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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: ALBERT FOLEY

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15 Tuesday, May 10, 2022

16

17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:11  
21 a.m.

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2       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], SENIOR ADMINISTRATIVE ASSISTANT

10      [REDACTED] INVESTIGATIVE COUNSEL

11      [REDACTED], CHIEF CLERK

12      [REDACTED], PROFESSIONAL STAFF MEMBER

13

14      For THE WITNESS:

15

16      JEFF BRICKMAN

17      511 East Paces Ferry Road, NE

18      Atlanta, Georgia 30305

1

2 [REDACTED] Today is May 10th, 2022. This is the deposition of Albert Foley by  
3 the House Select Committee to investigate the January 6th Attack on the United States  
4 Capitol, pursuant to House Resolution 503.

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

7 The Witness. My full name is Albert Sydney Foley, and last name is F, as in Frank,  
8 o-l-e-y.

9 [REDACTED] And, Jeff, if you could identify yourself for the record.

10 Mr. Brickman. Jeffrey Brickman, j-e-f-f-r-e-y. Last name, B-r-i-c-k-k-m-a-n.

11 [REDACTED] Thank you.

12 My name is [REDACTED]. I'm the investigative counsel who has been designated  
13 by the select committee to conduct this deposition. Currently we're not joined by  
14 anyone else from the investigative staff. We have some professional staff who are here.

15 We may be joined by members of the select committee, and I will acknowledge  
16 them for the record when they join us. They may ask questions at any point during the  
17 deposition.

18 Under the House's deposition rules, neither committee members nor staff may  
19 discuss the substance of the testimony today unless and until the Committee approves its  
20 release.

21 I note, Mr. Foley, that under House rules, only you and your counsel may be  
22 present, along with the staff from the select committee.

23 I'd like to confirm there's no one else present with you other than you and your  
24 attorney.

25 Mr. Brickman. No one else is present, [REDACTED]

1                    [REDACTED] Thank you. And I'll just say for the record that there are no other  
2 representatives from other government agencies present. The only folks here on our  
3 side are from the select committee staff.

4                    Although, as you heard at the start, this Webex is being recorded, the official  
5 record of the deposition will be the transcript from the official reporter. And so,  
6 because of that, I just want to go over some of the standard rules, or guidance, that we  
7 give for depositions.

8                    I ask for you to wait for the question, and I wait until you are finished to ask the  
9 next one. It's especially important given the technology that we're using, in case there's  
10 some interruptions. Also, the reporter can't note nonverbal responses like shaking and  
11 nodding your head. So you'll have to give a verbal response.

12                  Mr. Foley, we ask that you just give complete answers to the best of your  
13 recollection. If you don't know the answer, you can just say so. If you need me to  
14 clarify the question, you can ask. And any time if you want to take a break for whatever  
15 reason, to stretch your legs, get a drink of water, speak with your attorney, that's fine.  
16 We're happy to accommodate that.

17                  As I said, I don't expect this to go all day. My hope is to more or less be done in  
18 the early afternoon. If something happens and we need to stretch beyond that, we can  
19 take a brief lunch or snack break. But I'm perfectly happy to soldier on to get it done  
20 quickly.

21                  Under the House's rules, you may not refuse to answer a question unless that  
22 refusal is to preserve a privilege that's recognized by the select committee. If you refuse  
23 to answer a question based on a privilege, we can move on and return to the question  
24 later, or we can seek a ruling from the chairman of the committee on the objection. If  
25 the chairman overrules the objection, you'd be required to answer.

1 And, finally, Mr. Foley, I'll remind you, as we do for all of our witnesses, that it's  
2 unlawful to provide false or materially misleading testimony to Congress and doing so  
3 could result in criminal penalties.

4 Mr. Foley, do you understand everything I've said so far?

5 The Witness. Yes.

6 [REDACTED] Do you have any questions that we need to address before we get  
7 started?

8                   The Witness. No, I don't.

9 Thank you.

10 I'd ask that you please raise your right hand and be sworn in by the official  
11 reporter.

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

## 14 The Witness. I do.

15 All right.

16 EXAMINATION

17 BY

18 Q We're going to start today, first, by just testing out the technology here,  
19 and -- [REDACTED] I'm not sure if I have the ability to share my screen. Could you make that  
20 happen? There we go.

