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

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11 DEPOSITION OF: ANDREW JONATHAN SURABIAN
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15 Tuesday, February 8, 2022
16
17 Washington, D.C.
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20 The deposition in the above matter was held via Webex, commencing at 10:00
21 a.m.

1 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] FINANCIAL INVESTIGATOR

10 [REDACTED] CHIEF CLERK

11 [REDACTED] PROFESSIONAL STAFF MEMBER

12 [REDACTED] INVESTIGATIVE COUNSEL

13 [REDACTED] INVESTIGATIVE COUNSEL

14 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

15 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

16

17 For THE WITNESS:

18

19 DANIEL BEAN

20 CHRISTOPHER DEMPSEY

21 JARED BURNS

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24 Suite 501

25 Jacksonville, FL 32202

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2 [REDACTED] It is 10 o'clock in the morning. Good morning, everyone.

3 This is a deposition of Andrew Surabian conducted by the House Select Committee
4 to Investigate the January 6th Attack on the United States Capitol, pursuant to House
5 Resolution 503.

6 Mr. Surabian -- and I hope I'm pronouncing your last name correct -- could you
7 please state your full name and spell your last name for the record.

8 The Witness. Sure. Andrew Jonathan Surabian, S-u-r-a-b-i-a-n.

9 [REDACTED] Thank you. Now, could you raise your right hand, and the reporter
10 will swear you in for the deposition.

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

14 The Witness. Yes, I do.

15 [REDACTED] Thank you, Mr. Surabian.

16 Sir, this will be a staff-led deposition, and members of the committee may, of
17 course, join and choose also to ask questions, as may my colleagues.

18 Now, my name is [REDACTED] I'm a senior investigative counsel for the
19 committee, and joining me by -- in the room is -- I don't know if you can see him, but a
20 colleague of mine named [REDACTED] He's an investigative counsel.

21 I also have another colleague, investigative counsel, by the name of [REDACTED]

22 [REDACTED]

23 If members do join, you'll see them show up on the Webex, and then I'll take a
24 brief moment to pause and let the record reflect that they're in. But, as of now, I don't
25 see any members that are on, okay?

1 Now, we're going to follow the House deposition rules that we've provided to
2 your counsel, Mr. Bean, previously. And, under those rules, you're permitted to have
3 Mr. Bean and your other attorneys with you. So, at this time, I'm going to ask your
4 counsel to please place -- state their names for the record.

5 And -- but, before I do so, I'll say that I understand that your counsel are going to
6 place an objection on the record, and I'll get to a point before we start the questioning,
7 Mr. Surabian, where I'll allow them to do that.

8 But, Mr. Bean, if you could just now introduce yourself and have your colleagues
9 do the same.

10 Mr. Bean. Sure. On behalf of Mr. Surabian, we have -- go ahead, Christopher.
11 You can -- yeah. If you -- you want to come on over, and, Jared, come on over just so
12 that everybody --

13 Mr. Dempsey. Good morning. Christopher Wesley Dempsey on behalf of Andy
14 Surabian.

15 Mr. Burns. Jared Burns, also on behalf of Mr. Surabian.

16 Mr. Bean. All right. And Daniel Bean, in the law firm of Abel Bean Law, on
17 behalf of Mr. Surabian.

18 ██████████ All right. Good morning, gentlemen. Thanks for joining us. And
19 just for the record is -- well, we'll get to it in a moment, but, under the House deposition
20 rules, Mr. Surabian, neither committee members nor staff may discuss the substance of
21 your testimony that you provide today unless the committee approves release.

22 Now, you yourself are free to tell anyone you want or no one. That's up to you.

23 Now, you and your attorney will also have an opportunity to review the transcript
24 of today's proceedings.

25 Before we begin, I'll just go over a few ground rules. There is, as you now know,

1 an official court reporter transcribing the record of this deposition. The reporter also is
2 joining us by Webex.

3 And, for the record, I see that, you know, Mr. Bean and his colleagues and you,
4 Mr. Surabian, are in different locations. So, if at any point you need to consult with
5 Mr. Bean and your attorneys, that's fine. Just let us know, and we'll turn our camera off
6 and go on mute, and you do the same, and you can talk in private, okay?

7 Now, as we go and for the benefit of the court reporter, if you can just please wait
8 until each question is asked completely before you begin your response, and then I'll wait
9 for you to complete your response before I ask my next question. That way, the
10 reporter can make a clear record of what each person is saying.

11 And the reporter can't record nonverbal responses, such as you shaking your head
12 right now. So, when we get to a place, if I ask a question and you do shake or nod your
13 head or say, you know, something to the effect of uh-huh, excuse me, but I'll just ask you
14 to say yes or no or to explain in words.

15 And, similarly, if you say a name or refer to something and we need to have it
16 spelled for the record, the reason I'll stop and ask you to do that, again, is just for the
17 benefit of the court reporter.

18 We ask that you provide complete answers based on your best recollection. If
19 the question is not clear, just ask, and we'll do our best to clarify. And, if you don't know
20 the answer, that's fine. Just say so.

21 And, again, we talked about the need for any breaks. Also, if you just need a
22 comfort break, let us know. You know, we aim -- as I've told Mr. Bean, our goal is to be
23 done within just a couple hours or so. But, if at any point you need a comfort break, tell
24 us. We might break every hour or so just to, you know, keep us fresh, okay?

25 Throughout the deposition, I have a colleague who will be putting exhibits up on

1 the screen. They'll be displayed electronically. And so, when we refer you to a
2 document, take whatever time you need to look at it and familiarize yourself with it
3 before you answer any questions.

4 Now, yesterday, I provided Mr. Bean and his colleagues with access to a -- what I
5 call a drop box with the exhibits that we have for today, so they're the same ones that we
6 have today to use. Now, I know because of document security purposes, you couldn't
7 print or save them, but they are the same ones.

8 And, if I could just ask my colleague, he or she is going to place on the screen
9 exhibit 1, which is just the subpoena for today's proceeding, okay?

10 And this is a good test run to see if you can see that. I'm going to ask if they can
11 maximize it so we can get in close so it shows up on your screen. Hold on one second.

12 Okay. It's still a little bit small on the display. I don't know if there's a way to
13 make it take up the whole screen. But, for the time being, we won't get caught up on it.
14 There we go.

15 Mr. Surabian, do you see that first page of exhibit 1 is a subpoena addressed to
16 you?

17 The Witness. Yes.

18 [REDACTED] Okay. So that's -- that's the subpoena for today.

19 And, as I understand it, Mr. Bean has an objection he'd like to place on the record,
20 so I'll pause at this moment. And, Mr. Bean, please feel free to do so.

21 Mr. Bean. Thank you, counsel.

22 Mr. Surabian objects to the instant deposition proceedings as the select
23 committee is not properly and duly authorized in accordance with House Resolution 503,
24 section 2(a), 117th Congress, 2021, as it is not comprised of 13 Members, five of whom
25 were appointed after consultation with the minority leader.

1 Additionally, Mr. Surabian objects to the instant deposition proceedings as the
2 subpoena purporting to compel his appearance does not further a valid legal purpose
3 ancillary to legislative authority but, rather, serves a quintessentially law enforcement
4 purpose preserved to the authority of the executive branch of the United States, to wit,
5 investigate facts, circumstances, and causes, as well as expose and punish alleged criminal
6 wrongdoing. All of those are proffered objectives of the select committee and thus are
7 devoid of any legislative purpose.

8 Also, Mr. Surabian, objects to his constitutional rights being violated, the instant
9 deposition proceedings, as the subpoena purporting to compel Mr. Surabian's
10 appearance violates his constitutional rights, including but not limited to his First
11 Amendment right to freedom of speech, his First Amendment right of freedom of
12 assembly, his Fourth Amendment right to be free of unreasonable search and seizures, his
13 Fourth Amendment right that warrants be issued only upon a finding of probable cause,
14 and his Fifth Amendment right to due process of law.

15 Lastly, Mr. Surabian finally objects to the instant deposition proceedings as the
16 subpoena purporting to compel his appearance violates the separation of power
17 doctrines. Notwithstanding the aforementioned objections, subject to and without
18 waiving these objections, Mr. Surabian respectfully submits to his examination under
19 oath before the select committee, except where specifically objected to by counsel, as
20 necessary, as we proceed through this deposition.

21 Thank you, counsel, for allowing me to put Mr. Surabian's objections on the
22 record, and he is now available to answer your questions.

23 Thank you.

24 [REDACTED] Thank you, Mr. Bean.

25 And I won't respond to the objections, but I just note for the record that the select

1 committee does not agree with the characterizations or your assertions about the
2 committee's composition and other issues.

3 That said, we appreciate that Mr. Surabian will be answering questions today.

4 And, Mr. Surabian, as Mr. Bean said, you know, you may only refuse to answer a
5 question to preserve a privilege recognized by the select committee, and, if he objects,
6 make sure you wait for Mr. Bean to explain that objection, and then we can discuss it.

7 Okay?

8 If you refuse to answer a question based on a privilege, I can either proceed with
9 the deposition or seek a ruling from the chairman of the committee on the objection.
10 And, if the chairman were to overrule such an objection, you'd be required to answer the
11 question.

12 I also want to remind you, as we do all witnesses, that it is unlawful to deliberately
13 provide false information to Congress. Since this deposition is under oath, providing
14 false information could result in criminal penalties, to include for perjury or providing
15 false statements.

16 Do you understand everything we've talked about?

17 The Witness. Yes, I do.

18 [REDACTED] Okay. Do you have any questions before we get started?

19 The Witness. No, I do not.

20 [REDACTED] Thank you.

21 EXAMINATION

22 BY [REDACTED]:

23 Q So, Mr. Surabian, how old are you?

24 A I am 33.

25 Q And just what State do you live in?

1 A I live in Massachusetts.

2 Q I understand that you served in President Trump's administration at the start
3 in and around 2017. Is that right?

4 A That is correct. I was there from January to September 2017.

5 Q And what role did you play?

6 ██████████ I'll note for the record that we just heard a message from Webex
7 that said the meeting is being recorded, and I should have noted at the start,
8 Mr. Surabian, that we are video recording all interviews or depositions, as Mr. Bean
9 knows, and so that's why that says that there, okay?

10 BY ████████

11 Q But we were talking about your time in the White House in 2017. What
12 was your title or role during that time?

13 A I was a special assistant to the President and deputy strategist.

14 Q And, since the time that you left the White House, what has been your
15 career path in the years since?

16 A I started my own consulting company and consult for campaigns, and I do
17 some PR work, too.

18 Q And what's the name of your company?

19 A Belmont Strategies LLC.

20 Q Now, as part of the consulting work that you do with Belmont, is one of your
21 clients Donald Trump, Jr.?

22 A I wouldn't characterize him as a client because he's never paid me.

23 Q Understood. So do you have a professional relationship with Mr. Trump?
24 Mr. Bean. Just clarify which Trump, please.

