't -- that wasn't -- that was a completely
13 separate track, I guess, in our lives. We were thinking of it this way: People were
14 coming to the Capitol anyway. I mean we -- so, no, there was no discussion of the
15 crowds that I caught that -- of the crowds in the -- during the process.

16 Q And what I mean, I don't want to limit in terms of what discussion there
17 might have been in the sense that was there even mention of, Oh -- would there have
18 been mention in the sense of -- to the extent that anybody gets cold feet, or to the extent
19 that you're on the fence, people would be outside, cheering for you, supporting you,
20 there was no discussion about --

21 A No.

22 Q -- the presence of people?

23 A No.

24 Q Okay.

25 A That was not a part of the plan. I mean, like the plan was the legal Green

1 Bay Sweep that we were talking about.

2 Q No, I understand. I just was curious if there was any discussion or planning
3 for the fact that people would be there?

4 A I did not hear much of that.

5 BY [REDACTED] :

6 Q Take a look at exhibit 11. And I think you alluded to this just a few minutes
7 ago that this was in your book. This is a brief discussion of a portion of that meeting and
8 the interactions with the delegate for Vice President Pence. Does this look familiar?

9 A This looks familiar.

10 Q And this is the same meeting we've just been talking about?

11 A Yes, but my recollection was the number 2:30 and 3 hours. So maybe I got
12 to maybe -- so it was -- so I was confirmed at 3:30 that Pence was solved in.

13 Q What did you mean by that?

14 A That somebody from his office had relayed -- I think I may have -- I forgot
15 who called me. I seem to remember a woman, but maybe I'm -- I don't know why they
16 felt the need to call me. It was kind of funny. But that Pence had heard out the person
17 for some time, a couple of hours or something, and then agreed that this was something
18 that we are going to do. It was the right thing to do.

19 Q Meaning as for the 7-day suspension?

20 A If -- well, I suppose it comes down to the -- how the objection process runs in
21 the Congress. But if 140 congressional House Members stand up and a dozen Senators
22 stand up and they don't give up -- I'm not sure if -- I would have to look at 1887 Electoral
23 Act of what it says then happens eventually. I don't know how it gets resolved. So, but
24 yeah I was that -- my understanding was after a couple of hours, Pence was fully on
25 board. And then I got a call later that evening that he had, I think, pulled out. I -- yeah.

1 Well, I heard -- I think that happened that evening, but it wasn't definitive or something.
2 It wasn't clear.

3 Q So who did you hear from at or around 3:30 that Vice President was solidly
4 there?

5 A I don't remember, because I went up for a nap, and somebody woke me up.
6 I think that was the woman. There was a woman that I'm not -- wasn't used to calling,
7 but it was a woman in this process maybe who had gotten involved either from Congress
8 or from the White House. But somebody called, and I think it was a female who I
9 didn't -- who was not -- probably the only time that person ever called me, called me to
10 tell me that on the House phone. So they didn't have my cell phone number. I just had
11 my work because it woke me up from a nap.

12 Q Do you know why the person was calling you to tell you that?

13 A I guess they felt like I was part of the team, and they were keeping me
14 informed or something.

15 Q Okay. And you found out subsequently that Vice President Pence was not
16 on board with the plan?

17 A I did hear that later, or late that evening. I believe I heard that, but didn't
18 know whether it was -- I didn't accept it as final, or didn't -- I may not have thought it was
19 completely final.

20 Q Who was it who called you later in the evening or told you later in the
21 evening that the Vice President was not necessarily agreeing to proceed with this plan
22 that had been laid out?

23 A I don't remember. I don't remember.

24 Q Excuse me, me was it the same woman who woke you from your nap.

25 A I really don't remember. I really don't, [REDACTED]. I would tell you if I

1 knew. I just remember vaguely blurring with that that evening, and that there had been
2 sort of a pullback. I didn't know if it was a decisive pullback or not, I suppose.

3 Q That night, did you attend the rally on Freedom Plaza?

4 A I don't have a -- is that -- a lot of the rallies blend in, but I know I never spoke
5 with Freedom Plaza some -- several times.

6 Q Did you speak at a rally the night before January 6th?

7 A Yes.

8 Q And General Flynn did as well?

9 A Yeah, I kind of gave a quick introduction, as I recall -- or maybe not. No,
10 maybe I spoke a little more. Yes. It was a -- I do remember it wasn't -- it was -- so I was
11 pulled up. I was not as prepared as I might have been.

12 Q Do you remember having any discussions with General Flynn in the days
13 leading up to January 6th about the plan that we were just talking about as to how the
14 joint session was supposed to go, or hopefully would go?

15 A Not with General Flynn. He was more talking to Sidney and that side, but it
16 is more like when we met and talked, we stayed in tune with each other, but there wasn't
17 heavy discussions between us. I do remember we talked at some point about -- but this
18 was maybe in late November about what is the road to -- just making sure we were
19 calibrated. And he said, on everything, we always have to have moral high ground.
20 We do not engage in violence. We have to make sure these people do not engage in
21 violence. It is all about making sure that our side always has the moral high ground,
22 which is hard, given how much information dominance the other side has is what he said.

23 Q Well, and I was referring not to the potential for violence on the 6th, but to
24 the plan regarding what was supposed to happen within the joint session, that is, the Vice
25 President seeking a 7-day suspension. Did you ever talk about that with General Flynn

1 that that was the operative plan that you were hoping to be able to implement?

2 A I don't remember a specific conversation. It was a conversation with him
3 about that. That I understood him to be on the same page and part of the same
4 planning circle through Sidney and such. That everybody was attuned to that idea.

5 Q Do you know if General Flynn was in touch with the President on
6 January 5th?

7 A I was surprised -- well, no, I do not know that he was. It would be a
8 surprise to me or if he was.

9 Q So I take it he never told you that he had communicated with the President
10 that day?

11 A He wouldn't have told me something like that.

12 Q So there were -- I'm sorry?

13 A Well, one doesn't share something like that in general. I was -- you know, I
14 would never have spoken about the December 18th meeting, and then, I had been
15 reading about it in The New York Times 24 hours later. So I came out and wrote what
16 really happened. So it would be unlike Mike if he had a phone call with the President to
17 share it with me or share it with anybody.

18 Q Even on a matter that you had been working together on and actually met
19 with the President on, you would still be surprised that he would -- you would expect him
20 not to share further information he had on that topic with you?

21 A Yes.

22 Q There were phone calls between Mike Flynn and the White House on
23 January 5th. Do you -- well, I guess you don't know if those were with the President?

24 A No, I don't have any knowledge of them.

25 Q And you don't know the substance of the calls?

1 A No.

2 Q Are you aware of any communications between Mike Flynn and President
3 Trump between the December 18th meeting and the January 6th?

4 A I'm not aware of any.

5 Q Did you have any communications with the President after December 18th?

6 A No.

7 Q Were you at the Willard Hotel at any point on the 5th?

8 A I walked over -- I was over at the Willard. My memories are a bit vague. I
9 think it was that first few days of January. And when I went over one day on the 12th
10 floor, I think there was a big room with a bunch of -- I called them folks from
11 OshKosh -- the people coming in. And just people I didn't know, but these different
12 groups. But they wanted me to come over. I found out -- I found out as I was leaving
13 that Rudy was staying on the 7th, I think. And they didn't know about each other, and
14 there was some kind of scuffle or something with security guards. The security guards
15 from one group got it on with security guards from another and stuff like that, because
16 they did not know about each other. Or somebody got it on with the hotel security
17 guards or something.

18 But they were both there, but they weren't staying with each other. And I did
19 not know Rudy was there until about 10:00, or even January 6th. I thought he had been
20 over at the -- that's when I found out Rudy was there. And I think that was a
21 couple -- so, yes, I was over -- I think I was over a few days before. I met some people
22 on the top floor, and I was over on the 6th floor on the night of the 6th to see -- at Rudy's
23 request.

24 Q So you weren't part of any meetings over there on the 5th with anybody
25 who was working on this sort of election effort?

1 A No, there was -- no, the people on the 5th that I remember was
2 a -- there was a -- there was a big crowd, a big party almost. There were a lot of people
3 like spring -- not spring break, but -- and that was the 12th floor. And it wasn't really
4 work being done. But they were unarmed. There were people like Alex Jones, I think,
5 set up there. And stuff like that was going on up there, but not -- just as I said, there are
6 people coming in who were groups coming in with leaders who were positioning
7 themselves as sort of on the inside loop, and there was a lot of that kind of stuff, I think,
8 going on. Maybe people saying, Oh, I'm really embedded in the process who maybe
9 weren't so embedded.

10 Q Uh-huh.

11 A So I was just passing Rudy Giuliani in the elevator -- and I were just taking
12 the elevator up -- I'm not making that up. But there were people who are very much
13 trying to sort of present themselves as inside the group. My understanding was it was
14 completely unrelated that Rudy ends up being at the same hotel. I don't know why he
15 moved him there.

16 Q How about Roger Stone? Do you know Roger Stone?

17 A I know him. I know him.

18 Q Did you see him on the 5th or the 6th?

19 A I mean, I know him that we have interacted. We meet at conferences. He
20 have had a couple meals. He -- I remember him being around. I don't remember if I
21 interacted with him then.

22 Q Being around on one of those 2 days, the 5th or the 6th?

23 A Yes, I don't remember which day I saw him. I know I saw him somewhere.

24 Q How about Steve Bannon? Did you see him at the Willard on either the 5th
25 or the 6th?

1 A No, I did not. I -- other than that one time I saw Bannon at his house, I
2 never been in his presence. But I don't know.

3 Q How about John Eastman? Have you ever met John Eastman?

4 A The only -- I met John Eastman on the night of the 6th when I went over at
5 Rudy's request.

6 Q Why don't we -- taking a little out of order chronologically, but tell me
7 what -- when Rudy requested that you come see him on the 6th?

8 A I understand -- I recall it was about 10:30 at night. And he called -- I got a
9 phone call that the mayor wants you over at the Willard. And, oh, it was for Waldron.
10 And he said, The mayor wants to walk through what you were talking about before. And
11 I went over. So it was like 10:30 or 10 o'clock at night on -- I got the call. So I am over
12 about 10:30 at the Willard.

13 Q And did Mr. Waldron explain what it was that he wanted you to talk to the
14 mayor about? You said the things you talked about before.

15 A He wanted me to walk through the -- what I walked through in the Oval
16 office. And he had wanted to walk through that idea. Well, he -- maybe it was all in
17 the lines of -- the mayor wanted us to make sure maybe -- somewhere between the
18 mayor wanted to see us walk through all the information and make sure nothing has
19 been missed. Somewhere between that assertion and he wants you to walk through the
20 December 18th again. It was something about me come over and walk through
21 something again, and Rudy making sure nothing had been missed or something.

22 Q And you went over to the Willard, and did you meet with Mayor Giuliani?

23 A Yes.

24 Q For how long?

25 A I don't believe it was long. It was about an hour. There was a party going

1 on, kind of a roundtable. Rudy, Katherine Friess, Mike Tremarco. The guy called The
2 Commish in the book. I assume you will figure out who The Commish is.

3 Q Bernie Kerik?

4 A Yeah, that would be a good guess. John Eastman. There was a fellow I
5 didn't know. I couldn't have told you his name, but given subsequent events, I think that
6 was Joe Oltmann. Joe Oltmann. But that was not -- I don't know if I -- if he registered
7 as Joe Oltmann at the time at the table.

8 Q And what was going on within the -- was the party that you referenced, was
9 that within Giuliani's suite or somewhere else at the Willard?

10 A No, the party was up on the 12th floor, and that was before January 6th.
11 That was a couple days early. It had a party atmosphere. I would say not a
12 party-party, but people are excited -- excited to be there. Rudy's suite was sober, and
13 there were -- there was like a living room, TV on, and some people sitting quietly over
14 there watching the TV. I don't remember who they were. But they were not part of
15 the discussion. They were more like the support people or something. They were not
16 part of the discussion at the table.

17 Q And the discussion you talked about is the discussion that you ended up
18 having, or was there some ongoing discussion when you arrived amongst these people?

19 A I think --

20 Q That's a terrible question. Let me ask it differently. What was going on
21 when you got to the suite? What were the folks you ticked off? You mentioned five
22 different names, and then Mr. Oltmann as a sixth, a potential Mr. Oltmann. What was
23 everybody doing when you got there?

24 A I believe we kind of gathered at the table. I don't remember precisely what
25 people were doing, but I know we all sort of gathered at the table within a few minutes of

1 me getting there, like, maybe they had been off. So you might think that it was like,
2 maybe it wasn't so bifurcated until I got there. It was a more general group. And then
3 once I got there, I was directed to the table, and some people came over and bifurcated
4 into one group having a discussion, one group watching television and watching the
5 news.

6 Q Was Maria Ryan there?

7 A There were some females there that I didn't know, and I would not know
8 who that is. Oh, is that Rudy's paramour or --

9 Q Yes.

10 A I don't know if she was there. I was introduced to her only a few months
11 ago when I met Rudy and for the first time since these events.