21 All right. Mr. Foley, can you see a document on your screen?

22 A Yes.

23 Q This is how we're going to be sharing documents with you today in the form  
24 of a few exhibits. There's not a lot. This is exhibit 1.

25 First, I'll tell you this is a subpoena that was issued by the House select committee

1       on April 29th, 2022.

2                   Are you the Albert Foley that's named in this subpoena?

3                   A     Yes, I am.

4                   Q     Mr. Foley, I want to acknowledge and thank for your prompt responses to  
5     the subpoena. You've produced to us a few dozen photographs and some videos, and  
6     we appreciate that you've been vigilant about doing that in a timely manner.

7                   That said, I do just want to go through and confirm that you have -- just, sort of  
8     the process that you went through to identify documents that were called for by the  
9     subpoena.

10                  So, as I scroll down through this, you'll probably recognize some of this: The  
11     cover letter that explains the basis for the subpoena. And then there is this document  
12     that's called the schedule.

13                  A     Yes.

14                  Q     This has -- this is -- sort of describes the documents that the select  
15     committee was seeking from you. And I'll just broadly summarize, there are four  
16     categories here. Number one is documents and communications that relate to a visit  
17     that you made to the United States Capitol complex on January 5th.

18                  Second category has to do with documents and communications that relate to  
19     rallies or protests that were held in Washington, D.C., on January 5th or 6th.

20                  The third category is any documents or communications that are related to the  
21     attack on the Capitol on January 6th.

22                  And then the fourth category is sort of a catch-all, anything that comes from those  
23     first three categories that was in the form of documents or communications to  
24     investigators, whether they're law enforcement or a different government agency.

25                  So, Mr. Foley, have you made every effort to search for the items that were called

1 for from the subpoena?

2 A I have.

3 Q Can I ask you to briefly describe for us what you did to search for documents  
4 that were called for by these categories?

5 A So I looked back on my -- certainly on the photographs, my camera. I  
6 checked text messages, and I have my texts automatically -- and I don't know for what  
7 period, but I couldn't find anything that comes close to going back that far. And then I  
8 have some emails -- I looked through the emails that I have. And that's the extent of my  
9 search.

10 Q So you mentioned looking through text messages. So you searched a cell  
11 phone for materials?

12 A Yes.

13 Q And what is the phone number that's associated with the cell phone that you  
14 searched?

15 A [REDACTED]

16 Q Is that the phone number that you used in December 2020 and  
17 January 2021?

18 A It is.

19 Q And is the phone, the physical device you searched, the same physical device  
20 that you had during that time period?

21 A No, it's not. I since lost my phone and replaced it.

22 Q Now, when did you lose the phone that you had during that time period?

23 A It's been about 2 to 3 months ago. I left it in an Uber car by mistake and  
24 really regretted it.

25 Q I can appreciate that. I think we've all been there, losing something like

1       that. It's the equivalent of losing your wallet these days.

2           But, despite that you had lost that phone, did your new phone that you got still  
3       have the photos and videos that you retrieved, or had those been imported to a  
4       computer?

5           A     Still had the photos, all the photos --

6           Q     I'm sorry. That broke up a little bit.

7           A     Yeah. Could you repeat that, please?

8           Q     I just wanted to confirm that you were able to still get information from your  
9       new physical device that came from that time period?

10          A     You mean -- can you clarify, please?

11          Q     Sure. I guess what I'm asking is, some phones back up to like a cloud  
12       storage service of some kind. And so, when you get a new phone, once you link it up  
13       with that cloud account, all of the old data from your previous phone comes down to  
14       your new phone.

15          But I just wanted to say you produced to us photos and videos that are from  
16       January 5th and 6th that seem to have been taken with the phone. So I'm just asking,  
17       did those items come from a separate place that you downloaded them to, or did they  
18       come from your new phone because they imported from like a cloud account of some  
19       kind?

20          A     Well, I'm a little unclear. But I do believe that I have my phone, just  
21       because of the amount of text messaging that comes through, that I have it that it  
22       automatically deletes after a period of time. I can't say that for sure. I'd have to  
23       double check, but I believe I set it up that way just for storage purposes. It's just way  
24       too much storage.

25          Q     Let me --

1           A    So I think, after 3 months or after 6 months, it automatically deletes.

2           Q    Okay. Let me go about asking this way: For the photos and videos  
3         you produced to us in the last few days, where did you pull those photos and videos  
4         from?