25 BY ████████

1 Q How would you like me to refer so there is no confusion just throughout?

2 What would you prefer me to say?

3 A Don -- Don Jr.

4 Q Okay. Okay. I'll do that.

5 So do you have a -- what -- what, if any, is the nature of your professional
6 relationship with Don Jr.?

7 A We have a personal friendship, first and foremost. And, because of that,
8 I've advised him on political matters like endorsements.

9 Q I see. And so, in the time since you left -- 2017 and through today, on
10 occasion and in the capacity as being a friend, you'll advise him, but he hasn't paid you for
11 any of the advice you've given him?

12 A That's correct.

13 Q Okay. And is -- do you have -- do you provide advice or consulting services
14 to Kimberly Guilfoyle?

15 A No.

16 Q And do you provide any such services to any other member of the Trump
17 family, you know, whether Don Jr.'s siblings or in-laws?

18 A No. I currently advise, or my firm advises the Save America PAC, but no
19 other members of the family.

20 Q Understood. And, just as I -- the Save America PAC, just briefly, how, if at
21 all, is that connected with the Trump family?

22 A I believe it's a leadership PAC for former President Trump.

23 Q Understood.

24 Now, the -- do you know a gentleman by the name of Arthur Schwartz?

25 A Yes.

1 Q And what is your -- the nature of your relationship with Mr. Schwartz?

2 A We're friends, and we have worked on some PR projects together.

3 Q Does he also provide similar consulting or PR work to -- to Don Jr., to your
4 knowledge?

5 A Yes.

6 Q Now, do you know a gentleman by the name of Taylor Budowich? That's
7 B-u-d-o-w-i-c-h.

8 A Yes.

9 Q And how do you know Mr. Budowich?

10 A I met Taylor 10 years ago when we were both working for Tea Party Express.

11 Q And, currently, do the two of you have a professional relationship?

12 A He is also an adviser to Save America.

13 Q And, as I understand it, did the two of you help Don Jr. with setting up the
14 Save the U.S. Senate PAC?

15 A Don Jr. had no involvement in Save the Senate PAC outside of appearing in
16 our ads.

17 Q Understood.

18 A Me and Taylor ran Save the U.S. Senate PAC.

19 Q And then do you know a woman by the name of Caroline Wren? That's
20 W-r-e-n.

21 A Yes.

22 Q And how do you know Ms. Wren?

23 A I believe I first met her during the 2020 Trump campaign.

24 Q Did she serve any -- do you understand her to be a fundraiser?

25 A Yes.

1 Q Did she provide any fundraising services to any entity of which you're -- that
2 you worked with, whether your own company or to any PAC that you worked with?

3 A The only time I've worked directly with Caroline in a professional manner
4 was she served as one of our fundraisers for Save the U.S. Senate PAC.

5 Q Now, I want to focus on the 2020 -- the Presidential election.

6 Did you, Mr. Surabian, have any role with the campaign -- with President Trump's
7 campaign for reelection in 2020?

8 A Yes. I was an adviser to the campaign.

9 Q Okay. And was that true throughout the course of the election, or did that
10 end at some point before election day?

11 A I advised the campaign -- I can't remember exactly when I started, but I
12 advised the campaign through the election and left as of November 15th, 2020.

13 Q Okay. And you anticipated my next question.

14 Did you provide any services to the campaign after the election regarding the
15 efforts to challenge the results of the Presidential election?

16 A No.

17 Q Now, before we get to talk about really the January 6th events, which is
18 going to be the crux of what we're discussing today, I just want to talk some process at
19 the front end that I'm sure Mr. Bean has previewed for you, just about the document
20 collection process for today. We've received documents from you, and we very much
21 appreciate you having gone through your records, and I just want to ask a few questions
22 about that.

23 So, as what I saw in the production is that you produced a -- you know, a number
24 of emails from what looks to be a Yahoo account that you use. Is that right?

25 A Yes.

1 Q Okay. So is that the email -- the only email address you use to -- to
2 communicate about the -- the events that were covered by the subpoena?

3 A Yes.

4 Q All right. And one of the exhibits we provided yesterday and we'll go
5 through today are phone records that we obtained from a -- your cell phone provider, but
6 is it right that you have a cell phone with the last four digits ending in [REDACTED]

7 A Yes.

8 Q And what type of cell phone was that, at least during the time we're talking
9 about, in January of 2021 or December of 2020?

10 A iPhone.

11 Q Now, do you have the same iPhone currently that you were using back then?

12 A Yes. I believe so.

13 Q Okay. Did you -- I didn't see, but tell me if I'm wrong. I didn't see in the
14 production that was made on your behalf any sort of text messages that you exchanged
15 with anyone about the -- the subjects that are covered by the subpoena. Is that right?

16 A Yes. My texts have been set to auto expire for a while now.

17 Q So, just as a personal practice, you have your texts delete after some amount
18 of time?

19 A Yes. I mean, I got a call from the FBI following -- sometime after the 2020
20 election, and they told me that they believed a foreign actor hacked my Apple email,
21 which led me to take some safeguards with all my communications.

22 Q That would be a pretty bracing call to get.

23 And so -- but -- so, as a result of that, you changed your kind of data preservation
24 practice, it sounds like?

25 A Yes.

1 Q Okay. Now, understood.

2 Did you use during the time we're talking about -- so, again, late 2020 into January
3 of 2021 -- any other messaging apps? And I'll just list a few, but these are just an
4 example, and you let me know. Signal or WhatsApp or Telegram or Parler, were you
5 using any of those platforms to communicate with folks about the stuff we're going to
6 talk about today?

7 A I have a Signal account, but I handed my phone over to my lawyers, who
8 gave it to a third-party vendor, and they imaged it, and what you have is what I had.

9 Q Okay. Thank you.

10 Any other means you would have communicated electronically about the events
11 we'll talk about today and covered by the subpoena other than your phone or your
12 email?

13 A No.

14 Q So, then, let's -- we can get into the kind of facts around and the lead-up to
15 the January 6th events, okay?

16 Are you familiar with a woman by the name of Julie Fancelli? And the last name
17 is F-a-n-c-e-l-l-i.

18 A Yes.

19 Q All right. And I imagine -- you hesitated a bit. Have you ever actually
20 talked to her personally before?

21 A No. And I only became aware of her when there was a media article about
22 her that I saw.

23 Q Okay. Fair enough. But you're aware of who she is now and are --

24 A Yes.

25 Q Is that right?

1 Okay. As we understand it, she donated some amount of money to the Save the
2 U.S. Senate PAC in or around December of 2020. Did you know that at the time?

3 Mr. Bean. I'm going to object to pertinency. It has no -- nothing to do with the
4 facts, circumstances, or causes of the events of January 6th. Save America was designed
5 for the Georgia Senate.

6 Can you tell me what the pertinency of it is, please?

7 Dan, it's simply because, I think, as you saw from an example,
8 Taylor Budowich and Caroline Wren that, as part of Ms. Fancelli donated the money, she
9 also donated to the Save the Senate, so it naturally would have bled to Taylor talking to
10 Andy about that. That's all. It's not about to get into the business of Save America.

11 Mr. Bean. All right. Or --

12 Or Save the U.S. Senate.

13 Mr. Bean. Right.

14 I'm sorry about that.

15 The Witness. Taylor did not tell me anything about her until there was about to
16 be a media story after January 6th, and he called me up, and he said: Hey, man -- or
17 something to the effect of -- hey, just want to give you a heads up. You know, there is
18 going to be a story -- I forget where it was -- and it's going to mention Save the U.S.
19 Senate PAC, because one of the people who donated to our super-PAC also, I guess, gave
20 money for the rally. BY

21 Q Okay. Fair enough. And, if we -- let me -- if we look at exhibit -- well, let
22 me ask this first, Mr. Surabian. Do you remember when you first learned -- as best you
23 can -- when you first learned about the rally on January 6th was going to take place on
24 the Ellipse in D.C.? Do you remember who you learned it from and approximately
25 when?

1 A No. I wasn't following it very closely.

2 Q Okay. So, you know, what I'll show you is just a way to try and set a
3 timeline and see if that refreshes your recollection, is, if someone -- if my colleague can
4 pull up exhibit 8 on the screen.

5 All right. So, as you can see there on the screen -- I'll stop right there on page 1,
6 and I'll represent to you this is a text message chain between Taylor Budowich and
7 Caroline Wren, and you'll see that it starts on Saturday, December 26. That's in 2020.
8 And it's the morning. And, if you go down -- scroll down on that first page, and just a
9 little bit farther. You're going to see that -- and stop right there.

10 That Ms. Wren -- she's in blue, so that's an iPhone chat message, text to
11 Mr. Budowich: I'm at Julie Fancelli's.

12 And I'm just reading: Guess what the budget is she just gave me for a bus
13 project. You won't guess. \$3 million.

14 Mr. Budowich responds with an LOL. Probably could do it for 3.

15 And, if you go down. I'm continuing to read. Ms. Wren says: We can use
16 some for Save the U.S. Senate.

17 All right. Now, I imagine Save the U.S. Senate is referring to the PAC that we just
18 talked about. And, again, we're not talking about the substance, but just the fact that
19 that's the PAC that you and Mr. Budowich started together, it appears?

20 A Yes. That's what it looks like.

21 Q All right. And, at the time, was Ms. Wren on contract as a fundraiser for
22 the PAC?

23 A Yes. Her firm was.

24 Q Now, several times during today -- and it's just so we can ground the time
25 and date -- I'll refer to exhibit 9, which I'll ask my colleague to bring up on the screen.

1 And, Mr. Surabian, these are what I call an annotated version of phone records for
2 your phone. I provided your counsel and hopefully you were able to see the raw phone
3 records to compare them to see that what I did is I took these to make them easier to
4 read and then, also, just highlighted certain numbers and put names next to them and
5 also provided in exhibit 12 to you and your counsel a list of subscriber information to
6 establish that the people that we've listed, the numbers we've associated, are their
7 numbers. Okay?

8 And so, as you see on exhibit 9, the first page covered days early in December, but
9 if we go to page 2, and we stop right there, near the top of page 2, you'll see when you
10 read the exhibit -- and hopefully you got familiar with it yesterday, but I'll explain it
11 now -- that, on the left, you'll see the date and time of any communication or a record
12 from your phone.

13 The next is going to be if it's incoming or outgoing.

14 The next column is going to be the number that you were communicating with.

15 And the next after that is the duration in seconds.

16 And a feature of the date/time is that you'll see in parentheses next to the time
17 "GMT" and whether there is any change off of GMT. Sometimes it's reflected in eastern
18 time, 5 hours off GMT. Other times, when it's GMT plus zero, that's just at Greenwich
19 mean time, which means you have to subtract five to understand the time, so just
20 explaining it.