12 Q Okay. So what happened once you got there and the group gathered at the
13 table?

14 A They said we'd like you to walk through what you were saying could be done
15 before by way of an investigation. And they -- and so, I walked through those -- I forgot
16 if I walked through these statements again. I walked through the statements from the
17 FBI and the Presidential -- I forgot if I walked through that by way again. But I walked
18 through the explanation of there are three questions that need to be answered. Boom,
19 boom, boom. These are the choices. And where we sat in the Oval Office was I believe
20 in six counties with imaging hard drives, with small teams of four people from the DHS.
21 And that could have, in fact, be done in about 3 days. I walked -- it probably took me 20
22 minutes to walk through it carefully, and what all that meant.

23 Q What happened after you walked through this, the same sort of scenario and
24 opposite that you had talked about on the 18th?

25 A It was kind of funny because I was really frustrated by then. I had

1 communicated that in my book. I don't need to repeat that story, actually. And it was
2 the first time that they actually sort of put down their phone and listened to me. And
3 there was this long silence, but I want to explain how quickly and easily this could be
4 done. And if we don't do this, this country is going to be in a real problem, because
5 there is at least half the country who don't buy this election. And I can tell you none of
6 us buy it. I mean, none of us at the time that the -- Trump believed it was stolen. Rudy
7 believed it was stolen. They all knew it was stolen.

8 The only question is was it stolen in a way that could be unearthed and put
9 together and reassembled quickly? No one had any doubts. We all believed -- you
10 may think we are delusional, of course. We think that you folks are -- I don't -- I don't
11 mean to be disrespectful. You think the word "delusional," and I think you're just, you
12 know, looking at a mountain of evidence and say, Woo, we don't see anything. So we
13 will get past that someday. But that would be a really bad situation for the country.
14 And this needed to be resolved.

15 And so anyway, we walked through how quickly it could be done. I walked
16 through it in a very sober -- I actually got kind of pissed, and I think I let him know it.
17 They had asked me, not 10:30 at night, they're all sitting there being happy, and then I
18 finally waited until everybody came to attention and stopped, and I said, I am not going to
19 talk until every puts down the cell phones. Stop. And I walked through what I thought
20 was an obvious plan that was how a businessman would solve something. Get to the
21 answer. We got to get the -- you see it, as I understand, get Trump in charge, get Trump
22 in charge. It wasn't. It was get to the answer. We've got to unearth the truth.
23 That -- and I thought it made so much sense. I walked through it, and there was this
24 long silence. And then, frankly, Bernie Kerik who always sits at the end and doesn't say
25 anything, until he says something, it was always really hard. He just said, Hmm. I

1 forget what the words were. But it is like, Yeah, it sounds about right. And everybody
2 at the table started seeing logic of it and said, yeah, that does sound right. Boy, we
3 couldn't have gotten an answer in a few days. Wow, why don't we just do that? And
4 then -- so that's what happened at the table. And I think Eastman opined and different
5 people opined, but it is sort of -- the table went around and around, like they thought it
6 was a good idea. Somewhere in there I did say -- anyway, I'll stop there.

7 Q When you say Eastman opined, do you remember what he shared?

8 A I don't, but I remember that plan sounded -- like the logic of that plan
9 sounded good. I'm not saying they were saying, they were agreeing to do it now, but
10 they all seemed to appreciate -- that was the only option left. And then, actually, it was
11 a pretty sensible option. And -- but at some point, I told Rudy, I think it was as we were
12 about to leave, I said if we -- I said to the President in the Oval Office that we really have
13 to do this if you're going to do it before January 6th. Once January 6th comes and goes,
14 and things are sent, it really would be a sore loser. And that's -- I didn't tell him what he
15 could do, but I always tell him that was my thoughts on it.

16 Q And did anyone express a contrary view that it wasn't too late to try and do
17 this?

18 A I remember it more as a discussion of what the plan is. And like I would be
19 outside of the discussion of if they're going ahead to pull the trigger on it. But I did
20 seem to think that it seemed to be -- it seemed to be sensible to people, except --

21 Mr. Driscoll. You mean after January 6th? Because it is not January 6th. So
22 you're saying after all this, everyone started and liked and figured out a role?

23 Mr. Byrne. No, it was like, the sensibility of the plan seemed obvious, but Rudy
24 said, as I was parted -- so, Rudy says as we were parting, he said, You know, if only we had
25 another month, if only we had another month. Because he saw the logic of the plan and

1 realized we could have done it a month ago, and could have got an answer by Christmas.
2 And instead, they all blocked it. And now he seemed silent to see that actually as a
3 sense, but he was still saying regretfully -- I mean, nobody signed off on it. Everybody
4 sort of accepted it as being a sensible plan. And I kind of -- was figured it was my job to
5 explain that and then to leave from there, and they work it out. But Rudy, as we were
6 sort getting up to leave said, If only we had another month.

7 And I wrote in my book, I -- the way things were running, they could
8 have -- anyway. So that's what he said. So that was indicated to me, they probably
9 weren't going to do it. There was no surprise that they weren't.

10 Q After this part of the discussion ended, were you asked to leave? Did you
11 stick around for a little bit longer? Did you voluntarily leave? Tell me what happened
12 after you made your presentation?

13 A I don't remember being asked to leave. I felt like the business was done,
14 and we all kind of stood up, and I left. Like I had been asked to come over and give an
15 explanation or something and give it. I think they could tell I was a bit peevish
16 and -- because it was obviously a sensible plan, and they should have listened. But
17 because they're such a bunch of such arrogant lawyers, frankly, that they don't listen to
18 people who don't have a sheepskin until they're completely against the wall, and then
19 they open their minds. And it finally took Bernie Kerik saying, Hmm, makes sense. But
20 they were all like, yeah, it does make sense. Yeah, I guess that does make sense. And
21 then Rudy is saying, but only -- we only had another month. Sorry, I sound peeved, but
22 that's really I -- what I thought.

23 Q Okay. If you look at exhibits 12 and 13, let me just start with 12, I guess; 13
24 is one that gives us the timing on it. But this is a text message involving Steve Bannon.
25 And he's -- he says at the beginning, Call me. Just off with Trump. And then asked is

1 Patrick Byrnes -- sorry, it's a typo -- with Rudy?

2 A No answer.

3 Q And he is trying to figure out whether you're with Mayor Giuliani. Maria
4 wouldn't confirm. That's Maria Ryan. And then the person responds, She just wrote
5 back. He was, but I asked him to leave.

6 A Hmm.

7 Q And if you go to 13, that's the text message between the person who was
8 texting Mr. Bannon and Ms. Ryan. At 11:27 p.m., Steve asked if the mayor's with Patrick
9 B. He was, but I asked him to leave. So do you -- first, do you have any idea or do you
10 know how Mr. Bannon knew that you were or -- why he was questioning whether you
11 were meeting with the Mayor Giuliani?

12 A Yeah.

13 Q You suggest from this that it came up in the conversation with the
14 President?

15 A Yes.

16 Q And do you know -- did the President know that you were meeting with
17 Rudy Giuliani?

18 A No, no, I don't -- no, the only thing about what the President knew, I
19 indicated earlier that my understanding, since like October of 2020, people were letting
20 me know that Steve Bannon was going around town trying to turn -- Byrne's an idiot,
21 Byrne's an idiot. Get out. Don't like, don't listen to Byrne kind of stuff. So I don't
22 know, because, like, the first too many I heard that he knew me was this, it was, it was
23 super -- he was -- anyway.

24 So I don't know if -- this is exactly the impression that I've been -- other -- many
25 people have told me that Steve Bannon spends all this time doing this and trying to do it

1 to people in Washington. Byrne's an idiot. Don't talk to him. Keep away from him.

2 Q Okay. I just -- it looks as if Mr. Bannon was on the phone with President
3 Trump.

4 A It is a surprise. This is a total surprise.

5 Q Okay. And he asked whether you're with Rudy Giuliani. So, but you don't
6 know how the President would have known that you were meeting with Mr. Giuliani? Is
7 that fair to say? I mean it's possible Mr. Giuliani told him, but do you have any
8 knowledge on that?

9 A I don't have any knowledge. I wouldn't agree that it's not totally clear that
10 Trump knew that. That it's --

11 Q Agreed. Agreed.

12 A It may have -- could have been. I don't have any explanation for this.

13 Q Okay --

14 A I always heard that Steve Bannon was hovering in the background doing this
15 kind of thing. I heard from all 2 or 3 months.

16 Q Okay.

17 [REDACTED]. Doing what?

18 Mr. Byrne. Telling people, Byrne's an idiot, stay away from Byrne, don't talk to
19 Byrne and such. His friends have told me he's very jealous, is what his friends tell me.
20 And that's what this is all about.

21 BY [REDACTED]:

22 Q Okay. And then Ms. Ryan says that you were there, but they asked you to
23 leave. That doesn't sound like an accurate representation, you know, based on your
24 account?

25 A How I remember it is we sort of finished what we discussed. Maybe some

1 of it came up or whatever. I felt like we had discussed everything fully. There was
2 nothing else. I was probably a little peeved, and I got up and I -- but anyway, it was a
3 pleasant goodbye. I don't recall anyone asking me to leave. I feel like we discussed
4 everything that needed to be discussed with me.

5 Q You were summoned, you came, you answered their questions, and then
6 you left?

7 A Yes.

8 Q While you were there, did you ask Mr. Giuliani to try and get you a pardon?

9 A Not quite. I know that that's come out. When I got up to leave, I
10 said -- when I came back from Indonesia -- this sort of gets into the stuff. Anyway.
11 When I came back from Indonesia, something was said about getting me a pardon. And
12 he said something like -- I hadn't thought of this, but he said as the President's private
13 attorney, I have to think about the appropriateness of discussing it with you or bringing it
14 up with him or not. So he just shut it down. My understanding was don't talk to him
15 about it. It wasn't a big deal to me. It had been offered to me, and I said initially, I
16 don't really care about it. But -- so anyway, yes.

17 Q I'm sorry. I am going to have to have you go over that again because I
18 didn't get the sequence and the timing and the Indonesia. On the night of January 6th,
19 did you ask Mr. Giuliani to see if he can get you a pardon?

20 A Not quite. I said that when I -- I said to him, that when I came back -- I
21 came back -- when they asked me to come back from Indonesia, there was something
22 about a pardon had been mentioned.

23 Q Okay. And were you -- by that, were you suggesting that maybe you would
24 like to reopen that discussion?

25 A I was maybe suggesting it. It is okay. It is okay.

1 Anyway, so I was bringing it up, at a pace as I walked out the door and literally
2 stood and he said this thing to me about if we only had another month. Ronnie smiled
3 and shook his hand. I said, I literally was like putting on my coat, and I said, You know,
4 something was mentioned to me, but when I came back from Indonesia about a pardon.
5 Anything about that? And he is like, Well, I got to think about when it will be
6 appropriate to have this discussion or to discuss this with the President, or something like
7 that.

8 ████████. But a pardon for what.

9 Mr. Byrne. For legacy of a misspent youth, ████████.

10 BY ████████:

11 Q So when you raised the topic, were you for --

12 A Well, a pardon for I bribed Hillary Clinton \$18 million. It's one of the things
13 I got to use -- you know about this, right? So you guys know all about this.

14 Q I just want to understand when you raised the -- when you sort of
15 backhandedly raised this issue with Giuliani, were you suggesting that, Hey, maybe I'd like
16 to revisit that issue of the pardon? Was that your point in raising it?

17 A I'm not sure why I raised it. I knew that I felt some unease because I had
18 bribed Hillary Clinton 18 million bucks, as well as lots of other things. As well as things
19 that go back years that you probably don't know about. So -- so it seemed like a
20 reasonable time if I were ever going to bring that up. But overwhelmingly, it would be
21 the bribery of Hillary Clinton and setting up the Russian collusion delusion, which I did
22 both of those. Well, I assume you -- but you at least have read my account on it.
23 Maybe you think I'm all delusional. And I said the deep state had me set up Hillary
24 Clinton for a \$18 million bribe. The deep state had me set up Hillary Clinton for a
25 \$18 million bribe. I'll say this under oath: They had me construct the early stages of

1 the Russian collusion delusion sting. And I set up the deep state on a rape and murder
2 sting. And I did that because in 2006, the Senate Judiciary Chairman Specter told me to
3 investigate the Federal Government. I assume you've read all that stuff in Deep
4 Capture.

5 Q So that's what you had in mind when you brought the topic up with Mr.
6 Giuliani?

7 A Yes.

8 Q Did it have anything to do with the January -- with the 2020 election and the
9 post-election activities that you were involved in?

10 A No. The -- it all had been brought up with me when I was in Indonesia.
11 And I was saying, I don't want to come back. And I was being told I had to come back.
12 And one of the things that was mentioned to me was that there would be a pardon
13 before you. I said I -- not only do I want a pardon, but I don't need think I need a
14 pardon. But I am not sure I want a pardon. But I didn't think I was ever coming back.
15 And I was told, Look, you guys are going to arrest me or something when I come back.
16 They said, No, we're not -- we're not -- I get these funny messages.