5           A    Yeah. They were -- everything -- that came -- when I had all of my contacts  
6         and information reloaded, all of that came when they reloaded it onto this phone. So I  
7         would say it was from the Cloud storage or whatever storage, however they do that.

8           Q    Okay. Great. That answers the question. Thank you.

9           A    Yeah.

10          Q    And you mentioned searching an email account. What email did  
11         you -- what's the email account that you searched?

12          A    My own email, [REDACTED]

13          Q    So you said -- is that [REDACTED]

14          A    No. [REDACTED]

15          Q    Is that the only email account that you used between the time period of  
16         December 2020 and January 2021?

17          A    I do have a work account, which would be [REDACTED]

18          Q    Did you use your work email account to communicate about your trip to  
19         Washington, D.C.?

20          A    No.

21          Q    And for the [REDACTED] account, you said you searched that for any  
22         communications, and you didn't find any. Is that right?

23          A    Correct.

24          Q    Now, on your phone, during this time period, did you use any messaging  
25         applications like WhatsApp or Signal, Telegram, anything like that?

1           A    No.  No, sir.

2           Q    And, during this time period, did you use any messaging features of social  
3         media applications, for instance Facebook and Instagram and Twitter all have features  
4         where you can send messages between users?

5           A    Not that I recall.

6           Q    To the best of your knowledge, did you intentionally delete or destroy any  
7         documents at some point that, if you still had them, would have been covered by the  
8         subpoena?

9           Mr. Brickman.  ██████████ you broke out towards the end of your question, so just to  
10       be safe, do you mind repeating that so I can hear the whole question and so can Mr.  
11       Foley?

12          ██████████ Sure.  I think we may have some internet stability issues we'll have  
13       to work through today.

14          Mr. Brickman.  No problem.

15          BY ██████████

16          Q    The question was, Mr. Foley, did you delete or destroy any documents that  
17       would have been covered by the subpoena if you still had them?

18          A    No, sir.

19          Q    So, for instance, I'll just throw out there that some people after January 6th  
20       saw that there were -- didn't expect what was gonna happen to happen, and after the  
21       fact, they decided that, you know, maybe I don't need these photos or videos or text  
22       messages anymore, and they got rid of them?

23          A    No, sir.

24          Q    Okay.  Well, that's all I have to ask about that particular topic.

25          So let's learn a little bit more about you.  In what city and State do you live, Mr.

1 Foley?

2 A I live in Roswell, Georgia.

3 Q And that's in the metropolitan Atlanta area, correct?

4 A Correct.

5 Q What do you do for a living?

6 A Well, I work for a chemical company, a chemical distributor type company.

7 I'm still on -- still with the company, but I've stepped down from my previous role. I'm  
8 somewhat semiretired.

9 Q And you don't have to go into a lot of nitty-gritty detail, but at a high level,  
10 what kind of position did you hold with the company?

11 A I was president of the company at one point, and now I'm a VP of supply  
12 chain.

13 Q And that is the position that you held in December 2020 and January 2021?

14 A Yes, sir.

15 Q And if you could briefly just tell us a little bit about your educational  
16 background?

17 A So I grew up in New Orleans, went to high school there in New Orleans and  
18 then went onto Tulane University, where I got a degree in mechanical engineering.

19 Q And, in the 2020 Presidential election season, Mr. Foley, did you work for, in  
20 either a paid or voluntary capacity, any political campaign?

21 A Voluntary capacity, I did some things with the Trump campaign, but not paid  
22 for.

23 Q Could you tell us a little bit about what that voluntary work was?

24 A I think there was a day where we called people, something like that. Yeah.  
25 I think it was one day, maybe two days.

1           Q    Was that before or after the election on November 3rd?

2           A    Oh, it was well before. I think actually it was with the first  
3        election.

4           Q    So you think it's possible that was in 2016?

5           A    Yes.

6           Q    Before traveling to Washington in January of 2021, did you participate in any  
7        demonstrations or rallies after November 3rd regarding the Presidential election?

8           A    No, I did not.

9           Q    So, for example, you live in the Atlanta area. There were several  
10       Atlanta-based events, including at the State Farm Arena, a November demonstration  
11       outside the State Capitol, all relating to election integrity issues.

12        So you did not attend any of those events. Is that right?

13        A    That's correct.

14        Q    So, when it comes to elections and current events about politics, let's say,  
15       how would you summarize where you get your information for those kinds of topics?