21 But you'll see that, on December 26th in the afternoon, that the records show that
22 Mr. Budowich called you at approximately 2 in the afternoon, or 2:10 p.m., and it looks
23 like there was a call for a couple of minutes.

24 Now, I don't imagine you're going to remember this day after Christmas,
25 Mr. Budowich calling, but as best you can remember, was it Mr. Budowich who put on

1 your radar about this event on January 6th that he and Ms. Wren were working on?

2 A So I cannot recall this conversation. I don't know when -- I can't remember
3 when, but at some point, Taylor mentioned to me that he was helping with the rally and
4 floated to me that, if I was looking for any, you know, other work, that they could
5 probably use some help doing PR.

6 And I told him, you know, thanks for thinking of me, but my plate was full, and I
7 wasn't interested.

8 Q So, when -- who did Mr. Budowich tell you he was working with on this
9 event?

10 A I don't know that he said at the time.

11 Q Did you come to learn before it happened that Caroline Wren was involved?

12 A Yes. I don't know what exactly the capacity was.

13 Q And did Mr. Budowich explain to you particularly what he was doing on
14 behalf of the event?

15 A No.

16 Q Did Mr. Budowich have prior experience organizing events of this sort,
17 maybe from his Tea Party Express days, or do you know?

18 A Yes.

19 Q Okay. So it seemed natural that he'd be working on something like this
20 through his own company?

21 A Yes.

22 Q And you said that you were -- it sounds like you declined the opportunity to
23 work on this because you were too busy. Just generally, what were you too busy with?

24 A My focus after the election was the Georgia Senate races, and I -- that's what
25 I was following at the time, and I just wasn't in a place where I was looking for a new

1 client.

2 Q Now, is it right that Katrina Pierson -- and the last name is P-i-e-r-s-o-n -- that
3 you came to know that she was involved in working with Taylor and others on this event
4 on January 6th?

5 A Yes. She -- and I believe you have these documents. She was the one
6 who -- she asked me at one point if Don was speaking at the rally.

7 And I said, no, not to my knowledge.

8 And then, a little bit later, she was the one who informed me that he was
9 speaking, and that's how I came to know that she was involved. But, again, I wasn't
10 aware of roles or anything. I mean, I wasn't involved in the planning or the preparations
11 for the rally.

12 Q Understood. And there are going to be questions that -- I know you
13 referenced that -- it's clear we -- you know, we may already know the answer to, are
14 going to be covered by documents, but understand, for the process, I'll go through and
15 just ask you just to get your perspective, but I appreciate that.

16 Is Ms. Pierson someone that you knew of before this time you had dealt with
17 professionally or you personally?

18 A I met Katrina the same -- in the same time period that I met Taylor.

19 Q Okay. Doing the grassroots work with Tea Party Express and otherwise
20 during the early 2010s roughly?

21 A I -- I believe we all met together in 2012 in Texas.

22 Q Now, we talked about Mr. Schwartz earlier. To your knowledge, did he
23 have any role in organizing or planning the -- the rally on the 6th in D.C.?

24 A No.

25 Q And do you know or at least know now that that event was sponsored

1 by -- that is, the rally on the Ellipse -- was sponsored by Women for America First?

2 A I've read that.

3 Q Okay. And the women behind Women for America First are Amy and
4 Kylie Kremer, K-r-e-m-e-r? Do you know that?

5 A Yes.

6 Q And did you know the Kremers, or at least Amy, from your time with Tea
7 Party Express?

8 A Yes.

9 Q Now, I'm going to show you -- if I could ask my colleague to bring up
10 exhibit 6. That's exhibit 10. Okay. There is exhibit 6. And if we can zoom out a bit
11 so you can see it.

12 This is a tweet -- a screen capture of a tweet that President Trump put out on
13 December 19th of 2020, and the first part of the tweet references a report by Peter
14 Navarro.

15 But the second part says: Big protest in D.C. on January 6th. Be there, will be
16 wild.

17 And, again, that's after saying that Mr. Navarro had a report about election fraud
18 more than sufficient to swing the victory to Trump.

19 Do you remember seeing this tweet at the time it came out and that the President
20 was calling for people to come to D.C.?

21 A I don't recall if I saw the tweet, but I -- I saw that there was an event on the
22 6th.

23 Q Okay. And, when you learned about the event on the 6th before it
24 happened, did you come to learn that the President would be speaking at that event?
25 President Trump, that is.

1 A I only learned of that when it was -- I saw it announced publicly.

2 Q So, even -- even -- that was even after you had been asked -- and we'll get to
3 this -- by Ms. Pierson whether Don Jr. would be speaking?

4 A Yes, I believe so.

5 Q Now, President Trump, in this tweet and then subsequent tweets and at the
6 event itself, the focus was on, in his words and others, stopping the steal of the
7 Presidential election.

8 Have you yourself been involved -- after you stopped advising the Presidential
9 campaign in mid-November, had you been involved in any efforts to -- to challenge -- just
10 generally, to challenge or protest the results of the Presidential election?

11 A No.

12 Q Was your focus entirely, from mid-November until January 6th, on the
13 Georgia Senate runoff or the Senate races?

14 A It was the bulk of my focus.

15 Q Okay. Now, were you aware at the time that they happened that the
16 Kremers and others came to D.C. for a -- what I'll call generally a "stop the steal" protest
17 on November 14th of 2020? Were you aware of that at the time?

18 A I wasn't really following closely.

19 Q Okay. And I imagine you didn't come to D.C. for that event?

20 A I was living in D.C. at that time. I moved into my new house in
21 Massachusetts, I believe, the week of Thanksgiving, and didn't come back to D.C. until
22 after January 6.

23 Q So you were still in town on November 14th, but I -- just to close this loop, I
24 imagine you didn't go to the rally in Freedom Plaza or downtown on that day?

25 A I did not.

1 Q So, then, that also answers, since you moved, that you weren't in town on
2 December 12th of 2020 -- and, when I say "town," I mean D.C. -- for the next rally that the
3 Kremers and others put on in town on behalf of the "stop the steal" movement?

4 A That is correct, and I can clear the field and tell you I didn't attend any
5 rallies --

6 Q Okay. Now, I -- there is --

7 The Reporter. I'm sorry. I didn't catch the last part of that answer.

8 The Witness. I said: I can clear the deck and tell you that I didn't attend any
9 rallies for anything during that period.

10 ██████████ And, to that point, Mr. Surabian, I'll show -- I'll ask my colleague to
11 put up exhibit 2, and just hold on one moment until it showed -- it pops up.

12 ██████████

13 Q Okay. What we have here is a capture of a text message. It's not even a
14 chain. It's a series of text messages that Amy Kremer sent to you but you didn't respond
15 to.

16 And if we can zoom in, she says: Hey, are y'all coming to Atlanta tonight?
17 Wanted to make sure you know about the FB, or Facebook, group being shut down.
18 They have hacked the website, and mailchimp has shut us down.

19 So I guess I should ask: On occasion, do you communicate with Amy Kremer?
20 Not about this, but I imagine you all have each other's phone numbers?

21 A We have each other's phone numbers, and I might get a text from her from
22 time to time over the years, but I can't recall the last time I spoke to her.

23 Q Okay. And this -- this -- these texts that she sent you were on
24 November 5th of 2020, so, you know, 2 days after the election, and there is no response.
25 And so I imagine you didn't communicate with her about this event in Atlanta or

1 otherwise, right?

2 A I believe that's the case.

3 Q Okay. And did you even know that she was also doing a bus tour in support
4 of the "stop the steal" movement, you know, across the country in addition to the two
5 events in D.C. before January 6th? Were you tracking that at all?

6 A I may have seen it, but, again, it wasn't something that I was following.

7 Q Now, about the "stop the steal" movement generally, and about, you
8 know -- you had in an email exchange with a Huffington Post reporter that you provided
9 to us -- I imagine you had a chance to review that, but you were very clear with the
10 reporter that it wasn't something you were tweeting about, it wasn't something you were
11 involved in at all.

12 Is that all correct when you told the reporter that?

13 A Yes.

14 Q All right. And can you provide more color? You were very, you
15 know -- whatever word you want to use, you were very clear with them that -- that this
16 was just not something you were involved in. Why is that?

17 A I mean, the email says what the email says, but it just wasn't something that
18 I was focused on at the time. It wasn't something that I was really following.

19 Q Now, you did produce -- and we can show them, but I can also just
20 explain -- two calendar invites for surrogate calls on behalf of the -- President Trump's
21 campaign on January 4th and 5th. Have you looked at those and are aware of having
22 provided those to us?

23 A Yes.

24 Q Okay. And those -- you know, we can look at exhibit 4. The first one is
25 from January 4th of 2021, and it's setting a call for later that day and saying the speakers

1 are Rudy Giuliani and Jason Miller.

2 Do you know: Why were you on this email list for surrogates?

3 A I don't know. I assume it -- it was just the campaign's list, and I was
4 previously on the campaign.

5 Q Do you recall calling in -- excuse me -- calling in to this one on January 4th or
6 the other one you produced an invite for on January 5th?

7 A No. And I don't believe or I don't recall calling in to any surrogate calls
8 after I was off the campaign's payroll on November 15th.

9 Q So, then, if we can look at exhibit 7 to the point, as you brought up, with
10 Ms. Pierson reaching out to you about Don Jr. about the event or the rally.

11 This is, I'll represent to you, text messages that Ms. Pierson produced to the select
12 committee, including this chain between her and you and Mr. Budowich, okay?

13 And, if we zoom out, actually, so we can show you the top. And you'll see that
14 it's blocked out. She was blocking out the numbers. But you see it's from
15 Katrina's -- it's her iPhone to Mr. Budowich and to you.

16 And the first message that we see in this chain is that she sends, on
17 December 27th of 2020, at 6:17 p.m., a schedule for the March for Trump tour, which is
18 the Women for America First, and the last stop on that is January 6th in Washington, D.C.

19 Now, we looked earlier, Mr. Surabian, at the message Mr. Budowich exchanged
20 with Ms. Wren the day prior, December 26th, about the money from Ms. Fancelli coming.
21 So do you remember why Ms. Pierson was writing to the two of you, Mr. Budowich and
22 you, on this day on December 27th with this tour?

23 A No. I don't know why.

24 Q You don't know why. Okay.

25 Now, if we can just -- we're going to go through -- what I'm going to do is break up

1 the timeline and go from this date to January 1st and just see what you remember about
2 those days as best you can, okay?

3 And I'll do that by looking at exhibit 9 again, so I'll ask my colleague to bring that
4 up, which are your phone records. And I'm going to frame this by -- well, why don't
5 I -- I'll show you this, and we'll see where we're at. If we can go to page 2, and if we can
6 zoom out just a little bit so we can see a little bit more of each page.