17 One of them was we don't care that you are in such and such a village, we can -- I
18 have no electronics in this nothing place village. I got a message saying, it doesn't
19 matter that you are in such a such a village in Indonesia. We can kill you there. We
20 can kill you anywhere you want. You can't run from us. You got to come back.

21 Q Were you aware that Mr. Giuliani was entertaining pardon requests that
22 night at the Willard?

23 A I was not. And I was not making the mental distinction between the
24 personal attorney and the official attorney. I was just not making that distinction.

25 Q I said I had skipped over some stuff to get to the nighttime meeting, but I

1 think I'm going to sort of leave it at that.

2 [REDACTED], do you want to -- before we move on to that, is there -- no? I don't
3 see -- Mrs. Murphy is still on. Mrs. Murphy, do you have any questions on any of these
4 issues?

5 Mrs. Murphy. No, I don't think so. Thanks.

6 [REDACTED]. Okay. Thank you.

7 BY [REDACTED]:

8 Q Yeah, so, I'm sorry this is going to feel a little bit skipping around --

9 A Sure.

10 Q -- but I just want to go back in time a little bit. In December of 2020, do you
11 remember giving an interview? I think it was a show, maybe a podcast called
12 Information Operation with L. Todd Wood?

13 A That's Todd Wood -- I don't remember that, but that's the Todd Wood from
14 the --

15 Q That we were talking earlier? During the interview -- I don't know -- I know
16 you give a lot of interviews, so if you don't remember it -- but you specifically mentioned
17 the fact the RNC had raised \$200 million but hadn't spent any of it on -- I'm paraphrasing
18 what you said, but basically that they hadn't spent any of it on the election. And you
19 said something to the effect of do not give a penny to them, they're a bunch socialites,
20 they don't care if Trump loses. If it gets played off as a two, they want to distance
21 themselves. Don't give another dollar to the RNC. It is heinous that they're raising
22 money off it, and not a dollar is coming through to help. Can you tell me what you
23 meant by that?

24 A Was that after Christmas? What was the date?

25 Q So this was December 6th, 2020.

1 A Wow. I was -- 2020, that was -- I had formed that impression early. I
2 really got a vivid impression of that. As these months went on -- so as you know, I don't
3 consider myself a Republican. Although, I'm starting to say this new term, Frederick
4 Douglass is a Republican. And it was sort of my first exposure in the long time, the
5 Republican infrastructure. And I guess I started to see them just like I know you
6 Democrats see them as a bunch of plutocrats, especially when I got down to Mar-a-Lago
7 trying to get another interaction with the President.

8 And I got really fed up with the Republican Party. And my understanding became
9 ultimately they raised \$300 million and did nothing with it. I know I had said that
10 publicly many times. And somebody from the RNC says, Well, we did do something.
11 We had the legislative push over the last 2 years, and we did this electoral integrity stuff
12 in lots of different States. And, yeah, I mean that, but none of their money -- well, that
13 must have cost something, but none of their money flowed into any of these kinds of
14 efforts.

15 Q When you say these kind of efforts, what do you mean?

16 A The kinds of things that we were doing. The kinds of things that -- flying
17 people around and putting people up in front of hearings in a State senate somewhere.
18 And all that kind of stuff they would have nothing to do with. Sending Phil Waldron to
19 Michigan to get in front of a bunch of State senators and explain what we thought.

20 Q You suggested that people at that point in time give money to defending the
21 republic.org and citizensforfairelections.org. I'm going to come back to defending the
22 republic. Let's just table that for a moment. But who was citizensforfairelections.org?

23 A I actually don't remember them or ever recommending them. Where did I
24 say, that was with L. Todd --

25 Q That was in the interview. You literally said, don't give another dollar to

1 the RNC, give to defendingtherpublic.org, citizensforfairelections.org.

2 A I don't remember citizensforfairelections. But if you reminded me of who
3 the people were, that's probably who I would know.

4 Q My question was if you knew who the people were. So sitting here today,
5 you can't remember them? Were you involved with them?

6 A I don't remember even knowing that name.

7 Q Okay. So if that's not an association that you remember participating in or
8 collaborating with or raising money for?

9 A Correct.

10 Q Okay.

11 A I don't even remember who -- even using that in an interview.

12 Q Did you ever actually -- a moment ago, I think you said you had
13 conversations with somebody, or somehow you had some idea what of the RNC was
14 spending the money on in terms of election integrity? Who told you that?

15 A About 5 months ago I was speaking in Florida to a bunch of -- to a large
16 group, and I made that same claim. I said basically the same thing. And somebody
17 who was the Republican county chair of such and such a county in Florida came up and
18 said no, no, no, the Party used -- you did use that money for something. We've put on
19 this election. You know, we've been involved in election integrity performed at the
20 State level over the last couple of years.

21 Q You said 5 months ago, 5 months ago from today or 5 months prior to the
22 interview day?

23 A Five months prior today. Like sometime earlier this year. And I said the
24 same thing. And some guy from the Republican establishment corrected me. And he
25 said, it's not fair to say we did nothing because it supported these general efforts we

1 made.

2 Q Oh, I see. Okay. So back in approximately February of 2022, somebody
3 corrected what you said. But at the time that you were saying it, when you were saying
4 the Republicans didn't spend any of the \$200 million, do you know how you knew that or
5 where you got that information?

6 A Yeah -- well, I know that I remembered hearing it also down in Florida, but
7 that was several weeks later. Where I had heard it December 6th, I don't know. I just
8 remember at some point I heard \$100 million, and then at some point several weeks
9 later, I heard \$200 million. And that's because in the Trump Hotel, as you would
10 imagine, there's various Republican RNC big shots floating around, they're sitting at the
11 bar, having pieces of chocolate cake, or something, and things like that.

12 I don't remember who specifically gave me that, but I was hearing about this
13 rivers of money coming in. I was hearing rivers of money. I think I was including
14 myself that they were not spending it on anything that we -- you know, just buying
15 somebody a plane ticket to Michigan.

16 Q Okay. So is it fair to say that you heard about the \$200 million -- well let
17 me back up. Do you remember where you even got that number, the \$200 million?

18 A No, but I remember at some point I heard \$100 million. At one point I
19 heard \$200 million. At one point, maybe around Christmas, I heard \$300 million. And
20 just like various Republican Party-type people is why I remember hearing that. And it
21 was my observation that none of that was -- they didn't tell me none of this makes sense.
22 It was my observation that none of it was being spent in anything that -- I may have asked
23 a couple of times like can -- can the Republican Party pick this up, that up, flying some
24 people somewhere? I was always told they were just hands off.

25 Q Do you remember who you asked that of that the RNC pick up any of the tab

1 of the expenses that you were incurring?

2 A I don't remember.

3 Q How would you have --

4 A I may have it to like Sidney or something.

5 Q Sidney --

6 A Powell.

7 Q Powell. And was it your understanding that she was asking somebody at
8 the RNC?

9 A Not her, but I don't remember who. But they were -- you know,
10 somewhere between the Rudy camp, and all these people seemed to have dual -- they'd
11 slide out of one camp and go to this party or something. So she was just in that crowd,
12 or Phil was just in that crowd. And I was asking them to ask, and they were saying they
13 were getting no yeses from the Republicans.

14 Q So I want to make sure I understand. You're at the Trump Hotel and you
15 overhear people talking about the rivers of money coming in. You hear the numbers,
16 \$100 million, \$200 million, at some point, \$300 million. This is where you were getting
17 your information about how much the RNC is raising?

18 A No, not that I overheard conversations. That I was meeting these people,
19 sitting at tables next to them, being introduced to this guy, that guy, here and there.
20 And this coming up in general discussions with me. Not that I was overhearing people
21 talking.

22 Q Got it. And I understand. So you're conversing with people, you're
23 hearing that the rivers of money are coming in. And then the not spending it is based on
24 attempts that you or others made on your behalf to try to get your election integrity
25 expenses covered, and they would not do that?

1 A Or even do not our election integrity -- here is something that we want to do
2 in -- here is something we want to do in Florida. Or here is something we want to do in
3 Texas to see if they will support it. And getting word back that they don't -- or
4 something that is going in Texas that we think is a good idea. So canvassing efforts on
5 this or that to see if they have any interest. And I know that that has been said several
6 times, and we always have heard back no.

7 Q And just to clarify, when you say that we wanted to do, you and the
8 cyber-dolphins, or you and Ms. Powell and Mr. Giuliani?

9 A I think maybe, more generally, just, you know, we are hearing that Joe
10 Vaughn needs another \$100,000, and -- wherever he lives, Georgia -- and at some point, I
11 know that a couple of times he said, could someone reach out to the RNC whose raising
12 all this money. And I always heard back they had said no. So it was more like,
13 yeah -- there are these different grassroots-things starting that we had to start it up and
14 we were trying to feed.

15 Q Okay.

16 A And they were never joining in that.

17 Q And if I understood you, that was your understanding of the RNC not
18 spending money was from your perception that they weren't covering those expenses.
19 And then early in 2022, somebody in Florida said Oh, no, that's not fair and explained to
20 you some of what they paid for?

21 A Yes.

22 Q Okay. So now I do want to turn to defending the republic. I think you've
23 called it DTR. I'll call it that for short if that's okay just for time. When did you get
24 involved in that organization?

25 A On March 5th. Mike and Sidney both called me and said, would you move

1 to Florida and take over and help stand up DTR.

2 Q And that --

3 Mr. Driscoll. Could we go off the record for literally 30 seconds before we get
4 into this.

5 [REDACTED] Oh, sure.

6 [Discussion off the record.]

1 [5:22 p.m.]

2 [REDACTED]. We can go back on the record.

3 Mr. Driscoll. If you could recall exactly what you told the U.S. Attorney's Office in
4 D.C. and repeat it the same way exactly --

5 Mr. Byrne. It's easy when you tell the truth.

6 Mr. Driscoll. -- and do not deviate for a second and make at all an inconsistent
7 statement, please do that.

8 BY [REDACTED]:

9 Q Just to be clear, we might have very different questions. So rather than
10 volunteering a bunch of information that I may not want to ask, let me ask questions.
11 And then if it's outside the scope, if there's a reason why there's an issue, just let me
12 know.

13 A moment ago you said you got involved in March 5th. But was that 2021?

14 A 2021.

15 Q Okay.

16 A That's when I got invited. I got down there about the -- I really was kind of
17 surprised. And I -- but General Flynn asked me to do it. And so that meant a lot. And
18 it meant something that Sidney did. We weren't on much terms at all, but at least the
19 terms that were there were friendly.

20 Q So let me go back for a second. Ms. Powell was running Defending the
21 Republic or in some form or fashion she was fundraising prior to Defending the Republic's
22 creation, which we have as December 1, 2020.

23 Were you involved during that time period?

24 A No.

25 Q Okay. Had no conversations with her about Defending the Republic prior

1 to December 1?

2 A That's correct, prior to them calling me on March 5th. It was kind of a
3 background thing.

4 Like I say, Sidney and I were at a real distance anyway. She was cordial to me.
5 But even when we were living in the Trump Tower, she's off doing her thing. Maybe
6 once a week we're sitting together and catching up. But I'm not -- I was not in her inner
7 circle. We see -- we saw that as one camp. That's not our camp.

8 Q Okay. So your involvement in Defending the Republic --

9 A Would have been March 5th they called me. I went down there maybe
10 March 12th to 15th. We in a week had located an office, moved into by March 22nd.

11 Sidney showed up. She was there -- and, I'll just jump quickly -- she was quite
12 sick, like bronchitis type sick. That had been going on for months. And she stayed in
13 her hotel for all but 3 days, and she came 3 or 4 days over those days she was there.
14 And it was not going well.

15 And so we all split up by April 6th. And everybody walked out and left with her.

16 Q And there was an article where you were reported to have said that General
17 Flynn called you later that same day, on March 5th, and said your business experience
18 was needed with Defending the Republic in Florida? Is that correct?

19 A Yes, that's what it was about. You want me to tell you real quick what it
20 was about?

21 Q Uh-huh.

22 A She had -- so I only kind of found this out as we went -- but it was my general
23 impression that she had maybe -- this had started with her saying something on a show
24 like Lou Dobbs or Rush Limbaugh. She said something on a show, like, we're raising
25 money, this and that.

1 Money started pouring in. It's not unusual, and I've been in this situation ten
2 times in my life, people start companies, and there's a process you're supposed to follow.
3 You register with the secretary of state. You get your organizational meeting, adopt
4 bylaws -- I mean a shareholders meeting, org meeting, bylaws, appoint a board of
5 directors. They appoint a CEO, a CFO. The board passes resolutions that say we
6 authorize this CFO to go to a bank and open a bank account.

7 And you really want to do all that. A lot of people start companies and they skip
8 all those stages. And they think I'll dig it up. I'll excavate later. Every hour you save
9 yourself doing that costs you a hundred hours of excavation and getting it right.