16        A    Well, a lot of it was on the phone -- a combination of the phone and TV, just,  
17       you know, how the Apple phone gives you news feeds and various [inaudible] on the  
18       phone and TV news, so-called news. Yeah.

19        Q    Okay. So I think there was a little bit of a lag, but I understood you to be  
20       saying that you get news from reading the news alerts on your phone and also a little bit  
21       from TV news?

22        A    Correct.

23        Q    And you said "so-called news." I just want to make sure I understand when  
24       you say TV news, are you -- I don't want to assume, but are you referring to cable news  
25       networks as opposed to the nightly network news?

1           A    Yes.

2           Q    How would you describe that?

3           A    Yeah. The -- you have FOX News, you have CNN as two main sources.

4           And then you have other talk shows.

5           Q    Okay. So did you -- I'm gonna run through a list of some websites, and I'm  
6   curious if you used any of these to keep up with information about the 2020 Presidential  
7   election, including through January 2021.

8           So some of the mainstream social media websites, like Facebook, Twitter,  
9   YouTube, did you use those?

10          A    I have, yes.

11          Q    And what about -- there's some other websites like 4chan; did you ever use  
12   that to follow politics or get information about the election?

13          A    Not familiar with that, no.

14          Q    Another website called 8kun, k-u-n?

15          A    Don't know about that one.

16          Q    What about Parler?

17          A    I've -- I'm familiar with it. I think I even signed up, but I hardly even used it.

18          Q    GETTR is another one, G-E-T-T-R?

19          A    Never heard of it.

20          Q    Gab, g-a-b?

21          A    I've heard of that one. Not something that I've really used. I may have  
22   looked at it but not familiar with it.

23          Q    A website called TheDonald.Win, W-i-n?

24          A    Don't know of that one.

25          Q    And Discord?

1           A    Haven't heard of it, no.

2           Q    So, Mr. Foley, when did you hear that January 6th would be a day for people  
3    to come gather in Washington, D.C.?

4           A    That would be hard for me to pinpoint the day that I heard that, just from  
5    the general information through the news feeds and -- so I really -- I can't tell you the day  
6    or exactly how I heard of it.

7           Q    Well, do you know when you decided to go to D.C. for January 6th?

8           A    Yes. I was visiting family in Charlottesville and over the holidays and over  
9    New Year's. I was thinking about just attending it from there, but I decided not to.  
10          And so I traveled back to Roswell. And then, on January 2nd, I got a call from a close  
11         friend of mine, Bill Vlass, with a "V," V-l-a-s-s, and he asked me if I wanted to go with the  
12         group on a bus leaving Atlanta on the 4th and returning, I believe -- yeah. Pretty sure  
13         we returned that evening of the 6th. And it was reasonably priced, so I said, yeah, I'd  
14         like to go.

15          Q    So let me share with you what we've marked as exhibit 2. This is a  
16         Facebook post --

17          A    Uh-huh.

18          Q    -- from an account called The Trump Bus to Atlanta, and you can see here  
19         that there's a post from December 22nd, 2020. I'm not going to read all of the text  
20         here, but it's -- it refers to this once-in-a-lifetime chance to travel with Danny's Hamilton's  
21         world famous Trump bus to Save America Tour slash march on Congress, and it goes on to  
22         describe where people will meet and leave from, the accommodations on some what I  
23         would characterize as kind of high-end tour buses, sort of a -- sort of stagecoach with  
24         sleeping accommodations and televisions, and then, at the bottom, talks about the  
25         pricing for it, more or less about \$500 per person. And it gives some contact

1 information for this Danny Hamilton with a phone number and some links for people to  
2 click on I guess to understand more about the -- some of the information that might be  
3 important to the event.

4 So let me first ask you: It sounds like, from your description, you didn't learn  
5 about the specific bus group to go to D.C. from Facebook. Is that right?

6 A That's correct.

7 Q Do you remember seeing this Facebook post at some point?

8 A I can't recall. I may have. I may not. I don't know. I certainly  
9 don't -- that doesn't ring a bell to me.

10 Q Is Danny Hamilton the person who organized the bus trip that you did go on?

11 A As best I can remember, yes.

12 Mr. Brickman. [REDACTED], may I ask a question? Right now, on the screen, it says  
13 like plus sign, 45 percent, which I am guessing might be maybe -- is that the font? I'm  
14 wondering if this could be enlarged a bit on your end or no? If it's a problem, just let me  
15 know. I don't want to mess with -- well, I don't think I can mess with your seen. There  
16 we go. Thank you.