7 But you can see here these are records -- this page that we're looking at are going
8 to cover from the end of Christmas, December 25th, through December 29th, or towards
9 the end of that day. And I'll just highlight calls with certain people. There is Arthur
10 Schwartz. There is Taylor Budowich. There is also Emily Moreno.

11 Now, you've talked about Mr. Schwartz and Mr. Budowich. Do you know, who is
12 Ms. Moreno?

13 A I know her from the Trump campaign.

14 Q So is she -- did you have a professional relationship with her at this time?
15 Did you provide any sort of consulting services to her or any family members?

16 A No. She was an acquaintance.

17 Q Okay. Is it right -- is she the Emily Moreno who is engaged to be married to
18 Max Miller now, to your knowledge?

19 A I believe so.

20 Q And do you know Mr. Miller?

21 A I've actually never met him. I've spoken to him once in my life.

22 Q Okay. So I'll just ask: Did you have -- when you talked to Ms. Moreno at
23 this time, was it -- did it have anything to do with the events of January 6th or planning
24 for the rally?

25 A I don't recall the specific conversations, but I suspect they were about her

1 father running for Senate.

2 Q Okay. And so you see on that page, again, you've got calls with
3 Mr. Schwartz. It seems like that would be in the ordinary course. I imagine you two
4 are friends?

5 A Yes.

6 Q And would it be natural, too, to be talking to Mr. Budowich, even if it wasn't
7 about the January 6th event, given the Save the U.S. Senate PAC?

8 A Yes.

9 Q Okay. So, if we then turn to the next page, or page 3, you know, you see, if
10 we just kind of -- if we look at the records that carry on from the 29th through really New
11 Year's Day, you know, there are a handful -- a couple calls with Taylor Budowich, one with
12 Mr. Schwartz, and there is one call with Don Jr. And, again, this is before the new year.

13 Do you think, before Katrina reached out to you to ask if he was speaking, that you
14 would have been talking with Mr. -- with Don Jr. about the event on the 6th by this point?

15 A No.

16 Q And, on New Year's Eve, it's -- it -- maybe it's a text message -- there is a
17 quick outgoing -- well, it's 2 seconds -- in connection with Caroline Wren. You know, I
18 don't know if that was a Happy New Year or what it is, but would it be normal for you on
19 occasion to reach out to her given her role with the Save the U.S. Senate PAC and
20 otherwise?

21 A I very rarely spoke to or dealt with Caroline. In fact, it was really delegated
22 to Taylor to oversee her because he was the one who had a relationship with her.

23 Q Did you understand Mr. Schwartz also to have either a friendship or a
24 professional relationship with Ms. Wren where he would communicate with her, say,
25 more often than you would?

1 A I know they know each other. I don't know how much they talk or they
2 don't.

3 Q Well, then, if we could probably -- it would make sense to look at -- we're
4 going to look at exhibit 13.

5 And I'll tell you that this -- these are additional text messages produced by
6 Ms. Pierson, and these are between Ms. Pierson and yourself. Okay? And you'll see
7 here -- we're going to start on January 2nd, and we're going to get to the question about
8 whether Don Jr. was going to speak at the January 6th event.

9 I just want to frame this by asking, 2 days later on January 4th, were you aware
10 that there was a meeting at the White House that Ms. Pierson went to, to talk with
11 President Trump about the event and who would speak on January 6th?

12 A I believe she maybe mentioned to me that she was talking to someone at the
13 White House, but I can't recall who she met with.

14 Q But -- okay. Did that happen after she at least initially asked you about
15 whether Don Jr. would be speaking at the event? That meeting, that is.

16 A I believe so.

17 Q All right. So let's look at these texts. And what might be helpful,
18 Mr. Surabian -- and just bear with me -- I'll read through a certain number of them just so
19 we're clear, and then we'll come back and ask you questions, okay?

20 A Got it.

21 Q Okay. So, on exhibit 13, starting at 8:32 a.m. on January 2nd of 2021,
22 Ms. Pierson asks you: Are Don and KG going to be there on the 6th.

23 I imagine KG is Kimberly Guilfoyle?

24 A Yes.

25 Q You respond: Not sure.

1 And she likes your comment. And then she says: Trying to track the shit show.
2 And you respond: LOL. It's def -- definitely a shit show. I'll let you know -- it
3 says WiFi. I think that's a typo -- if I hear they're going. And then you continue on and
4 clarify you meant "if I," for "if I hear."

5 And she writes back: TY, for thank you.

6 And then, at 3:21 p.m. that same day, she writes to you: They are both
7 attending.

8 And you say: Got it, news to me.

9 She replies: Insane.

10 And you say: I'm so confused by this whole thing. I heard Alex Jones is
11 speaking at it?

12 And then she asks you to call me when you can. Okay. Working on a fix.

13 So I want to stop there because that's just through the afternoon of the 2nd.
14 Okay? And what I think is helpful, then, is, if we remember these times, Ms. Pierson
15 tells you at 3:21 p.m. that they, Don Jr. and Kimberly Guilfoyle, are attending. If we now
16 look at exhibit 9, your phone records, and specifically page 3, and toward the bottom.

17 All right. If we can zoom in just one more. All right.

18 So you see highlighted in yellow, at 3:24 p.m., you call Don Jr., and it looks like
19 maybe you two talk for just shy of 2 minutes. This is right after Ms. Pierson tells you
20 that Don Jr. and Kimberly Guilfoyle are speak -- are attending the event, I should say. Do
21 you remember that phone call to -- to Don Jr. about that? Was that what you called him
22 about?

23 A Yes. I do recall that. I called Don, and I asked him: Hey, are you
24 speaking at this rally thing on the 5th?

25 And he said: Yeah, is -- you know, it's a thing I guess my dad is speaking at

1 maybe. I don't know. But is there a problem?

2 And I just said to him something to the effect of: Well, just for your awareness,
3 did you know that Alex Jones was supposed to speak at this event as well?

4 He didn't know that. He seemed annoyed that he wasn't made aware of it
5 before agreeing to speak. But that was, to my knowledge, the best of my memory, the
6 totality of the conversation.

7 Q Okay. And you had said earlier to Ms. Pierson that -- you had referred to
8 the event earlier that day as a -- you know, definitely a shit show. And who had you
9 been hearing that from, and why did you characterize the event like that?

10 A I can't recall, and I don't -- I can't recall.

11 Q Do you remember who the people are who you talked to about this event
12 before it happened -- the universe of people?

13 A Besides Taylor asking me if, you know, I was interested in helping with the
14 event, until I -- until my exchange with Katrina, where she informed me Don was going to
15 be speaking at it, I don't recall talking to people about it. I really wasn't following it
16 closely.

17 Q Okay. So, because it's within one minute of her telling -- she asks you:
18 Are Don and KG going to be there on the 6th? She says that in the morning at 8:32 a.m.,
19 and you respond with a minute: It's definitely a shit show.

20 So it seemed like, even before she told you they are attending, you had some
21 sense of the event and what it would be like?

22 A I may have seen publicly, you know, stuff like Alex Jones speaking at it.

23 Q And what about Alex Jones gave you pause and led you to raise his name
24 with Don Jr.?

25 A So I'm a public relations and comms guy, and just from a straight-up PR

1 perspective, I wanted to just make sure that Don was aware that, you know, somebody
2 who is considered controversial would be speaking at the event. And so it was from just
3 a total PR perspective. I suspected that Don may not have been aware, so I just wanted
4 to make sure that he was.

5 Q Suspected because, if he had known Alex Jones would be speaking, you
6 wouldn't expect him to have agreed to appear himself?

7 A I don't know that to be true, but suspected because I -- I would put it like
8 this: I suspected it because, if somebody told Don that there was this rally and it's this
9 big pro-Trump rally, can you come speak at it, I could see him saying yes to that. And, if
10 he got details of who was slated to speak, well, maybe it wouldn't have been an easy yes.
11 But I don't know that, but that was my feeling.

12 Q So we also see, as we're still looking at exhibit 9, Mr. Surabian, highlighted
13 calls with a number of people still on the 2nd. One of the people that you called was a
14 gentleman by the name of Brian Jack.

15 Who is Mr. Jack?

16 A Brian, I believe at this time, was the White House political director.

17 Q And so do you remember why you would have been communicating with
18 him at this time, in early January of 2021?

19 A I don't recall these conversations specifically, but him and I interacted a
20 decent amount regarding the Georgia Senate runoffs.

21 Q And is Mr. Jack himself from Georgia, to your knowledge?

22 A Yes.

23 Q He's also been reported to have been the person who, on behalf of
24 President Trump, invited several Members of Congress and Senators to attend the rally
25 on January 6th to speak. Are you aware of those reports?

1 A I have no knowledge of that. And, like I said, I wasn't part of the planning
2 or preparations for the rally.

3 Q Fair enough. It was only a way of asking did you ever have any
4 conversation with Mr. Jack about the rally that you can recall?

5 A Not that I can recall.

6 Q Now, if you look there again at your call to Mr. -- to Don Jr., after Ms. Pierson
7 told you he'd be attending, right after you get off the phone with him, you call
8 Taylor Budowich and have what appears to be, you know, an 11-minute call. And then,
9 right after that, you call Mr. Schwartz and have a little bit longer call.

10 Do you see those two entries?

11 A Yes.

12 Q Would it be natural to follow up with those two about the conversation you
13 had with Don Jr. about the event and what was going on?

14 A I believe I called Taylor because I obviously had known that he had some sort
15 of role with the rally. So I believe I had called him to ask what the deal was. And I
16 believe he actually told me that, by that point, he was pretty much not involved in the
17 rally.

18 And, you know, I asked him something to the effect of: Well, what do you know
19 about Don Jr. speaking or, you know, Alex Jones speaking at this thing?

20 And he was unaware and told me that, you know, he wasn't very involved by this
21 point.

22 Q Okay. Did the name Ali Alexander come up at all that you remember?

23 A It may have, but I don't recall.

24 Q Do you know of Ali Alexander? You know, who he is, not that you know
25 him personally.

1 A I've never spoken to Ali in my life, but, yes, I have heard of him.

2 Q And your impression of him was what?

3 A I don't really have an opinion of him.

4 Q Did you understand him to be involved in the "stop the steal" movement
5 regarding the Presidential election?

6 A Yes.

7 Q Did you consider him to be controversial in the same way, or whatever way
8 as Mr. Alex Jones, as you described earlier?

9 A Yes.

10 Q Okay. Now, I can tell you at this time, on January 2nd -- well, I should ask:
11 Did Mr. Budowich tell you about any personal tension he had with Caroline Wren over
12 the event and why he stopped working on it?

13 A I don't recall in detail. He just told me he was done with it.

14 Q You know, we're aware that he expressed some strong sentiment on that
15 day and around that time about the event and its association with Alex Jones and
16 Ali Alexander and how that could reflect negatively on President Trump, Don Jr., and
17 Ms. Guilfoyle.