10 I've been in that situation a number of times where I've stepped in, was asked to
11 step into a situation like that. I've learned. And that's my understanding of what they
12 had, and that's my understanding of what they were asking me to come down and solve.
13 That's my understanding of what they were asking me to come down and solve.

14 And that's not -- I mean, it's not -- it's not ideal, but there's ways to resolve that
15 that are -- there's ways to solve that very cleanly. And the way you do it, you draw a
16 line. And you say here's the present. Everything from this moment, we fix the systems
17 and get totally clean, so every dollar coming in is properly accounted for.

18 And once you have that, you then go back to the beginning and you excavate the
19 beginning. If you try to begin by excavating, you never sort of catch up to reality.

20 So that's what I thought I was going to do. I went down there. March 22nd we
21 started. And, okay, so now I've caught up. So that was what I was doing.

22 Q So when General Flynn called you on March 5th, he and his brother, Joseph,
23 my understanding is, had been involved since December.

24 Did they speak with you about -- did he, when he called you, did he mention
25 problems that they'd had since they'd been involved in December until the time that he

1 was calling you in March?

2 A I don't recall him mentioning problems. I think our common understanding
3 was that it was the situation I just described, that there would be someone who knew
4 how to run a business and organize a board of directors and bank accounts and stuff
5 would come in and get it all set up. Do accounting software, personnel policies, just get
6 it organized, and turn it into a real business and step out.

7 Q What I'm trying to figure out is it sounds like Ms. Powell called you that day
8 on March 5th and General Flynn called you. Was there a difference in terms of
9 Ms. Powell saying, "Hey, we need you, come down," and General Flynn saying, "Hey, this
10 thing really needs you because A, B, C, D"? Was there color that General Flynn gave you
11 that was above and beyond what Ms. Powell told you?

12 A No. The impression I took from both of us -- both of them -- was that there
13 was personnel stuff going on. And I even got a call from one of Sidney's people.
14 Sidney has a number of young female attorneys around her.

15 And one of them called, I remember now, had called me the night before and had
16 said, "This is all melting down. We need you to come down. Blah, blah, blah." And I
17 had said no.

18 And then Sidney called -- and I still hadn't said yes -- the next day and then
19 General Flynn called.

20 Q Okay. And there was also public reporting that said in April -- maybe this is
21 what you were alluding to -- many members of the staff and board resigned, including the
22 CFO, Robert Weaver. Were you aware of that?

23 A Yeah, I was part of all that.

24 Q Is that when you resigned?

25 A Yeah, we all resigned the same day.

1 Q Okay. And Mr. Weaver currently wrote in a memo that he had, quote, "no
2 way of knowing the true financial position of Defending the Republic because some of its
3 bank accounts were off limits even to him."

4 Did you have any conversations with him about that?

5 A Yes. I'll walk you through that quickly if you want.

6 Q Okay.

7 A And go back a step. My understanding was that there was some sort of
8 political -- not political -- personal stuff and people were having squabbles and that they
9 were asking me to come in and pour oil on troubled water. That's along with getting the
10 basics of a business set up. And I thought that would be 2 months' work and I'd leave.
11 And as I said, General Flynn said, "Can you make it to the end of July?" I said, "Yes, sir."

12 So that was the origin story. But, again, I thought I was dealing with some sort of
13 personal squabbles. And I didn't know who was squabbling with whom.

14 I went down. We started March 22nd. So I'll just walk you through it in one
15 without making you pull it out of me.

16 Is that okay?

17 Mr. Driscoll. Yeah.

18 Mr. Byrne. We still have the same explanation?

19 Mr. Driscoll. Yeah.

20 Mr. Byrne. On Sidney's phone call, she had told me, "You won't have to worry
21 about money. There's 15 million in the till that's come in."

22 And somewhere in there I developed this understanding, that there was -- make
23 this Texas and this Florida -- that when Sidney had gone on television and radio and said
24 we've started something, my understanding is checks had started coming in and people
25 didn't even know where to send them.

1 And sometimes it's just people sending a few dollar bills in a little card or
2 something. And they were addressing the things like Sidney Powell, Dallas Texas; Sidney
3 Powell law firm, Dallas, Texas; you know, Escrow Account; Sidney Powell, Escrow
4 Account, Dallas, things like this.

5 And then it just sort of splashed into a number of different law firms -- bank
6 account. Sidney had created one bank account at Wells Fargo, and we were relaunching
7 DTR in Florida and -- or moving it and were going get the bank account here and move all
8 the money, the 15 million bucks.

9 I got down there. She told me, "Well, I may have misspoken. It was \$12
10 million."

11 I said, "Okay. Well, this what is we need to do. We need to pull all -- so we
12 need to get all this money scraped in here. And then we're going to move it from here
13 to a new bank account in Florida and start." And she said -- and leave enough behind to
14 settle whatever remaining debts.

15 And she said she had done this and scraped it all into Wells Fargo. And I think
16 that's when I asked, "So there's \$15 million in Wells Fargo?" And she said something
17 like, "Well, it may be more like 12."

18 She had initially sent a million dollars to an operating account up in Rhode Island
19 that Mary Flynn, the mother of Michael and Joe, she was acting as controller. So she
20 had access to that million dollars to start paying checks and buy plane tickets and such.

21 Sidney said move that, what's left of that half million, which was I think about
22 \$500,000 or \$600,000, down to a new account in Florida.

23 I said okay, but we need -- what we need to do, the way you clean this, I gave her
24 the explanation I just gave you. We draw the line in the sand. We get everything fixed
25 as quickly as we can so every dollar that comes in is buttoned down and in the right place

1 and the account, boom, boom, boom.

2 And when all that's good, which we can do very quickly, like in under a month, we
3 can then go back to the beginning. And we'll excavate from the beginning.

4 "And what we need to do, Sidney, we need to go into any account that received
5 any money and we got to verify, scrape all the money together that is in here."

6 And, you know, and, to be honest, I told her if, like, your law firm escrow account
7 had several million dollars in it and it made \$103.18 of interest, we're then going to write
8 a check for \$103.18 from here to here and that's how you do this.

9 So's it not optimal that we started off here so sloppy. But you want it so that if
10 we ever stand up in front of a judge, they can say -- we can point to things like that and so
11 make clear we did everything possible to scrape it together and rectify it.

12 And she said something weird like, "Well, you're going to get to audit this account
13 but not the other accounts."

14 And I said, "Squeeze me?" Like I didn't get it. I was, like -- I thought I wasn't
15 processing it right.

16 And at some point I said, "Sidney, it doesn't work that way. I sign letters to the
17 government. I'll have to sign -- you know, to the IRS. I don't get to tell the IRS you're
18 going to get to look at this account. It doesn't work that way."

19 But after like the second -- I didn't make a big fuss of it and I marked it down as,
20 gee, isn't this funny? Not the first time I've seen this. There's a world famous lawyer in
21 one area, I don't know what her area is, but she doesn't know, like, the basis of how a
22 corporation runs. And how a corporation is, there's a CEO, a CFO, a bank account. You
23 have -- maybe this is why it's all so gummed up.

24 But you know what? Rob Weaver's going be here in another two days and
25 Emily knew Rob Weaver and Emily had suggested we hire him as CFO. And I'll leave it to

1 Rob and we'll get it cleaned up and then we'll go back. He'll explain it to her how a
2 corporation runs. I really thought she just didn't understand how it worked.

3 And then Rob showed up, and he did a very credible job. I was very impressed.
4 He showed up, say, March 23rd. And by April 1st we were buttoned down. He drew
5 the line March 30th or -- how many days hath March, 30 or 31?

6 [REDACTED] Thirty-one?

7 Mr. Byrne. Thirty-one? He drew the line then, he worked very hard, and by
8 March 31st he said everything was buttoned down and every dollar that came in was
9 good. And I said great. And he did a very good job.

10 Then he went back to talk to Sidney and said, "Okay, it's time that we start going,
11 digging up the past." And she told him the same thing, excavating the same thing. And
12 then -- and like I say, she'd only been in, like, 3 days out of 12 or 14 and I have to,
13 meaning, no disrespect to the marvelous Ms. Powell, our working styles were different.

14 And I will only -- I don't know how I can say this without it sounding disrespectful,
15 but the quickest way to say it is if you've ever seen the movie, "The Devil Wears Prada."
16 It was that. It was that. And I was kind of in shock.

17 BY [REDACTED]:

18 Q I'm assuming you are referring to her as the Meryl Streep character and you
19 as the Hathaway character?

20 A Well, everyone is the Hathaway character, everyone. And I thought it was
21 hilarious because here she'd asked me to come down and do this. Actually she was
22 different to me. But it was super unpleasant and no one -- and it seemed to get worse
23 over those 12 days.

24 And then there was the last day I flew her to Texas. And I brought up this thing
25 about, you know, "Rob told me that you said this weird thing to her about that we don't

1 get to look at this or that. I don't think you understand how it works."

2 And then she said something funny about, well, she's got problems, she's -- about
3 money -- and just take her a little bit to open up.

4 And then a couple of days later she sent this letter, which you probably know
5 about, that's been in the papers, the letter, saying, "I'm in charge. I'm in charge of this.
6 And I don't care who you are, who this is and that. And I built this place. And I say
7 what happens here, boom, boom, boom, boom, boom."

8 And actually, when I had agreed to come down, the people who had joined, had
9 joined on the condition -- and Sidney had agreed to it -- that she was not an executive and
10 not in charge. And then at just at the last minute she asked if she could be on the board.
11 And to honor her, respect her, we said -- but I could tell there was such bad blood
12 between them all. But I probably -- I kind of let them down by telling them, okay, that
13 she could be on the board.

14 And then she kind of wrangled that into, after a couple days, the chief legal
15 officer. And then she wrangled that into a letter that says, "I'm running this place. I
16 don't care what your titles are. I don't care this, that. I say what happens, boom,
17 boom, boom."

18 And so the next day, it was kind of funny because it wasn't like a big discussion.
19 We all went in. "Are you quitting?" "Yeah, I'm quitting," "Oh, yeah, yeah, we're all
20 there. Okay. We're all quitting.

21 "So let's get everything cleaned up as well as we could by 5 o'clock today, just get
22 everything. And, Rob, I want you to write a memo that explains, 'Sidney, you have
23 to'" -- what you have to do. Whatever he wrote. And saying, "You have to have an
24 outside audit. You have to go back and do all this and scrape all this money together
25 and account for it and report it to the IRS, boom, boom, boom."

1 And that was -- and we did -- we spent the day laying out carefully everything that
2 should be done and everyone walked out the door.

3 Q And so a moment ago -- I just want to make sure I have these people as
4 being involved. You tell me if I missed anyone.

5 I've got Rob Weaver. I believe he's one of the co-founders of the Jericho March
6 that you talked about earlier. I've got Emily Newman, Joseph Flynn, and -- Joseph Flynn
7 was on the board of directors and Michael Flynn was an adviser?

8 A Yes.

9 Q Is there anyone else I'm missing?

10 A There was some at level, I mean, names that not -- other people, I mean,
11 people who were helping set up computers. Well, Todd Sanders, Todd Sanders, that's
12 when he was in. And also some people like getting computers wired together and an
13 accountant named Mary something. I forget her last name. There are one or two
14 more but not -- people who put computers together type stuff.

15 Q Understood. And so a moment ago I think you alluded to this, your April
16 9th departure. You sent a resignation email. It was publicly reported that you wrote,
17 quote, a detailed -- excuse me. You hinted at concerns about the organization's finances
18 and wrote, quote, "A detailed accounting of every donation that has come in to any bank
19 account must be made and subsequent flows accounted for."

20 Does that sound right?

21 A That sounds right.

22 Q Okay. Do you know what happened to the donations that were made to
23 Defending the Republic?

24 A Well, I'll put it this way. I'll jump to the chase. I heard -- at the time I left,
25 I left sort of 95 percent, because of the personal unpleasantness towards everybody,

1 Defending the Republic, it wasn't yet registering for me. And it was after I left and sort
2 of thought about it a bit I got -- I wondered why -- I started noticing, my recollection, it
3 was this, as we had asked about the money thing, is when her unpleasantness had
4 increased, increased.

5 We thought, I thought she just didn't understand how it worked. And that's why
6 I was going back, saying, "No, we're going to have to go back and get this account and
7 look at these documents and such."

8 And sometime later in the day, she's picking a fight about something else. I
9 wasn't connecting it. But she was -- and it started occurring to me.

10 I'll add this. I don't know if any money was taken or not, but there's a very
11 simple way and I explained to the DOJ, you can find out in about 5 minutes, because what
12 happened sometime after I left is I found out -- I was told that, oh, no, no, in just such and
13 such account and alone \$20 million came in. It was the credit card account.

14 Well, I'm not sure. So just be aware that the -- that information, who passed it to
15 me, I'm not sure the person is a hundred percent credible on it. But, anyway, if that's
16 true, what it meant was that there was probably, when you think of the personal checks
17 that came in and things like that and maybe big wires, maybe there was \$25 or \$30
18 million.