17 [REDACTED] That's better?

18 Mr. Brickman. Oh, yes. Thanks.

19 [REDACTED] Okay.

20 BY [REDACTED]

21 Q So, Mr. Foley, I think you said that -- let me just clarify, was Danny Hamilton  
22 on the trip that you took?

23 A I'm almost certain he was, but I can't totally confirm that.

24 Q So here, the description of this says: Luxury tour buses leave Star Cafe.  
25 Gives an address at Marietta Boulevard Northwest, Atlanta, Georgia.

1           Is that the location you left from with your tour?

2           A    I'm sorry.  Yes.  That's correct.

3           Q    And so did you go on the trip with your friend, Bill?

4           A    Yes.

5           Q    Was there anyone else that you knew before you started the trip that was  
6         going with you?

7           A    Yeah.  He -- there was -- family friends of his, mother by the name of  
8         Cynthia -- I don't know the last name -- and I think two daughters, either two or three.  
9         And then there was another gentleman, Mark.  I don't know his last name.  He traveled  
10      with his wife and son that Bill knew -- Bill knew them very well.

11          Q    Okay.  That's helpful.  So you knew Bill and -- it sounds like you knew Bill,  
12      and Bill knew these other people.  Is that right?

13          A    That's correct.

14          Q    So tell us about what the trip up to D.C. was like, what people were talking  
15      about, if people were saying that they were excited for certain things.  What were their  
16      expectations for the events?

17          A    It was mostly for the rally, and there was some hope that there was some  
18      significant news at the rally that would be presented.  So that was the main thing.

19          Q    Did anyone on the bus trip up have discussions about occupying the Capitol  
20      Building?

21          A    Not at all.

22          Q    Were there discussions about the tunnels beneath the Capitol on the bus  
23      ride up?

24          Mr. Brickman.  ████████ I'm sorry.  You cut out for a big chunk of that question.

25          ████████ Yeah.  And it lagged on my side too.

1 BY [REDACTED]

2 Q Mr. Foley, were there any discussions on the bus ride up about the tunnels  
3 beneath the Capitol?

4 A Not at all.

5 Q And did anyone bring with them weapons of any kind on the trip?

6 A No, sir, not that I know of.

7 Q Did anyone bring with them helmets or body armor, defensive clothing, that  
8 kind of thing?

9 A No, sir.

10 Q Did anyone on the bus mention membership in groups like the Oath  
11 Keepers, the Proud Boys, the Three Percenters?

12 A No, sir.

13 Q Have you ever been associated with any of those groups?

14 A No, sir.

15 Q So I'd like to now talk about what I think I talked with your attorney about is  
16 the topic of interest to us, which is Capitol tour you took on January 5th.

17 First, you did take a tour of buildings in the Capitol complex on January 5th, right?

18 A Yes, sir.

19 Q Do you know how that tour was arranged?

20 A I don't know for sure, but I do know that Mark, who is Bill's friend, from  
21 what I understand, he is in Representative Loudermilk's district and knows him very well.  
22 So I am assuming that it was arranged by Mark.

23 Q And so that -- just a point of clarification, you are not in Representative  
24 Loudermilk's district, are you?

25 A No, sir.

1           Q     And we reviewed the surveillance footage of the tour, so we have a general  
2     sense of when you arrived and where you went.

3                 But I'm wondering if you could, to the best of your recollection, walk us through  
4     your recollection of the tour sort of from start to finish?

5           A     Yeah. I -- it was in the morning. I can't say whether it was 8:30, 9 o'clock,  
6     9:30, somewhere around there when we arrived. And I was asked if I wanted to attend  
7     either the day before or the day of, you know, chance to meet with the House of  
8     Representatives -- one of the Representatives. So we arrived. We went through  
9     security, and checked in. And then took a left down the hallway, went down to his -- I  
10    think it was a left, but went down to his office, took a tour of the office for -- for about  
11    maybe a half an hour or so.