18 Do you remember him sharing those sentiments with you at this time about
19 concern about them appearing on the same stage or being associated with people like
20 that?

21 A Yes.

22 Q All right. Did that give you concern, too, given your friendship with Don Jr.
23 and your job in advising him from a PR perspective?

24 A From a PR perspective, yes, and that's why I called Don.

25 Q And is that a concern that you also share with Mr. Schwartz, a friend of

1 yours, and also someone who had talked to Don Jr. about PR and strategy?

2 A Yes.

3 Q Did Mr. Schwartz share your concern about possibly having Don Jr. and
4 Ms. Guilfoyle appear on the same stage as people like Ali Alexander and Alex Jones?

5 A With me? Are you asking with me?

6 Q Yes. Yes. Yes.

7 A Yes.

8 Q To your knowledge, did Mr. Schwartz share that concern with Don Jr. before
9 the event?

10 A I'm not sure.

11 Q Did you have occasion to talk to Don Jr. again before the event happened
12 about the concerns you had of who was going to speak there and the messaging of the
13 event?

14 A I don't recall speaking to him about it again.

15 Q Okay.

16 A There was -- there was nothing else to speak about.

17 Q Did he -- is it fair to say that that call you had with him -- this was a Saturday,
18 January 2nd -- that Don Jr. would have understood that, at least from your perspective,
19 PR, you were not in favor of him appearing on the same stage as Alex Jones or someone
20 like him?

21 A I was concerned with just making him aware.

22 Q So, as we talked about earlier, on exhibit 13, Katrina Pierson asked you
23 to -- to call her on the 2nd and saying she was working on a fix. And, in fact, if you look
24 at your -- yeah. If we go down to 4:17 p.m. as we're looking at exhibit 13 on the second
25 page, and down a little bit farther. She says: Call me when you can. Okay.

1 Working on a fix.

2 And then, if we flip back to your -- your phone records in exhibit 9 and on page 3,
3 you see right there that, in fact, you do call Ms. Pierson at, you know, 5:18 p.m., so a little
4 bit after an hour or so after she asked you to call her. Do you remember that
5 conversation, when she says she's working on a fix, why she thought there was a problem
6 to be fixed and what she was doing?

7 A I don't remember that conversation.

8 Q Before the event on the 6th, Mr. Surabian, did you have the impression that
9 Ms. Pierson was also concerned about people like Alex Jones and Ali Alexander appearing
10 on the stage with the Trump family?

11 A Yes.

12 Q And, after you speak with Ms. Pierson, you call Arthur Schwartz, as you can
13 see, and, again, I imagine you don't remember, or do you, whether you talked with him
14 again about the event?

15 A I don't -- I don't remember.

16 Q Okay. And, if -- just to refresh your memory, if it helps, I think it's helpful to
17 look at exhibit 10. And what I'll represent to you is, in the similar way that annotated
18 your phone records, we did this Ms. Pierson's phone records as well. And so that's what
19 these are, and just left highlighted the same numbers that are highlighted, if they showed
20 up in her records, as are highlighted on yours.

21 And so, moving to page 3, so just want to -- I'll just read for the record so it's clear,
22 and then ask you. You know, obviously you see these are her phone records in the top
23 half of the page from January 2nd, so the same day we've been talking about, 2021.

24 And she has a series of phone calls, as would seem natural, with Taylor Budowich.
25 There is one with Caroline Wren. There is also a phone call with Mark Meadows.

1 And then I'm just going to continue on to show you that, on January 3rd, she has
2 phone calls with Ms. Wren, with Mark Meadows, with Mr. Budowich. And if you
3 continue down, also on January 3rd with Dan Scavino. And, at the bottom there, you
4 see also a Taylor Budowich and Arthur Schwartz -- Mr. Schwartz, your friend.

5 And continue on to the next page. And, also on January 3rd, another
6 conversation with Mr. Schwartz, and a couple more with Caroline Wren.

7 That's just to set the parameters of the people she's talking to at the time on the
8 2nd and the 3rd.

9 And I'll ask you, during your call on the 2nd, do you remember her telling you that
10 she had been in touch with the White House about the White House's expectations for
11 the rally on the 6th and this problem that needed to be fixed?

1 [10:59 a.m.]

2 The Witness. I don't recall our conversation then.

3 BY [REDACTED]

4 Q Okay. Do you remember -- well, let's look at exhibit 11. And I'll represent
5 to you that, in a similar fashion, these are the phone records of Mr. Schwartz. And again
6 also highlighting the same names, if they're there, that would have showed up on your
7 records, except that your name is on here, where he talks to you.

8 And so if we look on exhibit 11, and we go to page 2, I just want to stop there.

9 On Mr. Schwartz's records, on December 27th in the afternoon, he has a call with
10 Kimberly Guilfoyle.

11 Did you understand Mr. Schwartz to talk with Ms. Guilfoyle to provide her advice
12 or consulting services even if not paid for?

13 A I don't -- I mean, I don't know. That's really more of a question for Arthur.

14 Q Understood. I didn't know if he would have told you or not.

15 If we continue on then to page 3, and towards the bottom, that's going to be the
16 calls on the same day, January 2nd of 2021, we've been focusing on, and you'll see there
17 that there are -- I didn't pick the best colors because Don Jr. and you are in yellow,
18 different shades though. But there are calls with -- several calls with Don Jr., with you;
19 also with Taylor Budowich and Caroline Wren.

20 And if you continue on to January 3rd, that's just on that same page, again a series
21 of calls with you and Ms. Wren, and also with Ms. Pierson.

22 All of which is to say, that seems to be the universe -- Ms. Wren, Ms. Pierson,
23 Arthur Schwartz, and you and Don Jr. -- at least people are talking amongst each other.

24 So I know Ms. Pierson didn't tell you during your call on January 2nd, that you
25 remember, that she was in touch with the White House. But did you learn from

1 Mr. Schwartz, from his conversations, that Ms. Pierson was in touch with the White
2 House about sorting out this problem?

3 A I don't recall Arthur telling me that.

4 Q How about from Mr. Budowich?

5 A I can't recall if Taylor told me that. At some point, I think, at some point,
6 because I couldn't remember that specific conversation, but I think at some point Katrina
7 may have mentioned it to me.

8 Q All right. Maybe this will help.

9 So in exhibit 13, back to your text with Ms. Pierson, and if we go to page 3 and
10 toward the bottom, you're going to see on -- now, she -- I apologize, we hadn't covered
11 this yet -- the evening of the 2nd, if we can go up to the top. I'm sorry about that, Mr.
12 Surabian.

13 So January 2nd, after you had talked -- spoken to Ms. Pierson, she had told you
14 she thought she had a fix.

15 And you wrote back, "Any solution better than nothing I suppose, LOL." She
16 "laughed" at that.

17 And then she tells you, still on the 2nd, "No stage presence on the 6th. We'll see
18 how this goes." You "loved" that comment or text.

19 And then you say, "No stage presence for who?"

20 And she responds to you, still on the 2nd, "Jones, Ali and Stone." And you "liked"
21 that comment.

22 So when she says "Ali," did you understand her to be referring to Ali Alexander?

23 A Yes.

24 Q Now, that's not a name that had showed up in the text messages yet. Do
25 you remember how you knew at that time that she was referring to Ali Alexander?

1 A No. But I think Ali was publicly associated with the rally by that point.

2 Q And "Jones," I imagine you understood her to be saying Alex Jones?

3 A Yes.

4 Q And "Stone," who did you understand that to be?

5 A Roger Stone.

6 Q And what was your opinion of Roger Stone, just in terms of in relation to,
7 say, Alex Jones and Ali Alexander?

8 A I don't have a personal opinion of Roger Stone. I don't know him.

9 Q How about from a PR perspective?

10 A PR perspective, sure, controversial.

11 Q All right. So similar in nature to, at least from the controversy he brings,
12 like Alex Jones and Ali Alexander?

13 A From the PR side.

14 Q Is that a yes?

15 A Yes. From the PR side.

16 Q Understood.

17 Do you remember having told or conveying to Don Jr. that also people who could
18 be appearing on stage were Ali Alexander and Roger Stone at the event?

19 A I don't recall ever mentioning Roger Stone, and I don't recall Ali, and I doubt
20 Don would know who that was.

21 Q Now, on the 4th, now we're there, at 4:37 p.m., Ms. Pierson hadn't texted
22 you since the 2nd. She writes at 4:37 p.m., "Problem solved."

23 And then you respond, "Haha. I heard from Tay."

24 Now is "Tay" Taylor Budowich?

25 A Yes.

1 Q And what did you understand the problem that Ms. Pierson was referring to
2 that was solved?

3 A Based on the context of this conversation, I believe the speakers that were
4 referred to earlier.

5 Q And so as best you can remember, and from who you can remember hearing
6 it from, what meeting -- what happened at the meeting that Ms. Pierson had with
7 whoever at the White House?

8 A I don't know. And like I said, I was not super interested in any of this. I
9 wasn't involved in the planning or the preparations, and I don't know that I was ever told
10 any details about that.

11 Q So if I -- look at -- go back to exhibit 9. And we look at your phone
12 records -- and maybe this will help refresh your memory -- on page 4. And if we go
13 down towards the middle of the page, roughly, you see there, down just a little bit more
14 if we could. All right. That's fine.

15 A series of calls that you had with Mr. Budowich on the 4th in the early afternoon.
16 And then leading up to what looked to be two calls with Don Jr. at 2:48 p.m. and then
17 2:50 p.m.

18 And then do you remember talking with Mr. -- with Don Jr. about this meeting
19 that Ms. Pierson was having with the White House before she had it?

20 A No.

21 Q All right. Then there's a call at 5:09 p.m. on the 4th, incoming to you from
22 Taylor Budowich, that lasts, my math is not great, but a little over 6 minutes. Do you
23 see that?

24 A Yes.

25 Q Is that probably when you told Ms. Pierson that you heard from Tay that the

1 problem had been solved, likely that when you talked to Taylor?

2 A I have no idea.

3 Q Okay. But at that same time, right afterwards, after you get off the phone
4 with him, you called Don Jr. twice, and then you call Arthur Schwartz.

5 Do you remember talking with Don Jr. that night of the 4th about what you might
6 have heard from Mr. Budowich or Ms. Pierson about the White House meeting?

7 A No. I don't recall talking to Don about the speaker situation again.

8 And I would note that that was also, I believe, the day -- yeah, I believe that was
9 the day that Don was in Georgia for the rally for the two Republican Senate candidates, if
10 I recall. And of course I was running the super-PAC in support -- a super-PAC in support
11 of those two candidates, and I would imagine a lot of the conversations that day were
12 around that.

13 Q And that's an event that the President, President Trump, appeared at as
14 well. Do you remember that?

15 A Yes.

16 Q All right. And so that doesn't refresh for you whether Ms. Pierson told you
17 she met with the President right before he left to go to Georgia for the rally?