19 So all you have to do, I told the DOJ, is you find out if that Stripe account -- it's
20 called a Stripe account -- and if there was -- if \$20 million had flown into that by the
21 middle of April, then -- well, if -- if only, you know, \$10 million had flown in and there was
22 some other check, then she's telling the truth. And if more than \$12 or \$15 million
23 flowed into there, then somebody's making off with a bunch of money.

24 And, frankly, if she made off with a bunch of money, I can tell you my hypothesis
25 would be, and boom, boom, boom. I laid it out.

1 And I went to DOJ and explained that. And they -- I know 10 days later and they
2 said Sidney Powell's cooperating with us. So I don't know, but it would take them 5
3 minutes to look into one account and find out.

4 And I did hear that later in July of 2021 she published financials that said she had
5 taken in \$12 million by July. So you now know everything I know.

6 Q I know you weren't there that long, but to the extent that you spoke with
7 anyone who was there, did you ever actually see Defending the Republic pay for any
8 expenses related to election integrity issues?

9 A Well, we're just getting going. But, yeah, we started -- I mean, we started.
10 We cut a check. I mean, like literally we're setting up bank accounts and such. But
11 getting -- doing all the things, forming the board, having it give resolutions, then authorize
12 the CFO to go to a bank, all that takes several days.

13 Yeah, they were -- I mean, we were lining up and starting to meet with people,
14 lining up. There was defend -- defending Florida was one we gave angel money to. We
15 agreed and we talked about it at the board to give money, like, \$2 million to Maricopa
16 and things like -- and some \$500,000 checks.

17 That was all rescinded after we left, and so I picked up the half a million dollars.
18 Actually, I ended up picking up about five or six.

19 So, yeah, I mean, we were the ones there that were sincere about finding things to
20 do. But like literally we spent that 2 weeks getting bank accounts organized and chairs
21 and computers set up and starting to figure out how we were going to do what we do.
22 Okay? And so we were sincere about finding places to -- but not much got going before
23 like -- I was there 12 days and we all walked out the door.

24 Q Yeah, and I do understand you had expenses. I think you leased office
25 space, and you were setting up staff. So I understand there were expenses related to

1 Defending the Republic. I was talking about expenses that you actually outlaid related
2 to election fraud or election integrity issues. And if I heard you, the one that you started
3 to say Maricopa, you left, it got rescinded, and you ended up personally paying for that?

4 A I paid about -- yeah. Yeah. Well, yeah, roughly, that's roughly true. I
5 don't -- that's how it unfolded. That's -- yeah, that's how it unfolded. I've said all that
6 publicly. I never clued in on the DTR portion where she initially had said that that
7 was -- that they would fund \$2 million if an audit got going. But that's what really
8 happened and then they -- she welched after we left.

9 I did not and I've indicated it did not -- her focus seemed to be on defending the
10 Sidney Powell and it was about law cases involving her stuff. And that was another
11 observation, that she didn't seem as interested as we thought this was about was getting
12 all this started. She was interested in lawyers that are defending the bar actions and
13 defending lawsuits and all that kind of stuff. So that was among the things that was
14 becoming clear to us.

15 Q So sitting here today, are you actually aware of any funds that Defending the
16 Republic paid to actually overturn the 2020 election?

17 A Well, we don't view it as overturning. We view it as challenging.

18 Q Challenging the 2020 election?

19 A Okay. It's pretty hard for me to name any. I have heard of a little bit. I
20 think she bought some billboards. She put up some billboards. I heard that she was
21 involved in the defense of a few of the J6 people. It looked like she put up some
22 billboards a few places. I think once or twice -- I think once I've heard about a donation
23 of several hundred thousand dollars to something. I couldn't name anything, but that's
24 it.

25 Q Is it fair to say that your understanding right now in terms of the \$12 to \$15

1 million dollars that Defending the Republic made that you were aware of, that most of
2 that has not to your knowledge been spent on challenging the 2020 election?

3 A Well, I think that most of what's been spent has been spent on the lawsuits
4 that are involved and the lawsuits that she's involved in.

5 Q I just want to be clear. The lawsuits that she's personally involved in or the
6 lawsuits that were brought to challenge the 2020 elections?

7 A The lawsuits that were brought -- oh, not -- well, the lawsuits -- I don't know
8 what. I think of them -- I don't know what. But she had some very high -- she had
9 some very expensive lawyers. I was not -- I heard some astronomical figures about what
10 they were being paid. I brought it to try to find out and I was -- told I wasn't going to get
11 to know that. So --

12 Q And I want to be clear, because I don't want there to be confusion. The
13 lawyers that are defending her, like in the Dominion lawsuit, et cetera, or lawyers that
14 she hired to bring lawsuits to challenge the 2020 election?

15 A We did not see much of the latter. We did not see much of the latter --

16 Q Okay.

17 A -- is what is I'm saying or much interest in the latter. We saw a lot of the
18 former.

19 Q Okay. So just to be clear, it's your understanding that a significant portion
20 of the funds went to lawsuits to defend her personally, not lawsuits that were brought to
21 challenge the 2020 election.

22 A Well, I didn't know there being any lawsuits to challenge the 2020 election
23 after that initial stuff before January 6th. I'm not aware of there even being further
24 lawsuits from her. So I don't want to walk into a trick question. Like we're not --

25 Q No, no, that's a fair point. Your understanding was all that -- all of that

1 litigation had been filed. I guess what I'm trying to get at is, what did you think the
2 money was being spent on? I mean, you said litigation. I'm trying to make it clear that
3 it was not litigation challenging the 2020 election. It was her personal litigation that she
4 was involved in.

5 A I thought -- I got you -- I thought what the money was being gathered for
6 was to do everything -- to do what The America Project is doing now. And all -- there
7 were discussions of things like the billboard campaign. There were discussions of things
8 to do. But I would say she was very tightfisted.

9 And that's why she explained to me on that plane that had though do with her
10 being Scottish and Scottish people are very tightfisted and just give me some time and I'll
11 get more comfortable of loosening the purse strings, or something, and which just
12 doesn't fit with my idea of the kind of answer an adult would give about how this
13 company's going to run.

14 Q And a moment ago I think you started to say that what America Project did,
15 and that was actually what I was going to ask you about next.

16 Right after your resignation, it sounds like quite quickly afterward you launched a
17 new nonprofit with General Flynn and that's The America Project. Is that correct?

18 A Within a couple weeks, yes.

19 Q Within a couple weeks. Okay.

20 A I think we all kind of took a couple weeks off and then reformed and figured
21 out what we were going to do.

22 Q So it wasn't in the works. It was not anticipated. It was in response to the
23 unexpected implosion of Defending the Republic?

24 A Yes.

25 Q Okay. And do you know -- I believe you ended up funding the April 2021

1 Arizona recount. And public reporting said that you contributed \$3.25 million to that
2 effort. Is that number correct?

3 A Well, we usually count General Flynn's 1.25 that came from America's Future
4 and we also had -- I mean, that was at one stage. But there are other things that
5 happened. There were other things.

6 I think the numbers, when it all totaled up, came to about \$5 million from my side
7 of the table. But that \$5 million from my side of the table represents -- I think it came to
8 about \$3 million from me and \$2 million from -- flowing through from donations to The
9 America Project.

10 Q Okay. I think in the -- maybe in the same article you told -- well, the
11 reporter claimed that you said that you had spent nearly \$12 million from your own
12 fortune on efforts to expose what you called a, quote, "deeply flawed election
13 system." Does that number sound correct, \$12 million?

14 A Yes, although it's substantially above that now. Well, \$4 million -- 3-ish
15 would have been gone through Deep Capture. And then the rest would have gone
16 through The America Project.

17 Q I'm sorry. I couldn't hear you.

18 A I'm sorry. The America Project --

19 Q Okay.

20 A -- the rest would have gone. So that counted the first three or four through
21 Deep Capture.

22 Q Okay. And is that the expenses we were talking about earlier where you
23 were flying people around and the cyber people?

24 A Yes.

25 Q I keep calling them cyber dolphins, but I feel like those are separate. Cyber

1 and then dolphin people?

2 A Right. Dolphin-speakers.

3 Q Dolphin-speakers. Okay.

4 A You've heard -- you know -- okay.

5 Q I was combining them, and I think they're separate groups.

6 A White hat hackers is the preferred -- ethical hackers.

7 Q That one I'm familiar with. Dolphin-speakers I had not heard. So, the

8 white hat hackers and the cyber people and flying them around in planes, et cetera,

9 everything Deep Capture you think came to \$3 million and \$9 million was The America

10 Project.

11 A Yes.

12 Q Okay. And sitting here, I understand that's a lot of money. But to the best
13 of your recollection, what were the big expenses related to election fraud or challenging
14 the election that was in that \$9 million that The America Project spent?

15 A Well, 70 percent of what The America Project spends is about election
16 integrity. It's -- that's the -- so it's -- some of it is supporting things like Maricopa and
17 Jovan. Some of it is supporting other -- other -- in other States there are people who
18 want to talk to State legislatures.

19 And so we fund the American Candidates for Election Integrity and they go and
20 they rent a Holiday Inn conference room and some State senators show up and the public
21 shows up and gives their -- tells the legislatures what's their impressions.

22 And then there's a group, a big thing was -- a big expense is what happened in
23 Virginia last year. We worked with Bishop Leon Benjamin and he went out to lots of
24 Black churches, frankly, he got a lot of volunteers, as well as White, somewhere between
25 500 and more.

1 And they just put together a plan for election integrity in Virginia, which largely
2 amounts to just going and taking a camera and saying to the county official, "Will you
3 read this line from this law about how citizens have the right to observe?" And they do
4 that. And then they took observations levels in the precincts from 20 people to -- 20
5 percent to 95 percent.

6 So my understanding is that's what they did in Virginia. And it takes some
7 analysis of the laws and figuring out what their best thing is. And then this year we've
8 cookie-cuttered that, you know, supersized that to, I think, ten different States at this
9 point.

10 Q Do you happen to know America Project, is it a 501(c)(3)? (4)? (6)?
11 A It's a (4).

12 Q It's a (4)?

13 And do you, to the extent that you know off the top of your head, do you know if
14 they paid Cyber Ninjas for any portion of the audit that they did in Arizona?

15 A Well, yeah, I think all of that money was paid to cyber. I mean, cyber was
16 the general -- Cyber Ninjas was the general contractor and divvied it up to others,
17 although maybe it wasn't paid directly. I think there's some fund that we set up that is
18 the bank account. I forget the plumbing details but I think there's some -- some bank
19 account set up that was for people to donate into and we sent that money to them.

20 Q Who would have set that up? Who set up the plumbing that you just
21 referred to?

22 A I don't -- I don't recall.

23 Q Would it have been somebody at The America Project?

24 A No. Doug -- we were told -- Doug was running it and I was told --

25 Q Who is Doug?

1 A Doug Logan of the Cyber Ninjas was running it, and I was told stay the way
2 the hell away. We don't want you, Byrne. You can write checks, but don't come
3 anywhere near this. You will taint the audit. So that message allegedly came to me
4 from Karen Fann, the Senate president.

5 So I really had -- was kept very, like, very much out of the loop. I only found now
6 the middle of summer what the audit was, what they were, in fact, doing.

7 So I think it may have been one -- if that was set up, we may have set that up.
8 America Project may have set up some kind of account that the public could get -- could
9 give to that would flow to Doug. And then we sent our money to that. Maybe it was
10 Doug who set up that account himself. I don't recall.

11 Q Why do you think Ms. -- was it Fann that you just said, Karen Fann?

12 A Uh-huh.

13 Q Why did she think you would taint the audit?

14 A Because if I were involved at all, then no matter what I do, people are going
15 to say, well, that was just Patrick Byrne's audit. It turns out they say that anyway, even
16 though I had nothing to do with it other than sending checks. But that's why.

17 Q And do you happen to know if The America Project also fundraised from
18 people for the audit?

19 A Yes.

20 Q Okay. So earlier when you said that you were self-funding some things, I
21 got the impression that Deep Capture was self-funded, that you were paying that?

22 A Oh, yes. I'm sorry if I wasn't clear. I think about 75 percent of the money
23 that's come in to America project is my money and about 25 percent from the public,
24 maybe 20 percent from the public?

25 Q And Deep Capture, 100 percent self-funded?

1 A Yes.

2 Q Okay. Do you remember having any conversations with Ken Bennett, who I
3 believe was the spokesman for the audit? Oh, do you know Mr. Bennett?

4 A I believe we've met. I don't recall a meeting. I believe sort of shaking
5 hands. But we may have -- we have met -- we're not -- we're not close. And I think he
6 was -- is not a good guy and he knows I think that. So we've kept our distance.

7 Q Why do you think he's not a good guy, or what gave you that impression?

8 A He was from the beginning doing everything he could to sabotage, slow,
9 beat down that audit and in an extremely inappropriate way and submarine it basically.
10 And he's much despised by all the volunteers who worked on it. They feel very -- the
11 Arizonans who went and worked and volunteered feel very much sold out by Ken
12 Bennett. I think that they very -- that he very much misled the public and misled the
13 House when he came here.