12                 And then Representative Loudermilk and his wife took us on a tour in the Capitol.  
13    And, from what I understand, it's a similar tour to what they give when students come  
14    through or family members or other members -- people that he represents, that he takes  
15    them on a tour. During that time, I believe he had to go vote, and so his wife was with  
16    us the whole time until we got back -- until he finished his vote and came back.

17                 We went to this area underground that was like where several hallways met, and  
18    they had artifacts and a shop. We went into the shop. I know I bought a few things.  
19    And then we visited one other Representative, maybe one or two others that they knew  
20    very well, that they just wanted to say hello, and then we went back. Oh, we did have  
21    lunch there, which was very nice. And then left after that.

22           Q     Do you recall the names of the other Representatives that they wanted  
23    to -- that they dropped by to say hello to?

24           A     I don't recall.

25           Q     Do you remember where they were from geographically?

1           A    No, I don't.

2           Q    So I -- you provided us photos from the tour that you took, and so I think a  
3         lot of what you've already said helpfully summarizes what some of these photos show.  
4         Let me make it so that it's clear to see here.

5           Can you see that?

6           A    Yes.

7           Q    So the first few look like photographs that you may have taken in the area of  
8         Representative Loudermilk's office. His office is in the Rayburn Office Building.

9           Does that sound right as the one that you entered?

10          A    That sounds right, now that you mention it. I have to apologize; I am  
11         terrible on details. But now that you mention it, yes.

12          Q    That's fine.

13          And another group -- I just am wondering, you mentioned some names before.  
14         Is this the woman you identified as Cynthia earlier, or is this Mark's wife, or someone  
15         else?

16          A    That is Mark's wife. And now that you show me that photograph, and I  
17         sent it to you so I should have paid attention to it, but that's his two sons.

18          Q    And so, just for the record, this is page 2 of exhibit 3.

19          And this is page 3. Is this you and Bill?

20          A    That's correct.

21          Q    And then a photograph that you took on page 4 of Representative  
22         Loudermilk. Is this in his office?

23          A    That's correct.

24          Q    And then you also had a picture taken of you and Bill with Representative  
25         Loudermilk?

1           A    That's correct.

2           Q    And then I am assuming then because you identified this woman earlier as  
3   Mark's wife that this gentleman in the red hat on picture 6, that's Mark?

4           A    That's correct.

5           Q    So Mark and his wife are the people with the relationship with  
6   Representative Loudermilk?

7           A    To the best of my knowledge, yes.

8           Q    And can you remember who these three women are in photograph 7 of  
9   exhibit 3?

10          A    Okay. So that is Cynthia to the right of Representative Loudermilk, I  
11   believe, and then her two daughters, one to the right of her and one to the left of  
12   Representative Loudermilk.

13          Q    So Cynthia is the one in the red hat?

14          A    Yes.

15          Q    And -- my sizing changed here.

16          This photo here -- I believe this is page 8. This is a photograph from inside of  
17   Representative Loudermilk's office. Is that right?

18          A    No. It's a different office, one that Mrs. Loudermilk knew the people and  
19   just popped in to say hello. And we didn't actually go in. They were meeting together  
20   at the time, so we didn't go in. And I can't recall whose office it was.

21          Q    Do you know any of -- recognize any of the people who are in this  
22   photograph?

23          A    No, I don't.

24          Q    So this is, just to clarify, this is a different Member's office, and these were  
25   people who were already there when you popped your head in?

1 A That's correct.

2 Q And then is this Representative Loudermilk's door here that says "welcome  
3 y'all"?

4 A It's either his or his right close by. I can't remember, but I thought that was  
5 interesting.

6 Q And do you know -- there's a picture here of antlers mounted. Is this from  
7 outside Representative Loudermilk's office?

8 A I can't confirm. I think so, but I can't confirm.

9 Q But you took this photo while you were on the tour that day?

10 A That's correct.

11 Q And then sort of the same question here: This painting that you took a  
12 photograph of, do you remember where this was?

13 A That was in Representative Loudermilk's office.

14 Q And then there are some additional photographs here that appear to be  
15 from locations in the basement levels and sort of tunnels of the House Office Buildings.

16 Do you recognize these?

17 A You broke up, [REDACTED]

18 Q Sorry.

19 Mr. Brickman. [REDACTED] you broke up.

20 BY [REDACTED]

21 Q There are some photos here that look like they're from the basement level  
22 and tunnels of the House Office Buildings.