18 A I don't -- that's the first I think I'm hearing about a one-on-one -- I think
19 that's the first I'm hearing of a one-on-one meeting with Katrina and the President.

20 Q Okay.

21 A I don't recall that.

22 Q All right. The next morning then, on the 5th, you see in your records, if we
23 scroll down a little bit, still on exhibit 9, page 4, I don't know, an 11-minute phone call you
24 had with Don Jr. the morning of the 5th.

25 Based on what you said, I imagine this didn't have anything to do with the rally

1 likely related to the runoff elections that were happening that day in Georgia?

2 A I can't remember the specific conversation, but in all likelihood.

3 Q Okay. But right after that call, or not long after, you call Katrina Pierson,
4 and then get a call back from her. And then, sometime after that, you call Mr. Schwartz.

5 And you're the one who reached out to Ms. Pierson after that phone call with
6 Don Jr. Do you see that?

7 A Yes.

8 Q Was there anything else that you were discussing with Ms. Pierson at this
9 time on January 5th other than the rally?

10 A We were friends and we talk a lot of political issues. I can't remember
11 these calls specifically. But it wouldn't be weird, with an election coming up, for us to be
12 talking about that.

13 Q Now, did you understand that by the January 5th, that Don Jr. and
14 Ms. Guilfoyle had traveled to D.C., like, on the eve of the rally that was going to happen
15 on the 6th?

16 A I can't recall if I knew it at the time. But, yes, I have since learned that they
17 were in D.C. the night before.

18 Q And is it right there was an event held at the Trump International Hotel in
19 D.C. where Don Jr. and Ms. Guilfoyle were present, along with, several other people?
20 Do you remember that, or learning about it after the fact?

21 A Yeah. So I wasn't there. I was in Massachusetts. But we had, some few
22 weeks after all this, I believe we had some reporter inquiries. And when I asked Don
23 about it, he told me he showed up to a Georgia Senate watch party as the results were
24 coming in.

25 Q Did you understand that Ms. Wren had anything to do with just setting that

1 up?

2 A I believe that was the case.

3 Q I know we've gone through January 4th and whether you remember talking
4 about the meeting at the White House.

5 Do you remember there being what I'll call drama about whether Ms. Guilfoyle
6 would be speaking and having to -- Ms. Pierson having to calm the waters with
7 Ms. Guilfoyle about her exclusion, at least from the speakers? Do you remember that?

8 A I wasn't involved in any of that myself, so I don't have firsthand knowledge
9 of that. But I recall hearing scuttlebutt about it.

10 Q So just to provide some background, if we look at exhibit 14, these are text
11 messages between Ms. Pierson and Kimberly Guilfoyle that Ms. Pierson produced. And
12 you'll see they start on January 4th in the evening and Ms. -- and I'll just read them for the
13 benefit and get your reaction.

14 But Ms. Guilfoyle says to Ms. Pierson, "Did you tell POTUS we weren't speaking?
15 We are flying to D.C. tonight."

16 And Ms. Pierson says, "No, ma'am, he literally just gave me his list today. He
17 only listed Don and Eric."

18 And Ms. Guilfoyle says, "I don't understand. You aren't speaking?"

19 Ms. Pierson says, "No, ma'am. He said I could introduce the March for Trump
20 bus tour organizer."

21 And Ms. Guilfoyle continues, "I will see him in about an hour. And are you saying
22 he said no to me?" This is still on the 4th. And she, Ms. Guilfoyle, continues, "I'm only
23 introducing Don setting it up and raised so much money for this. Literally one of my
24 donors, Julie, at 3 million."

25 And Ms. -- and I read all this for context. We'll get to a question for you,

1 Mr. Surabian.

2 Ms. Pierson responds, "All I know is that someone leaked a list of 'speakers' that
3 the White House had not seen or approved, so I had to get on a plane today (in pain),"
4 she says in parentheses, "to go and sort this craziness out.

5 "I submitted a list with everyone on it, including you and Don speaking before
6 POTUS (per usual) and it came back very minimal. It's so frustrating because I've never
7 had so much interference.

8 "Caroline made the list. "I'm not sure what happened, but it's not my place to
9 argue with the White House."

10 And Ms. Guilfoyle responds, "Yeah, and this the list we approved."

11 Just a few questions off that.

12 Is this consistent with the scuttlebutt, as you said, that you heard about
13 Ms. Guilfoyle being upset that she might have been excluded from the speaker list?

14 A Like I said, I don't have any firsthand knowledge, but it was my
15 understanding that there were back-and-forths about the speaker list. But I don't know
16 how they unfolded.

17 Q Okay. And do you recall ever having a conversation with Don Jr., whether
18 before or after the event, about the speakers list and whether he had seen it in advance?

19 A No.

20 Q Had you, yourself, ever seen an actual speakers list?

21 A No.

22 Q So you had only heard through conversation or text messages who some of
23 the potential speakers were going to be, like Ali or Roger Stone or Alex Jones?

24 A I believe those were publicly available.

25 Q Did you have to help at any way, talk with Don Jr. about Ms. Guilfoyle being

1 upset about this? Do you remember talking to him about that?

2 A No. Never.

3 Q Did you have any conversation with Ms. Guilfoyle about this at the time that
4 you recall?

5 A No.

6 Q Now, if we look at exhibit 15, what I'll represent to you -- and Mr. Bean could
7 tell you better than me -- but these are text messages that Mr. Budowich produced to the
8 select committee, and this is a text message chain between Mr. Budowich and yourself.

9 And I'll note that you'll see it covers the time range January 4th of 2021 to January
10 7th of 2021, and the times are in UTC. So, again, at this time of year, you have to take 5
11 hours off. In other words, it's Greenwich Mean Time.

12 And so if we go to the bottom of that first page, it's a little -- I'm going to zoom in
13 so you can see it as best you can. It's a little bit hard with the blue text.

14 But it's Mr. Budowich, and you can see right there that it's a message that's
15 recorded here as January 5th, 2021, at -- it's here as 2:14:36 a.m., but if you convert that
16 to eastern time, that's 9:14 p.m. Okay.

17 And what Mr. Budowich says to you is, "Did you talk to Don about the speakers list
18 and cuts? Katrina's pissed at me because Kim just bitched her out and said something
19 that Katrina told me about POTUS saying he didn't need Don and Eric to speak." Okay.

20 And then you respond, "Nope." This is on page 2. "Last time I mentioned that
21 thing to him was Saturday because it was clear he was doing it, so was what it was."

22 And Mr. Budowich responds, "LOL. About what I expected. One other person
23 told. So big mouth told someone."

24 All right. So just wanted to clear up a few things to make sure we understand
25 what's going on here.

1 So it seems to suggest here Mr. Budowich did, as you said, talk to you about the
2 meeting Ms. Pierson had, whatever that was. So that's right? He's asking then, did
3 you convey anything from what he told you about Ms. Pierson's meeting to Don Jr. or
4 Kimberly. Is that right?

5 A I don't know about the meeting specifically, but the way I read this is him
6 asking me if I've spoken to Don about the rally since that Saturday.

7 And as I had previously told you, I didn't recall -- and I guess this communication
8 would back that up -- I didn't recall talking to him about it again. There was no -- there
9 was nothing to talk about.

10 I wasn't involved in planning or preparing the rally or being part of the speakers
11 list. So there wasn't anything more for me to do to talk to Don.

12 Q Right. Fair enough.

13 So when you say, "Last time I mentioned that thing," you're referring to the rally,
14 right?

15 A Yes.

16 Q All right. And as you said, because it was clear he was doing it, "so was
17 what it was." In other words, you put him on notice about who might appear, that is,
18 you put Don Jr. on notice about who might appear, and the call was only a little less than
19 2 minutes, and he was going to do what he was going to do. Is that right?

20 A Yes.

21 Q Now, Mr. Budowich responds, "One other person told. So big mouth told
22 someone."

23 Do you know who he's referring to?

24 A No.

25 Q Now, as we looked at your texts on exhibit 9 again -- excuse me -- your

1 phone calls on exhibit 9, sorry -- and it's on page 4, and we go down towards the middle
2 of the page. You do -- again, I'll bring you back to -- go up just a little. There we go.

3 You know, 5:09 p.m. on the 4th, you did have a call with Mr. Budowich, and then
4 right after that you called Don Jr. twice.

5 So, again, as best you can remember, and I'm just making sure it's clear, you don't
6 think you talked to Don Jr. at that time about the -- what you had heard from
7 Mr. Budowich about the rally and the President's input on who would speak?

8 A As I told you before, I don't remember the specific calls. But to the best of
9 my memory, I didn't talk to Don Jr. again about the rally after that Saturday.

10 Like I said, I wasn't involved. It wasn't something I was tracking beyond the fact
11 that Don was speaking at it. And I don't recall talking to him about it again.

12 Q Okay. So if we can go to exhibit 17. And, again, this is a text message
13 exchange that Mr. Budowich produced to the committee, and it's with you. And it's in
14 the same format that we saw earlier, only this covers the date range of January 13th
15 through January 19th of 2021. Just give me 1 second.

16 [REDACTED] And I should say, before we go further, it's been about an hour and
17 15 minutes. Do either you and Mr. Bean need a break, or do you want to just keep
18 going? I don't think we have much longer, but it's up to you.

19 Mr. Bean. I'll defer to Mr. Surabian.

20 The Witness. I'm fine.

21 BY [REDACTED]

22 Q Okay. So on that exhibit do you remember hearing, Mr. Surabian, that the
23 night of January 5th, which is the night that you learned about this Georgia donor watch
24 party when Ms. Guilfoyle and Don Jr. were in D.C., do you remember anything about
25 Ms. Guilfoyle speaking to Ali Alexander by phone about the event on the 6th?

1 A So to be clear, I don't think I was aware of the watch party on the 5th.

2 Q Right. Understood.

3 A I believe I heard that after the fact. And, no. I believe I had no firsthand
4 knowledge at all about whether he's talked to Ali Alexander.

5 Q Okay. Well, let's look at page 4, and we'll see if this helps with your
6 memory on that. And if we go towards the bottom third of the page. And again I
7 apologize, the blue doesn't display all that well. Although I guess I can blame Mr. Bean.

8 So if we look over to the right there, you see a message from Mr. Budowich to you
9 on January 18th of 2021 at 11:37 p.m. By this point, the time doesn't really matter, but,
10 again, it's in UTC, right, so you take 5 hours off.

11 But by this point the attack on the Capitol has happened, it's several days after.
12 There's obviously a lot of media attention, and you all have been talking about the media
13 attention.