14 Q So in April public reporting said that he gave a press conference where he
15 actually called on people to donate to the audit through The America Project's website.
16 Did he talk with you about that before he said anything?

17 A In April?

18 Q April 28th.

19 A Of 2021?

20 Q Yes.

21 A That's news to me.

22 Q Did you have any conversations with him before he did that?

23 A No. It really surprises me, frankly. But I may be a little vague.

24 Q Was it understood at the time that The America Project was paying Cyber
25 Ninjas? So if you wanted to pay Cyber Ninjas, you had to pay The America Project?

1 A No, no, my understanding -- no. That -- my understanding was they had a
2 freestanding mechanism with Doug and we were stepping up and saying, okay, we'll
3 contribute and such to that or we'll help you out any way we can. You need us to set up
4 an -- you need us to set up an escrow account or whatever, maybe we did that.

5 You need to us -- I thought we were being much more helpful than it turns out we
6 were. And I thought that what was going to happen was Doug was going to get going
7 and we were going to support him with a bunch of assets, with bookkeepers, people who
8 knew how to set up a production line and this and that.

9 Doug is a small -- was running a small, elite company that -- but it's different than
10 running an organization with, like, 600 volunteers or 2,000 volunteers. So I thought we
11 were going to help him. I was told that he was saying, Well, no, no, no, stay away, stay
12 away, stay away.

13 I found out in the middle of the summer that he, in fact, had been asking for help
14 and felt like we had not been supportive enough, which drove me crazy because I had
15 been saying the whole time, why don't we get more assets out to support him? And I'd
16 been -- so there that was disconnect.

17 Q Do you remember who asked -- a minute ago you said it was your
18 understanding or somebody asked you. You said something about setting up an escrow
19 account, or basically I think earlier you called it setting up the plumbing. Do you
20 remember the conversations about setting up the plumbing that would allow funds to get
21 to Cyber Ninjas?

22 A Not specifically. I don't know if we set it up or he set it up.

23 Q You don't know if you, America Project, set it up, or Doug, Cyber Ninjas, set it
24 up?

25 A Yes.

1 Q You don't remember having conversations with Doug about who -- do you
2 remember having conversations with Doug about who would have to set that up?

3 A No. Like I said, Doug and I had very rare conversations. So it was people
4 in my company dealing with him but -- and The America Project dealing with him. But,
5 no, I don't remember any specifics. I know we -- we've given far more than the public
6 has given us to give to Doug.

7 Q Do now if there's somebody who works at The America Project whose job it
8 would to be handle that or be aware of the details of how things would have gotten set
9 up or how donations would have worked to Cyber Ninjas?

10 A Well, at the time it would have been Rob Weaver and Emily, but they're not
11 with the project anymore. They've moved on to other things that they're pursuing.

12 Q I believe you also employed General Flynn as a paid special adviser at The
13 America Project. Is that right?

14 A Well, he's unpaid now. But he was for several months in 2021, he was a
15 paid -- really a paid spokesman.

16 Q Okay.

17 A But he in the -- oh, for 5 or 6 months and then he said, "Let's stop, let's stop
18 that, and I just want to do it for free."

19 Q Do you remember how much you paid him?

20 A It was I think about 50 grand.

21 Q Total or a month?

22 A No, 50 grand over the time of the year, 50 or 60 grand.

23 Q Okay. I think when you were talking with the reporter, you said that any
24 money that was left over after Arizona would be used to fund the audits elsewhere, and
25 you kind of alluded to other audits. Have you funded any audits elsewhere since

1 Arizona?

2 A There was no money left over, first of all, by a country mile. Like I said, I
3 think it's more like over \$6 million collected, over \$5 million from The America Project
4 and I think about two of that came from the public.

5 And at far as funding audits elsewhere, we have funded a lot of audit type and
6 election integrity stuff elsewhere. We're sort of everywhere in the movement funding
7 stuff. But it might be things like -- so audits. Have there been other audits, audit
8 audits? There are other audits that don't make the news.

9 I'm sure if we went back through all the disbursements, you would find that we've
10 done some funding of things that you would call audit or small audits or things like that.
11 We're very supportive, and we help everybody out in the movement that we can.

12 Q I think I understand.

13 A minute ago, when I was talking about the article and you said any money left
14 over after Arizona would be used to fund audits elsewhere, did you mean funds left from
15 the donations that were made, not the funds that you self-funded?

16 A Correct.

17 Q Okay. So there was no money left after the donations. It pretty much
18 funded Arizona.

19 A Yeah, the donations funded about \$2 million out of \$5 or \$6 million and the
20 other people's donations. And yet we funded that, and we're still funding these kind of
21 activities.

22 Q Was it your understanding that all-in the Arizona audit cost about \$5 to \$6
23 million for Cyber Ninjas? Is that, when you say it was \$5 to \$6 million, are you talking
24 about just the Cyber Ninjas audit?

25 A Well, I'm talking about -- but I understand Cyber Ninjas as encompassing,

1 that he was the general contractor and there was all these different pieces.

2 But I actually understand it to have come to significantly more than that. I would
3 have thought it had come to \$9 or \$10 million, frankly, maybe not. Maybe -- because I
4 did see him recently and I thought that he might still be millions of dollars in the hole.
5 And he said, no, it was, like, \$800,000 or something.

6 I'm going to have to -- one more time I'm going to run to the bathroom.

7 Q No, no, that's okay. That will give me a second to condense.

8 [Recess.]

9 ██████████. Okay. So we'll go back on the record.

10 BY █████:

11 Q A moment ago, Mr. Byrne, you said that a lot of the funds that had been
12 given to America Project were effectively self-funded by you. I think you said 75 percent
13 of it was. Are there any funds sitting in America Project left?

14 A No, we're spending it as we go.

15 Q Okay. And do you pay yourself a salary from The America Project funds?

16 A I don't believe so.

17 Q Okay. Do you have an accountant or a financial manager nor the entity?

18 A Yes. I mean, yes, there's a woman. It was Carl Johnson, but we have a
19 real controller now.

20 Q Okay.

21 A Her name is Reene.

22 Q I'm sorry?

23 A Reene, R-e-e-n-e, I think.

24 Q I'm glad you spelled that. We would not have guessed that.

25 So then it looks like in April 2021 you established a paywalled election fraud feed

1 on Locals, which I think is a subscription site. Are you familiar with that?

2 A Uh-huh.

3 Q I think at some point you had more than 19,000 subscribers. You might be
4 over 20,000 now, if I'm remembering correctly.

5 A I've never even checked.

6 Q This was publicly reported, so it may or may not be correct. But when I
7 went on the website, it looks like they pay a \$5 monthly fee or a \$55 annual subscription.
8 And some reporters basically did some calculations and it looks like they -- that stream
9 makes about \$1.15 million annually.

10 Does that sound correct?

11 A It sounds correct except their assumption's false. There are people can be
12 signed up and be members and follow me and not pay any money. You only have to pay
13 the 5 bucks a month if you want to leave messages and send me messages and things like
14 that. That's how Locals does it.

15 So, no, it's not -- I wish we had 20,000 paying. It's much smaller than that.

16 Q So just because somebody is a subscriber does not mean that they're
17 actually paying the subscription fee.

18 A Correct. They can just actually just be on -- on the -- and observe, watch,
19 things like that. But if they -- they only have to start paying a subscription if they want
20 to leave messages.

21 Q Okay. So that -- that actually -- that same article reported that you said you
22 believe you've only earned about \$250,000 so far from your book and subscriptions
23 through the site. Does that sound right?

24 A That sounds right, except I checked it recently. I happened to have just
25 about a month ago been on. I think it said something like \$350,000 had come in,

1 \$370,000.

2 Q And that's from the site?

3 A Yeah, that's from Locals.

4 Q Okay.

5 A Locals and the -- I don't know if anything actually came in from the books.

6 I'm sure some small number came in. But it's mostly Locals.

7 Q Is it referring to the book that we've been talking about, or did you write
8 multiple books?

9 A Well, "The Deep Rig," there's the book that I wrote and got out in, like, 10
10 days, self-published. I went back 6 months later and I sort of did a -- spent a day
11 reviewing and not rewriting but editing and re-uploaded. So I call that the second
12 edition.

13 It turns out, if you buy from Amazon, it's not there. If you buy it from Ingram,
14 you get the -- the first book is like a very, very rough draft. I wrote it in a week. The
15 second book is a bit more polished.

16 Q What made you decide to do the subscription fee to charge people for your
17 election fraud-related content?

18 A Well, actually it was -- so I -- David Rubin started Locals. And you know
19 David Rubin?

20 Q He's a comedian, right?

21 A No. He's a -- he was actually -- do you know who Candace Owens is? As
22 Candace Owens is to the Black community, David Rubin is to the gay community.

23 Q Okay.

24 A But he's an intellectual and he started -- he left The Young Turks and started
25 Locals. And I'm an investor. And I met him at the Trump Tower, having lunch or, like, I

1 say, I was down at the Trump Tower back December 2020 and he was there.

2 And because of my background, he wanted -- he was interested. Anyway, so I
3 put a million dollars in and I own a piece it and it recently was bought by Rumble. So --

4 Q I'm sorry. Your voice dropped for a moment there, and I couldn't hear you.

5 It sounded like you said you invested in Locals?

6 A In Locals, I for a million dollars own I think 7 percent or 10 percent. And
7 then it was recently bought or later it was bought by Rumble. And so now it's Rumble
8 stock.

9 But that -- so, to me, some of what I was doing with Locals was kind of trying to
10 help David and set up something. And that's his business -- that's his business plan.

11 He's changed that plan. Like I think when it started, you may have had to
12 subscribe to watch it at all. And then he changed it so, well, you can subscribe and
13 watch but not interact. He's changed it during -- so anyway.

14 So I have checked recently and there was about \$350,000 total had been earned,
15 and I believe all of that has been sent. I have to go clean it up periodically but I
16 believe --

17 Q When you say you have to clean it up --

18 A Send the money to The America Project.

19 Q Okay.

20 A I promise I've spent more far more than the money that's come in to me
21 through Locals.

22 Q Oh, no, I was just trying to understand if it, like, went somewhere and then
23 you had to, like, withdraw it, like a Venmo or something.

24 A I think it does work like that.

25 Q Okay.

1 A I haven't actually done it. I have an accountant who does it. And so I
2 need to -- I made a mental note to remind her to go in and clean it out again.

3 Q So there was an article I think that the -- I think it was the Daily Beast that
4 you spoke with, that was interviewing you, I guess, about partially about Locals.

5 And you said, "A hundred percent of the funds people are paying me on Locals are
6 going to help fight this fight."

7 I'm assuming you mean the election fraud fight?

8 A Election -- The America Project, in general.

9 Q And that was my next question, is when you say all the funds are going, are
10 you just taking the Locals money and giving it to The America Project?

11 A Correct.

12 Q Okay. And to the extent that you know, you probably haven't even
13 divided -- do you know what the money from Locals has actually been spent on?

14 A Well, everything just -- I think it would be wrong to say we got that money
15 and we spent this money on this and, that, I mean, all that money --

16 Q You just dump it in America Project.

17 A And then America Project spends what it spends.

18 Q Okay. You also made a movie. And I'm sorry, I'm not as good
19 remembering names as Mr. Harris is.

20 But there was an article that talked about the licensing fee and you told the
21 reporter that people can pay a licensing fee for the right to show the film in venues
22 ranging from living rooms to bars and churches. And they, in turn, will be able to charge
23 as much or as little as they want for tickets.

24 Does that sound familiar?

25 A Yes.

1 Q Okay. How much, to the best of your knowledge, how much do you think
2 you've made in licensing fees from your movie?

3 A Not substantial. That was Joe Oltmann's and Steve Lucescu's thing they
4 worked out. They had some new way to release a movie and not substantial. Probably
5 in the tens of thousands, maybe -- maybe -- I think, everything all in, we may have made
6 back the \$200,000 total.

7 Q That was the cost of it?

8 A Yeah. Well, the cost ended up being more like \$700,000. And I think that
9 we -- I'm sure we haven't made that much back. I would say at the top we've made back
10 might be \$100,000 or \$200,000.

11 Q Okay.

12 BY [REDACTED]:

13 Q Just a couple of quick questions for you.

14 So I wanted to turn back to the conversations about Ms. Gracia, Ms. Bianca Gracia.

15 A Uh-huh.

16 Q We discussed the situation with flying the Latinos for Trump group to D.C.
17 Did you have a meeting with her or any conversations with her around the 5th or the 6th?

18 Did you see her in D.C. at that time?

19 A I don't believe I did. I believe I only met her in sort of May or June. She's
20 confirmed to me we did not meet on that trip that she came to the December 13th. I'm
21 wondering if we might have crossed paths like January 4th, 5th, or 6th.