23 Is that where you took these photos?

24 A That's correct.

25 Q And another one of the House Office Building hallway here?

1           A    That's correct. That's -- and I don't know what hallway that is, but I took  
2    that photo.

3           Q    You mentioned earlier when you were talking about Representative  
4    Loudermilk taking you on a tour, you said you went on a tour of the Capitol.

5           But do you know whether you went inside the Capitol Building itself?

6           A    No. We didn't tour the Capitol. If I said that, I don't -- that's a mistake.  
7    We did not tour the Capitol.

8           Q    And so you took additional photos here of these hallways within the office  
9    buildings. Is that right?

10          A    Yes. To the best of my knowledge, we were still in the Rayburn Building  
11   the whole time.

12          Q    And you mentioned going to an area with some historical displays.  
13          Is that what this photograph is from?

14          A    That's correct. I was -- it was interesting some of the history that was  
15   shown there.

16          Q    And, for the record, this is page 19 and page 20 here, look like photographs.  
17   And I can tell you that, as far as I know from my experience, this is within an area called  
18   the Cannon -- the basement of the Cannon rotunda that's linked together with the other  
19   office buildings by tunnels or through the basement level.

20          Do you recall going down through sort of basement level walkways to get to this  
21   location?

22          A    I don't recall how we got there.

23          Q    But you didn't leave the Rayburn Office Building and go in to a different  
24   office building to get here, did you?

25          A    No, not that I can recall, no.

1           Q     So this is page -- I believe it's 22.

2           Can you tell me what you were photographing here?

3           A     I believe this is still the -- is that -- I'm not sure if that's the trolley or just -- I  
4     don't know what I was photographing.

5           Q     Well, this appears to be a photograph of one of the tunnels that leads from  
6     the House Office Building to the Capitol.

7           It was someone -- did someone explain to you that that's what this was?

8           A     It may have been Representative Loudermilk going to vote. I'm not sure.

9           Q     Could you just help me understand why you took a photograph of the  
10    tunnel?

11          A     I just thought it was interesting. I took a lot of photographs just because I  
12    was fascinated by the tour.

13          Q     And this is a photograph of the membership of the House Judiciary  
14    Committee.

15          A     Uh-huh.

16          Q     We can zoom in here, and you can see that's what that is.

17          Was this also something that you found interesting, or was there a different  
18    reason that you were taking a photograph of this?

19          A     Just interesting.

20          Q     Before your trip on January 5th, had you ever been inside any of the House  
21    Office Buildings?

22          A     Not that I can recall, no.

23          Q     Had you ever taken a tour of the United States Capitol complex?

24          A     I have taken a tour of the Capitol about maybe 12, 14 years ago, something  
25    like that. Can't remember exactly, but yes, I did.

1           Q     Now, there's some additional photos you took of the name plates of  
2 different Members. And I'm just curious if you can tell me, for each one of them, if  
3 there's a reason why you took a photograph of a particular Member's door.

4           For instance, this is Representative Glenn Thompson from Pennsylvania.

5           A     I -- it totally random. I'm sorry. I was just excited and just took some  
6 photographs of names. No particular reason.

7           Q     Eleanor Holmes Norton from D.C.?

8           A     No --

9           Q     I'm sorry. I think you broke out a little there.

10          A     Mr. Brickman. Actually, I think you did, [REDACTED], because you were asking a  
11 question.

12          BY [REDACTED]

13          Q     I just want to confirm, you said there's no particular reason why you took a  
14 photograph of Representative Norton's door?

15          A     That's correct. Correct.

16          Q     Same question for the Energy and Commerce Committee?

17          A     Correct.

18          Q     So it's your same answer?

19          A     No particular reason.

20          Q     Representative Nadler from New York?

21          A     Same thing. I know the name. You know, he's been on the news, so no  
22 particular reason.

23          Q     Okay. The last piece here that I just wanted to highlight and we might  
24 come back to it in a moment, this is an image you produced to us. It looks like it's a  
25 screen shot of like a brochure of some kind that is titled MAGA Rally Map Guide, and the

1 main page here says January 5th, with different events that look to be happening across  
2 D.C. on January 5th.

3 Do you remember where you got this image from or this brochure from?

4 A I don't remember where, and I don't know if it was posted, or if it was a  
5 handout. I believe it was a handout.

6 Q Okay. So we're not gonna look at all the videos that you produced from  
7 the tour, but I do want to pull some of those up here.