14 And Mr. Budowich says, "Also, she didn't tell me but pretty sure the KG stuff is
15 being helped along by Katrina. KG called Katrina and did her unhinged screaming when
16 she found out she was cut from the program. Told Kat that Don approved of a bunch of
17 shit that he obviously didn't and didn't know about. And Ali posted a video saying he
18 talked to Kimberly the night before the rally, so not sure there's any getting her out of it,
19 TBH," or to be honest.

20 And so -- and you respond not long after that, "Checks out."

21 So do you know what you meant by, in hearing that from Mr. Budowich, when you
22 said, "Checks out," what you were responding to?

23 A It would appear that I would be responding to the part about Don
24 supposedly approving and being aware of stuff that he wasn't.

25 Q Okay. And understanding that at least to this point, Mr. Surabian, you've

1 only remembered a brief call with Don Jr. on that Saturday, January 2nd, but by this point,
2 this is January 18th, so more than 2 weeks past then, and also after the attack, and I
3 imagine you've had -- you would have had occasion to talk to Don Jr. in the days after.

4 Did you talk to him in more detail about the event and what he knew about it
5 beforehand and about this issue of the speakers list?

6 A I never talked to Don about the speakers list after the fact, that I can recall,
7 and I can't imagine it's something he would be interested in at all or care about.

8 Q What do you mean by that, interested in or care about, in what sense?

9 A I don't think he would care about drama over a speakers list after the fact.

10 Q Okay. I mean, you're sitting here doing a conjecture, so I'll take -- I'll meet
11 you there.

12 Would he care if it was believed that he had approved a speakers list or he
13 somehow was advocating for people like Alex Jones and Ali Alexander and Roger Stone to
14 speak on the same stage as the President?

15 A I don't know.

16 Q But his reaction to you when he heard about the name Alex Jones on
17 January 2nd was not one of being happy to hear that he might share the stage with Alex
18 Jones?

19 A That's right.

20 Q And if you go up earlier in that text chain, we're still looking at exhibit
21 17 -- and actually, if we can go to the bottom of page 3.

22 So you write -- that's still on the 18th, and, again, this is in the context of reporters
23 asking questions. You say at 11:13 p.m. in the UTC time, "As much as KG drives us crazy,
24 her getting blown up bad for Don and heightens chance of someone mentioning your or
25 Taylor's involvement, so should try to kill."

1 All right. When you say, "try to kill," what are you referring to?

2 A I don't recall the specific story, but it appears we're talking about a different
3 story. I don't recall what it was about.

4 Q Right. In other words, kill a media story.

5 So you make the comment, "As much as KG drives us crazy, her getting blown up
6 is bad for Don and heightens chance of someone mentioning Taylor's involvement."

7 Why were you concerned or raising the concern on behalf of Mr. Budowich
8 getting mentioned as being involved?

9 A Just from a total PR perspective. I mean, Taylor is a friend of mine.

10 Q And when you say, "As much as KG drives us crazy, her getting blown up,"
11 and when you're saying "blown up," blown up for what? At this time, what were you
12 talking about?

13 A I don't recall. Like I said, I don't recall what the story was about.

14 Q Okay. If you go up just a few entries earlier -- or texts earlier -- on that
15 same page, you say -- if you see right there at, I believe, it's 11:10 p.m. as reflected in the
16 text, UTC, KG -- excuse me -- at 11:09 p.m. you say, "I mean, honestly, it really shouldn't
17 be. CW was the one running it, not KG. KG will call CW demanding she take the bullet,
18 LOL."

19 When you say "KG," you're referring to Kimberly Guilfoyle?

20 A Yes.

21 Q And "CW" is Caroline Wren?

22 A Yes.

23 Q And when you say, "CW was the one running it," what did you mean?

24 Running what?

25 A Would you be able to scroll up so I could see --

1 Q Yeah. You want to read the whole -- sure thing.

2 A I just want to see the --

3 Q So it's several pages. Do you want to start from the top?

4 A Right there is fine.

5 Q Okay.

6 A I just want to see what we were talking about.

7 All right, sounds like a WSJ piece Kat called you about is going to be both.

8 Okay. So ask your question again? I'm sorry.

9 Q So running what? You say, "CW was the one running it, not KG." What do
10 you mean?

11 A So I didn't have any firsthand knowledge, but it -- by that point it had
12 appeared that Caroline was one of the people in charge of the rally. So it looks like I'm
13 making the point that, well, there shouldn't be a story about Kim running the rally
14 because she wasn't. It appeared that it was Caroline.

15 Q Right. How did you know that Kim Guilfoyle wasn't, quote, "running the
16 rally," as you said it? How did you know that?

17 A I didn't have any firsthand knowledge either way, but just from what it
18 appeared, from what I saw in media stories and some of the stuff we've already gone
19 through with Taylor, slash, Katrina.

20 Q You didn't call, say, Don Jr. to ask him, to make sure to get the full story
21 about what was going on?

22 A I don't -- like I said, I don't -- I can't remember what the story was, so I can't
23 remember if I called Don. I would only have called Don if there was a specific thing
24 about him that required me calling him.

25 Q And we'll get to that, a specific thing in a second. But at least for now, if we

1 go to page 4 again, and if we look at -- well, if you go up.

2 You say at the top, very top of that page, "Also it's true that it was CW, not KG."

3 Okay. That's you saying that.

4 And so you're affirming that with Taylor just based on media reports?

5 A As I just said, that was based off of both media reports and my
6 understanding thirdhand, not firsthand, of who helped organize the rally.

7 Q All right. And then you continue on below. Mr. Budowich's response is,
8 there are two of them that he sends, but below that, you say, "I guess KG may learn a
9 lesson of why you shouldn't take credit for others' work, LOL." And then, "Yes, they will,
10 and when that happens, make sure KG makes CW do the right thing."

11 And then after that you say, still the 18th, "I also have this text from Don which if
12 Rebecca reaches out to me (which she always does) I can show her off the record."

13 So what text are you referring to?

14 A I don't recall.

15 Q Okay. It's in the context of talking to Mr. Budowich about the event,
16 though. Agree with that?

17 A Yes. And based on this context, it was likely something that would show
18 Don was simply just a speaker at this thing and wasn't an organizer of the rally.

19 Q And if -- and you say which -- you say Rebecca. Who's Rebecca?

20 A I believe that would be a reporter at The Wall Street Journal.

21 Q All right. The one who always -- you say, "she always does." So this is the
22 Rebecca who often reaches out to you for comments -- well, on background?

23 A She's a reporter who does her due diligence and, in my experience, has
24 always reached out for comment before running with a story.

25 Q Okay. And I have to ask, you say you have this text from Don, but if your

1 texts auto delete as a matter of practice, why would you still have a text from Don at that
2 time?

3 A Well, this may -- this was, in all likelihood, before I started changing my texts
4 to auto expire every 30 days. And I would also point out that it's 1/18, so 30 days
5 probably wouldn't even have passed by that point.

6 But I don't believe I got even the call from the FBI until at some point in 2021.

7 Q Okay. I had heard you earlier to say 2020. That's why I'm asking.

8 A Oh. I said after the 2020 election.

9 Q All right. So on the specific thing you said you wouldn't -- you don't know if
10 there was a particular thing that you talked to about -- would have talked about with Don.

11 Do you know whether Don or Ms. Guilfoyle or both were paid for speaking at the
12 rally on the 6th?

13 A I do not. I believe at one point I -- after the rally -- I called Don and asked
14 him if he was and said something to the effect of, "Hey, I don't know if we were supposed
15 to get paid for this, but it's probably not worth the PR headache."

16 And I recall him responding with something to the effect of, "I don't even know.
17 I'll check on it." And then I never heard anything more about it from him.

18 Q Did you ever hear anything more about whether Ms. Guilfoyle was paid for
19 speaking at the January 6th rally?

20 A No, not that I can recall.

21 Q Okay. So if we can go to, I think through January 6th, the day itself.

22 Were you in Massachusetts on that day?

23 A Yes. As I mentioned, I wasn't involved in the rally, so I didn't go to the rally.
24 I was in Massachusetts that day.

25 Q That morning of the 6th, did you have any expectations for how that day was

1 going to unfold in terms of the rally? Let's start with that.

2 A No. And I wasn't focusing whatsoever on the rally. I mean, I was focusing
3 on the fact that Republicans just lost two Senate seats. I didn't even watch the rally live.
4 I didn't even see Don's speech or the President's speech as it happened.

5 Q Did you have any role in helping Don Jr. prepare for his speech?

6 A No. Don never scripts his speeches.

7 Q Have you had a chance to see it since then, what he said at the rally?

8 A I've seen clips, but I've never watched the whole thing, I don't think.

9 Q Have you seen clips of President Trump's speech at the rally on the 6th?

10 A I've probably seen clips, yes.

11 Q And during the speech he told people to march from the Ellipse, where the
12 rally was taking place, to the Capitol.

13 Did you know before the 6th or have any idea the President would tell people to
14 leave the Ellipse and go to the Capitol after he was done speaking?

15 A No. Like I said, I had no involvement in planning or preparing anything
16 regarding the rally, including the President's speech.

17 Q Do you remember how you first learned of the violence at the Capitol on the
18 6th?

19 A I believe I saw a clip on Twitter.

20 Q Okay. At the time it was happening, like, on the 6th?

21 A Yes.

22 Q And if we go to exhibit 9. And this will help, I think, frame the
23 conversation.

24 But I'll just ask, do you recall having several conversations with Don Jr. on the 6th
25 about what was happening at the Capitol?

1 A So I definitely talked to Don Jr. on the 6th. I only recall one conversation
2 specifically, and it was a -- I mean, you have the phone records. I can't recall the time.

3 But it was a rather short conversation. I believe he was either at the airport or
4 sitting on a plane.

5 But it was a short conversation, and I had just seen a clip of some violence at the
6 Capitol. And I, right when I saw it, called Don to ask if he was aware.

7 And when I called him, he hadn't seen it. And when I told him, he was really
8 surprised and disappointed and told me he wanted to put out a tweet calling for people
9 to be peaceful, which he did shortly thereafter.

10 Q So if we look on page 5 of your phone records, we'll walk through this,
11 Mr. Surabian, and we continue on down to January 6th in the afternoon, if you go down.

12 So you see there, right there, first line I'll direct you to. Arthur Schwartz calls you
13 at 1:29 p.m., and you all talk for roughly 9 minutes. And I'll represent to you
14 that's at -- at 1:29 p.m., the attack on the Capitol had already started. The President's
15 remarks were over.

16 Do you remember talking to Mr. Schwartz about the fact that there was
17 violence at the Capitol at that time?

18 A I don't recall that conversation specifically.

19 Q All right. And the records reflect that it was actually Don Jr. who called you
20 first, not that you called him, and he calls you at 1:40 p.m.

21 Again, this is after the violence at the Capitol has already started and that the two
22 of you talked for roughly 8 -- close to 8 minutes. And then, not long after that call, but a
23 few minutes, 20 minutes after that, you call him back and you have that 43-second call.