22 Q Okay.

23 A But I don't -- I think she indicated we didn't meet until like May or June of
24 2021.

25 Q Could we revisit a little bit how that flight arrangement occurred? How did

1 she know to ask for flights? Was it an offer you made?

2 A It was more like somebody with me. And I think it was a young woman
3 named Regis (ph) who was acting as my assistant who had come up from Texas. And
4 she was -- her interest was the human trafficking stuff and then she got pulled into this.

5 She, if my recollection is correct, that she mentioned to me that she knew some
6 Latinos in Texas who wanted to come and it would be a nice thing and would I be willing
7 to do something like that. And I said yes. And then, like, yes, I'd authorize it. And
8 that would be the entire conversation.

9 And then she told Carl, who happened to be waiting for me here. And then Carl
10 would have called NetJets. We would have gotten the details. There's a whole -- you
11 got to get people's names, birth dates, get it all together, send it to NetJets so there's a
12 manifest. Essentially he would have handled all that.

13 And he has -- I think he just told me, it vaguely rings a bell, that he organized a
14 plane and he remembered the conversation where I said, was there going to be a plane
15 going A, B, C or you going to do two planes like that?

16 And he said, I do remember something about a day where we organized or there
17 were two different NetJet flights and you can't have two planes in the air at the same
18 time. So we had to do some. So that's what he vaguely remembered.

19 Q And so other than Carl, you think it was somebody named Regis? Is that
20 what you said?

21 A A woman named Regis would have been in our group who knew Bianca.
22 Regis lives in Austin and she, I believe, had came to us -- I can check that very quickly.
23 But I vaguely remember Regis saying something about some nice Latinos in Texas, that it
24 would be a big deal for them if I could bring them in a private plane to D.C. As I recall,
25 they said that they would pay for their own hotels. So now you know what I know.

1 Q Okay. And then so you think it would have been Regis that might have
2 made the suggestion to Bianca that, "Hey, Pat has this option of NetJet and might be able
3 to get your group to D.C."

4 A I think it might have been.

5 Q Okay. And then I know we also discussed sort of the allegation that there
6 was another flight centered around the 6th that might have involved individuals named
7 John Sullivan and Thad Cisneros.

8 A And that they allegedly were on the same flight?

9 Q That was the flight on the 6th, yeah.

10 A I'm not aware of such a flight and I would have -- but like I said, it wouldn't
11 be impossible. I don't remember doing another flight like that.

12 But these were not huge things in my mind. These were -- I was just trying
13 to -- so I don't remember that flight. But I thought there was probably maybe spacing
14 on it.

15 But I did over lunch ask the guy. And I thought he was going to stay what he said
16 about Bianca, that flight, which was, like, it rings a bell. And he did say something about
17 remember a day we had to adjust two different flights so they could both. So he
18 remembered that.

19 But when I said, "Okay, do you remember anything about another -- a flight from
20 Utah or somewhere?" he said, "Not at all. I don't remember anything about a flight
21 from Utah associated with January 6th or the days leading up to January 6th." He said,
22 "That doesn't ring any bell from me. But, of course, we would have to check our records
23 to be clear."

24 Q And we discussed that Mr. Tarrio, you know, at some point had a
25 relationship with Latinos for Trump. He was the Florida State director for that group.

1 And then Mr. Cisneros. Did Ms. Gracia tell you that he was a director also, he was the
2 Utah State director?

3 A No, I don't know anything about that.

4 Q Okay. What did Ms. -- other than that she didn't know anything about him
5 being on a flight, what did Ms. Gracia tell you about Mr. Cisneros?

6 A I don't recall ever discussing Cisneros. I brought up Enrique Tarrio to her.

7 And he said -- and she said, "Yes, I know him. We did this and that. He was on
8 my board of directors. And, in fact, he was my State coordinator in Florida. And then
9 he joined the -- then he became the Proud Boys."

10 He said that all -- she said that all predate the Proud Boys. She gave me the
11 impression it was a decade ago.

12 Q Maybe correct me if I'm wrong, but what I remember you saying earlier was
13 that you had discussed with Ms. Gracia the allegation that Mr. Cisneros had been on a
14 flight and she said he's lying.

15 A Not -- oh, is that Thad?

16 Q Thad, yeah, Thad Cisneros.

17 A Yeah, I wish I could find that on my phone. I should have looked again.
18 Yeah, she said he's a kook. He's, like, a psycho. He's lying. That's what she said.

1 [6:18 p.m.]

2 BY [REDACTED]:

3 Q Okay.

4 And then I just wanted to return to a different topic, just to the January 5th
5 meeting with that --

6 A Oh, I'm sorry. She said that he's one of the guys sort of going around trying
7 to -- I forget her words for it -- but trying to do that muscling thing that I described, that
8 he's, like, running around and tries to get associated with people.

9 Q Okay. But she didn't mention that he was also involved with Latinos for
10 Trump?

11 A No.

12 Q Then let's go to that January 5th meeting with the militia guy who had told
13 you about the 100,000 individuals with long guns.

14 A Uh-huh.

15 Q I think you said he didn't identify himself to you, right? You didn't know
16 who he was?

17 A No, I didn't know.

18 Q And I think you might've also said that you didn't ask him who he was?

19 A I don't remember that specifically in the conversation. Like, once he had
20 explained what his mission there was, I wasn't going to ask him a bunch of questions. I
21 mean, I was going to let him talk and hear him out.

22 Q I guess that's my next question. Why wouldn't you ask him who he was, if
23 there's an individual telling you he's got 100,000 people at your disposal?

24 A Not 100,000, 10,000.

25 Q 10,000, correct.

1 A I didn't want to get close enough to know his name.

2 This is where it gets really weird that -- so I see myself as on this -- so I told you
3 about the promise I made to Uncle Sam in 2014? Did I tell you guys about that?

4 Q Sorry, I didn't hear you.

5 A I made a promise to Uncle Sam in 2014. I guess I haven't told you this.

6 BY [REDACTED]:

7 Q Is Uncle Sam a person, or do you mean the Uncle Sam --

8 A No, Uncle Sam.

9 Q Okay. God, or the country patriotic Uncle Sam?

10 A Two FBI agents and an agent from another government agency.

11 Q Okay, thanks. Sorry. That could've gone a lot of ways, so --

12 A Okay.

13 Q -- we just needed some clarity there.

14 A Two FBI agents and an agent from -- two FBI handlers and a handler from
15 another government agency. And we had some, sort of, 2-, 3-hour discussions. Oh, I
16 guess I haven't said this. I've said it to you too many times in my mind, and I forgot it
17 hadn't been said aloud.

18 That it had been noticed that -- so, since 2002, I've been talking at libertarian
19 conferences and Cato and things like this. And often it's, like, guys like Richard Epstein
20 and myself and law professors, and we are talking to people who have copies of the
21 Constitution in their pocket, and that's what we're talking about. Somewhere around
22 2010 or 2012, the crowd started to be more mixed, and it was guys sometimes, like,
23 showing up with AK-47s and bandoliers.

24 So Uncle Sam and I had a discussion about this around 2014 or 2015, where they
25 told me that this day is coming, that this day is coming. And it was understood between

1 us that -- I was just saying, keep this side peaceful. I'm supposed to keep this side
2 peaceful.

3 Even when -- and they weren't on the other -- I mean, I think that, politically, some
4 of their -- some people's -- but what I call the constitutional side is -- or the pro-freedom
5 side or the truth side -- that they pointed out to me in a conversation that -- and a lot of
6 work, I know, goes into what they're going to say in each conversation -- and that there is
7 a civil war coming someday, and it's going to be up to you, Patrick, to keep this from going
8 kinetic.

9 And I promised them -- there were two long conversations. I promised them I
10 would keep it -- I would always -- that people -- they, you know, would point out to me
11 people listened to me. I said I would always be the guy fighting for peace, fighting for
12 peace.

13 I've often wondered in the last year, was that an affirmative duty, an affirmative
14 promise I had made? Like, I have to stay here and do that? Or, like, I often -- after
15 January 6th, that's what I wondered. Like, I could very easily have split the country and
16 enjoyed the rest of my days forever. And I thought, was it my promise that, if I stay
17 here, that's what I will do, or does it mean I've got to stay here in the game and keep
18 that? I decided that it was sort of my job to stay in the game and keep that, that that's
19 what was expected of me.

20 And, later, to be honest, when I had started having more face-to-face
21 conversations with Uncle Sam again last year, it turned -- he was very curious whether I
22 remembered I had made that promise. And I let them know that, yes, I do remember I
23 had made that promise, and that's very much why I'm here.

24 Q Okay.

25 BY [REDACTED]:

1 Q If I could just add one question that I forgot to ask you before. Remember
2 we were talking about you were in the Trump Hotel quite a bit and you were talking with
3 people and having meetings, you heard rivers of money were flowing into the RNC? Did
4 anybody ever talk about the rivers of money that were flowing through actually to
5 something called TMAGAC, the Make America Great Again Committee?

6 A I've never heard of that.

7 Q You've never heard that term?

8 A TMAGAC?

9 Q Basically the joint fundraising committee between the RNC and the Trump
10 campaign.

11 A I've never heard of any -- I'm not involved in any of that stuff, haven't heard
12 anything about that kind of stuff. I do understand that there is sort of money squabbles
13 between those camps, about who's raised how much kind of stuff, I've heard. But, no,
14 I'm not sort of in that circle.

15 Q What I wanted to ask you is, did you ever ask the campaign or any of the
16 Trump-related entities for assistance paying for any of the election challenge expenses or
17 election integrity expenses, or did you just reach out to the RNC?

18 A I can't -- I don't -- I haven't made any specific requests. I think they know
19 how I feel. I think it's beneath me, frankly, to bring that request to them. I think if they
20 were decent people at all, they would've contacted me long ago and said, we've raised all
21 this money and we will support your efforts.

22 But, no, they have -- I don't recall -- you know, I've made my public criticisms of
23 them. I do not recall ever making a direct request.

24 Q When you say you've made your public criticisms of them, I thought you
25 publicly criticized the RNC.

1 A Okay, yes. What are we --

2 Q I'm talking about a different entity.

3 A All right.

4 Q So, earlier, we were talking about the RNC. So let me make that more
5 clear, because I don't want there to be confusion. There's the RNC --

6 A Yeah.

7 Q -- and then there's the Trump campaign, and then there's Trump-related
8 PACs -- Save America. He has some other entities.

9 A Yeah.

10 Q When you were saying "I heard rivers of money," I was trying to figure out,
11 did you ever hear which rivers? You said --

12 A No. I was talking about the RNC.

13 Q You were talking about the RNC. But you never heard rivers of money to
14 any of the Trump entities?

15 A Correct.

16 Q And when you were upset with the spending issue, where you said they
17 weren't giving us money, we were spending all this money, you were talking about the
18 RNC, correct?

19 A Correct.

20 Q But did you ever reach out to the Trump campaign or Trump's PAC to see if
21 they would help you cover election integrity expenses?

22 A No.

23 Q Why?

24 A Well, maybe it's the same -- I wasn't really aware of him raising a bunch of
25 money on it. I heard about that more recently. But I was not aware that he was raising

1 money on this, on election integrity.

2 Q But you're having all these -- so I'm a little confused. You're having all
3 these conversations with Ms. Powell, Mr. Giuliani. They are at one point the lawyers for
4 Mr. Trump in the campaign in terms of challenging the election. Is there no discussion
5 with Trump's people or the Trump camp or the Trump campaign about, "Hey, is there
6 money to pay for this?"

7 A Never brought it up to them, or them with me.

8 BY [REDACTED]:

9 Q And, in fact, the Giuliani people were asking you to put out money for them
10 to fly around and do what they needed to do, right?

11 A Effectively. They weren't asking me specifically to put out money, but they
12 were saying, could you arrange a plane trip to bring your people up to Antrim or down to
13 Georgia or something like that. Yes.

14 Q Did they cry poor or say, you know, we've talked to our client and he doesn't
15 want to pay, or, we have no access to money? I mean --

16 A It never came up. They didn't offer. I did eventually, not with them but
17 with the RNC, let them know that their support would be welcome anytime, and it was
18 strange to me it wasn't forthcoming. But I don't remember having that conversation
19 with Trump or his people.

20 BY [REDACTED]:

21 Q When people came to you for money, why was -- did it not seem weird to
22 you that the client, the Trump campaign or Trump, was not paying for their own legal
23 bills? Why was that not --

24 A Well, I wasn't paying for their legal bills.

25 [REDACTED] Expenses.

1 BY [REDACTED]:

2 Q Oh, excuse me, expenses. They're usually --

3 A I don't see myself -- like, I don't pick up hotel rooms for them or something.

4 What they're saying is, send a plane of dolphin speakers somewhere and put a seat on
5 the plane for one of our people. That's what I'm saying. I don't recall --

6 Q Well, normally, not to be tacky, but if Rob had to jump on a plane for you,
7 that plane ticket would probably be included in your bill.