24 So do you think that's roughly around the time that you all were talking about
25 what was going on at the Capitol?

1 A The first time right when I saw the first clip, and I don't know exactly when
2 violence first started unfolding. My understanding, based on press reports, is that some
3 of it started while the rally speeches were still going on.

4 But when I first saw a clip, basically when it started going viral, I called Don. And
5 the way you could probably figure out which call that would've been is, shortly thereafter,
6 he tweeted a tweet calling on people to be peaceful.

7 Q So I think you've probably seen it, because we marked it as exhibit 19, if we
8 could bring that up. So if we -- maybe keep at that zoom level, but go down to the
9 bottom to show the time. So 2:17 p.m. on January 6th of 2021.

10 So at the time you're on the phone with him, at least as reflected by the records.
11 And if you go up to the top then, so what that is, is retweeting someone with -- that's
12 Don Jr. retweeting a tweet about the attack on the Capitol that says, "Trump supporters
13 have breached the Capitol building, tearing down four layers of security fencing, and are
14 attempting to occupy the building -- fighting Federal police who are overrun. This is the
15 craziest thing I've ever seen in my life. Thousands, police can't stop."

16 That's what was retweeted by Don. And he, himself, says in his tweet, "This is
17 wrong and not who we are. Be peaceful and use your First Amendment rights, but don't
18 start acting like the other side. We have a country to save, and this doesn't help
19 anyone."

20 Did you help him craft that language, Mr. Surabian?

21 A Yes. I'm sure I did.

22 Q All right. So just on the phone, talking to him as he's coming up with what
23 to say, or did you actually type it up and send it to him?

24 A I can't recall.

25 Q Was it your practice to draft tweets for Don or to help him with tweets?

1 A If he asks me.

2 Q And so he specifically asked you for your help on this one?

3 A I don't recall specifically how it went down. He had said he wanted to give
4 a statement. So I can't remember if we talked about it on the phone and then he sent it,
5 or if I hung up and I sent him a draft and then he sent it.

6 Q And why was it -- I didn't mean to cut you off. I'm sorry.

7 A I was going to say either of those scenarios is possible.

8 Q And why was it important to Don Jr. to get a message out at this time and
9 say what he said?

10 A Well, like I said, Don was really surprised and disappointed by the whole
11 thing and wanted to just be clear.

12 Q And, roughly, do you have a sense of how big his Twitter following is, that is
13 Don Jr.?

14 A Millions.

15 Q And is it your sense and your experience with him over the years that the
16 people who follow him, they listen to him, or they view him favorably? I guess, trying to
17 get a sense of why did it matter to him to send out a tweet at this time.

18 A I mean, I don't have an opinion on if they follow him. I mean, there's a lot
19 of people who follow him who hate him.

20 Q Sure. But to your knowledge, it was a good -- you thought it was a good
21 idea as well, and that's why you helped him?

22 A Yes.

23 Q All right. At least to do something to tell people they should stop being
24 violent, right?

25 A Yeah. It was Don who wanted to do it.

1 Q And did he tell you also at that time whether he had spoken to his father,
2 President Trump, about the attack on the Capitol?

3 A No. I was the one who made him aware of it.

4 Q All right. Did he tell you -- how did the call end? Did he say -- what was
5 he going to do next?

6 A I believe, like I said, I can't remember if he was on the plane or about to
7 board a plane, but he was about to take off for a flight.

8 Q You end up talking to him again, per your phone records, if we can go to
9 exhibit 9. And it's page 5. Yeah, right there is good.

10 And if you see there, Mr. Surabian, you talked to him at 2:17 p.m., like you said,
11 and then at 4:16 p.m. you call Don Jr. and you guys connect for, roughly, three and a half
12 minutes. Do you see that?

13 A Yes.

14 Q All right. Do you remember, talking with him, that that would have
15 overlapped with the time when President Trump posted his video to Twitter telling
16 people to go home? Do you remember that?

17 A I don't.

18 Q You don't.

19 Were you tracking during the time between when you last spoke with Don Jr., at
20 2:17 p.m., and then when you spoke with him again at 4:16 p.m., were you tracking the
21 statements that President Trump was making over Twitter?

22 A I may have seen, but it wasn't my job to track.

23 Q Not job, just whether you as a person concerned and watching.

24 A Sure, I may have seen them. I can't recall.

25 Q All right. In that 2-hour span between when you didn't speak to

1 Mr. Trump, at least by the phone records, did you develop an opinion about whether the
2 President, Trump, should be doing more or something different to try to get people to
3 leave the Capitol?

4 A I didn't have an opinion on that.

5 Q And when you spoke to Mr. -- to Don Jr. at 4:16 p.m., did he tell you whether
6 he had been making efforts to get his father, the President, to make a statement and tell
7 people to go home?

8 A Not that I can recall. Like I said, the only conversation I had with him that
9 day that I can specifically recall, because it stuck out, because I made him aware of it, was
10 the one we had just spoken about.

11 Q Have you talked to Don Jr. since that day at any time about the efforts he
12 made during the day of the 6th to get his father to make a statement to people to go
13 home?

14 A The only conversation even remotely regarding that, that I recall with him, is
15 I believe after the committee put out the text with Meadows and him. I believe, once
16 again, I was the one who flagged it for him that those texts were out.

17 Q Okay. And what was his reaction when you talked to him about those
18 texts?

19 A I mean, he was -- I don't really think he had a negative or positive reaction to
20 it. He kind of just shrugged, and it was what it was.

21 Q And so the texts, in sum and substance -- and I can read some of them -- that
22 he exchanged with Mr. Meadows between the time that you spoke to Don Jr. at 2:17 p.m.
23 and 4:16 p.m. are -- the first one at 2:53 p.m., "He's" -- he, this is from Don Jr. to Mark
24 Meadows -- "He's got to condemn this shit asap, the Capitol Police tweet is not enough."

25 And Mr. Meadows responds, "I am pushing it hard. I agree."

1 And then at 2:58, Don Jr. texts Mr. Meadows, "This his" -- it's a typo -- "This is one
2 you go to the mattresses on. They will try to fuck his entire legacy on this if it gets
3 worse."

4 He follows up at the same time -- Don Jr. does -- to say, "I'm not convinced these
5 are Trump supporters either, BTW," or by the way, "so we should be looking into that."

6 At 4:05 p.m., he texts Mr. Meadows, "We need an Oval address. He has to lead
7 now. It's gone too far and gotten out of hand."

8 And then at 4:11 p.m., Don Jr. texts to Mr. Meadows, "Now Biden beating us to
9 the punch."

10 And do you understand that last reference to the fact that President-elect Biden at
11 the time got out a statement about the attack on the Capitol before President Trump did?

12 A I don't recall it.

13 Q All right. And so fair to say in these texts you can sense some sort of
14 frustration about -- from Don Jr. -- about the President not doing enough on the 6th?

15 A I mean, that's more of a question for Don.

16 Q Sure. But it does set up, when you talk to him at 4:16 p.m., he didn't
17 express any frustration to you about what his father was or was not doing to get the
18 Capitol rioters to go home?

19 A Like I've already said, I can't recall the content of my other conversations
20 with him that day.

21 [REDACTED] Okay. Just give me one moment.

22 Mr. Surabian, if I could just take -- it's 11:44 a.m. If we could just come back
23 at -- maybe at 12.

24 And then, Dan, I think we'd be done pretty quick after that. Can we just take a
25 15-minute break? Is that all right.

1 Mr. Bean. Sure. And on the break, can you find out why the video is running
2 about 35 minutes longer than you've been questioning?

3 ██████████ Happy to. I don't -- is this the counter you see up on the top?

4 Mr. Bean. Yeah.

5 ██████████ Okay. Sure. I don't know, but I'll ask. Sure thing.

6 Mr. Bean. All right. Thanks. All right.

7 ██████████ We'll be back at 12 o'clock.

8 Mr. Bean. Okay.

9 [Recess.]

1 [12:01 p.m.]

2 [REDACTED] We can go back on the record. It's 12 o'clock.

3 We just took a brief break. Thank you for the indulgence. And I think just a few
4 more minutes, if that. Okay, Mr. Surabian?

5 BY [REDACTED]

6 Q So if we can look at exhibit 17. And if you recall, we looked at this earlier.
7 This was about the text message exchange between you and Mr. Budowich that he had
8 produced, where you all had been talking about the Wall Street Journal reporter.

9 And so if we go to page 4. At the bottom of page 4, you'll see there's your
10 "checks out" comments. And then below that, I don't know what Mr. Budowich wrote
11 back, but maybe it was a picture, or whatever it is, I can't tell.

12 But if we go to page 5, I'll preface this by just asking whether any of what you're
13 talking about here has to do with financing or money for the 6th. And so I don't know if
14 you've seen this. But if you can just take your time to read the messages and then just
15 let us know, okay?

16 A No. So this is all in reference to Save the U.S. Senate PAC.

17 And I'll just be super clear: Neither me, my LLC, or any entity under my control
18 ever received money, sent money, or were involved in any financial transactions
19 regarding the rally on the 6th.

20 Q Okay. And so in referencing "Caroline" in the top message, I imagine that's
21 Wren, but that's in her capacity as a fundraiser for the Save the U.S. Senate PAC?

22 A Yes.

23 Q Okay. And then I have to ask, it's sitting there, the joke at the end about
24 the FEC. Maybe you see this one at the bottom. "I don't want the FEC to show my
25 firm getting 30,000, LOL."

1 A Taylor was waiting for his LLC to get legally set up. And I believe here he's
2 suggesting, well, if you don't want to wait for me to set it up, you know, you can pay, you
3 know, have the PAC pay your firm, and then you can sub it to me when mine's set up.

4 And I just responded with, you know, what I said there, you know, I don't want
5 my -- the FEC showing my firm getting 30K in a single payment.

6 Q Was that part, though, in relation to the January 6th rally?

7 A Oh, no. This was all in relation to Save the U.S. Senate PAC.

8 ██████████ Okay. That's all that I had. I will just ask and stop here whether
9 my colleagues who are on have any questions, whether in the room or otherwise on the
10 Webex. Okay? And I'll just see if anybody goes off mute. No one has.

11 Well, Mr. Surabian, I want to say thank you for taking the time. We really
12 appreciate you being here. You know, I think at this time we can consider the
13 matter -- the record closed.

14 And, Dan, if there's any follow-up that you have with me, happy to talk
15 afterwards, or if not, then you guys take care.

16 Mr. Bean. Thank you. No, we're good to go. You have a great day.

17 The Witness. Thank you very much.

18 ██████████ All right. Then we're off the record at 12:04 p.m. Thanks.

19 [Whereupon, at 12:04 p.m., the deposition was concluded.]

1 Certificate of Deponent/Interviewee

2

3

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

6

7

8

9

10 Witness Name

11

12

13

14 Date

15