8 So what's a little weird to me is that Giuliani and Powell are ostensibly
9 representing Trump in the campaign and yet they're billing -- they're flying on you; you're
10 paying for the Trump campaign's legal expenses. And that was never discussed? That
11 didn't seem weird to you?

12 A That was not discussed. And it seemed more like -- I mean, to us, it seemed
13 like we're flying, guys like Phil Waldron were flying the dolphin speakers, boom, boom,
14 boom -- if they want to hitch -- if their people are hitching a ride on the plane, their
15 people are hitching a ride on a plane.

16 But they wouldn't, for example, call me up. I don't recall any request just, like,
17 fly us somewhere, from here to there, without our people being involved. It would've
18 been primarily about us going and doing some work, the dolphin guys doing some work.

19 Q And you didn't ever have any conversations with anyone -- Powell, Giuliani,
20 or even Mr. Kerik -- who I think at one point publicly complained that he was also not
21 being paid for his work. You never had any conversations with any of these people
22 about their not being paid by Trump or the Trump campaign?

23 A I don't remember any specific conversations like that. I think that it
24 became clear -- well, no, I was graceful about it. I guess I -- I would've thought it was
25 kind of beneath me to ask, but it was the appropriate thing for them to do. And they

1 never did, and that was that.

2 Q But the "they" there, I want to be clear, is the RNC?

3 A Uh, yeah.

4 Q Okay.

5 And a moment ago you started to say "it started to become clear." What started
6 to become clear?

7 A I don't remember. I'm getting a little tired. Sorry.

8 Q It's okay.

9 A How I was thinking of it was, we're Deep Capture, we're investigating, and
10 we're going to surf through this stuff and give it to anyone who will listen. And I'm lucky
11 that these people are coming along for the ride, kind of was a piece of what I was
12 thinking. And I did not mind providing these services. I didn't ask anyone to pay for
13 the information or pay anything like that.

14 So I guess it may sound funny to you. I didn't think of it as centric to them. My
15 thought is that they're getting the doors open for us so the dolphin guys can go in and get
16 to the truth, or that's what was trying to happen.

17 I don't know if there were any -- I can't think of a case that I know of where I flew
18 them, just them, somewhere. I don't know of any such case.

19 Q Okay. Thank you.

20 BY [REDACTED]:

21 Q Can I just ask for two last names real quick? You mentioned Regis when we
22 spoke earlier. What was Regis's last name?

23 A Giles.

24 Q Giles? With a "G"?

25 A Yes.

1 Q And then Carlito's last name?

2 A Carl Johnson.

3 Q Carl Johnson.

4 A Major Carl Johnson.

5 Q Major?

6 A Well, he's a retired major.

7 Q Great. Thank you.

8 [REDACTED]. I don't have anything else. Thank you, Mr. Byrne.

9 Mr. Byrne. I do, actually. Do you mind if I take 5 minutes?

10 [REDACTED]. You --

11 Mr. Byrne. Oh, you don't have anything else. Okay. No worries.

12 [REDACTED]. We're done. We're done.

13 Mr. Byrne. Oh. I thought you said I could have a few minutes to hit something.

14 Mr. Driscoll. Well, you hit most of the things you wanted to hit, I think, on the
15 way in.

16 [REDACTED]. Actually, you raise a good point. There's a question that we usually
17 ask, which is, is there anything that we didn't ask you that you thought we would or
18 should ask you?

19 Mr. Byrne. That's a good question. So we laid out everything, boom, boom,
20 boom. Well --

21 Mr. Driscoll. Why don't you provide the three documents you brought to see
22 Trump, just to get that on the record, so that they can have them.

23 Mr. Byrne. Okay. The three documents to see Trump. That was originally in
24 here.

25 Here we go. Yep. These are the documents to see him. And, yeah, these

1 were the things we brought him.

2 [REDACTED] On the 18th?

3 Mr. Byrne. On the 18th. Plus whatever the December 18th version of that
4 letter was.

5 And it's kind of a weird thing. The one image I have is that I remember
6 something coming out saying December 18th, so there had to be another draft. And it
7 sounds to me or it looks to me from the thing you did that the next draft was maybe
8 more DHS-centric than -- well, I didn't have time to analyze it.

9 I'm just noting -- okay. Oh, okay. "You know that I believe, on the J6
10 rally-goers, I've written in that open letter I believe their concerns have been vindicated,
11 not their behavior."

12 I thought you were going to ask me more questions about what I think happened
13 on J6. I did see mischief. I have described it. And I've heard more recently about it.
14 I have tried to dig into it a little bit.

15 This Cindy Chafian and her husband, the Ali Akbar stuff, that very much had the
16 feel of one of these things -- somebody jumping in and trying to get in front. I took Ali
17 Akbar, when I first heard about him, to be a guy -- I understood him just to be a guy that,
18 if some movement started -- if Republicans started being, you know, upset about the
19 geese and they had a "save the geese" thing, he would jump in front and set up his own
20 organization saying, "Let's save the geese," and raise money and sort of try to get in front
21 of it. That's all I understood him to be.

22 But, looking back, there seemed to be penetration efforts going on, where people
23 were trying to get close to us. And maybe it's just proximity -- that, looking back, it
24 looked like people may have been trying to raise -- like, leave trails of bread crumbs for
25 later.

1 And, anyway, I hope that -- whoever's pulling those strings I think are probably
2 anti-Trump Republicans. I'm not saying that as some pro-Trump Republican. Just the
3 smell of it all, I think there were some anti-Trump Republicans involved with -- you know,
4 I acknowledge that MAGA people did -- some MAGA people did something bad. And I'm
5 very sorry and apologetic, and anyone who broke a window or hit a cop, you know,
6 should get, you know, serious time for that.

7 There were some -- I know some MAGA people who of course think it was all
8 engineered, and I know some MAGA people who were just -- but -- so I think there was
9 coordination driving it. And I don't think that coordination all came from, like, the feds
10 or something. I think there were some non-Trump Republicans involved in that.

11 BY [REDACTED]:

12 Q Mr. Byrne, a moment ago, I'm sorry, did you say you're a pro-Trump
13 Republican?

14 A No.

15 Q What did you -- a moment ago, did I miss --

16 A I said I'm not a pro-Trump Republican.

17 Q You're not. Okay. That makes more sense. Apologies.

18 A The other thing -- and this gets sensitive. Part of my belief -- and there's no
19 way to avoid this. I know what you must have read. Part of my analysis of the
20 facts -- and this is what's dicey -- is, I'm more open -- so when you say, why did I believe
21 based on this and that, this and that, well, in my perspective, because I was part of a
22 deep-state plan to bribe and blackmail Hillary Clinton and because I was part of the
23 deep-state setup of the Russian collusion delusion, I know that there's a deep state trying
24 to take over the United States Government. I was part of it, and I know that all that
25 happened. And so the possibility of something like this happening is -- it's within my

1 paradigm. It's not quite as shocking to me.

2 As a matter of fact, I was told by a handler at one point --

3 Q I'm sorry. Who?

4 A I was told by a handler from another government agency at one point
5 something about: None of this is going to matter after the election of 2020. It didn't
6 quite register to me what he meant, but I believe that -- that.

7 As far as the militia goes, I told you my reply when they told me their thing. I've
8 told you about my 2020 promise. I have let law enforcement know, both at Federal and
9 State levels, that there are -- you know, I know that Congressman Kinzinger came out and
10 said something about the next civil war isn't going to look like the last one, there were
11 going to be assassinations of the leadership of the insurrection. And I think in the next
12 paragraph he talked about the election integrity movement, which a lesser man than I
13 would've taken as a direct threat.

14 I will tell you that, since he said that, the militias have made their own plans.
15 And it's not -- so -- and I've told them, under no circumstance whatsoever am I to be
16 avenged. If I get killed, the last thing I want to die thinking is my death triggers a civil
17 war. Under no circumstance am I to be avenged. And the reply I got from one person
18 was: Well, we'll listen to you while you're alive.

19 So, just so that I'm feeling the same sense of sportsmanship that Adam Kinzinger
20 was saying that I -- but I have specifically said that I think I'm going to do -- oh, I actually
21 just made a video a week ago to say, so if I get killed, play this video.

22 I have to tell you something, because Congress needs to know it, and I would feel
23 remiss. So what's going on -- as I'm sure you know, there's, like, a real tension in the
24 three-letter agency. There's a lot of tension, and I'm told that a lot has to do with me.

25 But it is the case that I started being back, let's say, on a first-name basis with

1 Uncle Sam. I've at some point been having some meetings, and I started bringing, over
2 the last 8 months, evidence of massive corruption, really bad stuff beyond corruption.
3 And some of it -- and I was dealing with an interagency --

4 Mr. Driscoll. Do you have much longer to go?

5 Mr. Byrne. Say it again?

6 Mr. Driscoll. Do you have much longer to go.

7 Mr. Byrne. No.

8 Mr. Driscoll. Okay. Then finish. I was going to break if you had longer to go.

9 Mr. Byrne. There was an interagency group receiving this information, and it
10 was so explosive, ultimately, they've disbanded that group. People have
11 gone into -- people have been reassigned all over the country, and some of those people
12 aren't accepting it. And they're the ones coming to Congress as whistleblowers. And
13 Jim Jordan and -- okay?

14 You want to split? I'm done. I'm done.

15 Mr. Driscoll. No, no, keep going. I'm just getting my phone.

16 [REDACTED]. No, he just didn't want to forget his phone.

17 Mr. Byrne. Oh, okay.

18 So I'm aware of tremendous corruption, that I don't feel comfortable anymore.

19 And I will tell you this, because it needs to be on the record: The VA medical
20 system has been hacked. It's been hacked by Iran. And there's a backdoor into it, and
21 it's been hacked by a certain individual who opened that backdoor for them.

22 And so I'm working on -- you folks are working with blue leagues. Blue leagues is
23 the group of trainee hackers. You know what blue leagues -- there's a group that's been
24 helping this committee called blue leagues. I think they got you all the pictures and
25 such. Some of the people in blue leagues are actually patriotic, and they're

1 letting -- they're doing other things with me.

2 And we now know this. And that's one of the things that, when it went all the
3 way to the top of the Bureau, it kind of shattered. And they came back, and this whole
4 group's been disbanded. And I know Christopher Wray said something about me. It's
5 not a -- but they were very polite. They came back and said, "This is above our pay
6 grade. This is, like, national security, national existence. Let us figure out what we're
7 going to do with this."

8 That, at this point, is unacceptable. There's 9 million vets who get their vet care
9 from the VA medical system. The Iranians are in it. They could be changing everyone's
10 prescriptions. The initial assessment is that they're going into the imaging systems.
11 We could discover more of what they're doing, but I don't want to cross that line, by
12 hacking the Federal Government these days, but we have that much.

13 And that's all being fed in, along with some other major hacks of national security,
14 if not national existence, as was explained to me. And it's almost like it's choked, the
15 system has choked on it. And the system has tried to -- it's -- as it being too big for
16 them. And then the system, the higher-ups tried to kill it.

17 The people are not accepting it being killed. They are the ones who are going as
18 whistleblowers to Congress with a bunch of very damaging information. There's a
19 guy -- Grassley made a criminal referral the other day on an FBI agent who was in the
20 middle of this stuff I'm talking about.

21 So -- but I guess I've played backroom --

22 Mr. Driscoll. Wrap it up.

23 Mr. Byrne. -- long enough. That's not something -- you can't ask me so stay
24 silent about that. I'm doing everything I can. They've had it for a couple months. I'm
25 not comfortable with that ethically. We now know the VA medical system is hacked.

1 [REDACTED] Mr. Byrne, I want to make something very clear: Our legislative
2 purpose, as laid out in House Resolution 503, pertains to the investigation of the attack
3 on the U.S. Capitol. So please don't take -- like, I'm not disinterested, as an American, in
4 what you're saying. You may just be reporting it to the wrong committee.

5 So we are not one giant, massive, you report it to us, it's effectively reporting it to
6 Congress. It sounds like your information might be better placed with a committee that
7 has that within its purview. So I don't want you to think that reporting it to us
8 necessarily means you're reporting it to Congress.

9 Mr. Byrne. I just report this Congress. I'm sorry. In my view, I just reported it
10 to Congress. And you need to know, U.S. constituents --

11 [REDACTED] What I'm telling you is that's not case. We appreciate it, but --

12 Mr. Byrne. I am telling you that in my mind I just reported that to Congress.

13 [REDACTED] But that's something that you should definitely talk with your
14 attorney about. We appreciate your concern for the topic area. I just want to make
15 sure you report it to the right people.

16 Mr. Byrne. I've reported it to Congress.

17 But I thank you very much for your day.

18 [REDACTED] We appreciate your patience and answering all of our questions, and I
19 think we're good.

20 [REDACTED] Yep. We can go off the record.

21 Mr. Byrne. All right.

22 [REDACTED] Thank you very much.

23 Mr. Byrne. Thank you.

24 [Whereupon, at 6:47 p.m., the interview was concluded.]

2

3

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

6

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8

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10 Witness Name

11

12

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14

Witness Name

15

Date