8 [REDACTED] [REDACTED], I may need your help. Are you able to -- video No. 6.

9 [REDACTED] Give me just a minute. I'll get it up.

10 [REDACTED] Just so you know, [REDACTED] is also a member of the professional  
11 staff. He joined us. You can see his name on the screen.

12 BY [REDACTED]

13 Q So, Mr. Foley, this is a video you produced to us. I believe it's a cafeteria in  
14 the House Office Building?

15 A Yes.

16 Q And am I correct in understanding that, like the other photos we've been  
17 looking at, this was a video that you took because you found it interesting as a tourist of  
18 the Capitol?

19 A Correct.

20 [REDACTED] [REDACTED], if you could play it and then maybe pause it when we see the  
21 individual in the background on the phone.

22 [Video shown.]

23 BY [REDACTED]

24 Q There is a gentleman over there on the phone. It's a little tough to see, and  
25 I don't know if we're able to zoom in, but from the surveillance, he was on the same tour

1 as you. I can describe him. He's got sort of a black, jelled-over kind of undercut  
2 haircut shaved very close on the side.

3 Did you interact with that gentleman during your tour of the Capitol?

4 A That's -- I can't even see. I don't know. Is there a way to zoom in?

5 Q I'm not sure we can do that unfortunately.

6 [REDACTED] I don't think so unfortunately.

7 BY [REDACTED]:

8 Q Well, let me just ask you, then, some of the names.

9 You mentioned -- it sounded like you weren't sure if you interacted with Danny  
10 Hamilton. Is that right?

11 A I'm sorry?

12 Q Earlier when we were talking about Danny Hamilton, it sounded like you  
13 weren't sure if you interacted with him on the trip to D.C. Is that right?

14 A I think he was -- I know he wasn't on a bus. I'm fairly certain he was there  
15 the whole time. I think he was on another bus, but I don't want to falsely testify so you  
16 know.

17 Q What about an individual named Trevor Hallgren?

18 A That name doesn't sound familiar to me.

19 Mr. Brickman. How do you spell the last name, [REDACTED]? I'm sorry.

20 [REDACTED] H-a-l-l-g-r-e-n.

21 Mr. Brickman. Thank you.

22 BY [REDACTED]

23 Q So there also -- we don't have to look at them, but there also are videos that  
24 largely I think mirror the photographs that you took, so videos from within  
25 Representative Loudermilk's office, videos of Representative Loudermilk taking the

1 subway to the Capitol. Does that all sound right?

2 A Correct. Yes.

3 Q And did you share these videos or photos with other people who weren't on  
4 your tour on January 5th or 6th?

5 A I may have. I'm not certain. I may have sent like -- if I took a photograph  
6 of the -- with them with Representative Loudermilk, I might have sent it to them, that  
7 type of thing.

8 Q So the reason I ask and that we're being so specific about this -- it may seem  
9 a little strange as someone who thought he was just on a tour -- is that we know there  
10 was chatter on websites before January 6th where people were talking about getting  
11 access to the Capitol through the tunnels.

12 Were you aware of that discussion before January 6th?

13 A I -- this is the first I've ever heard of that.

14 Q All right. So, to the best of your recollection, did anyone as a part of your  
15 group that traveled to Washington, D.C., discuss gathering information about getting into  
16 the tunnels beneath the Capitol?

17 A Absolutely not. Absolutely not.

18 Q Well, thank you. And I hope you can appreciate the sort of tedious detail  
19 that we went through?

20 A I understand now. Yes. And that's very concerning to me. Very  
21 disturbing to hear that.

22 Q So tell us then, after the tour ended, where did you go?

23 A From there, we walked around the -- around the Capitol, it was more -- just  
24 like a tour day. We didn't have anything specific in mind. We did walk over to the  
25 Supreme Court, and there's a number of photos and videos of that. And then we just

1 walked to other places until we got tired and headed back.

2 Q Tell me what you remember about the events that were going on at the  
3 Supreme Court on January 5th after you left the Capitol?

4 A There was a lot of -- there was a lot of Chinese protests, I think human rights  
5 protests from China. I think there might have been some other countries. There were  
6 a lot of foreign countries represented there in Washington. Korea, I think I saw some of  
7 their flags. And other countries just protest -- mostly protesting human rights abuses in  
8 their country.

9 Q So was your group planning to go to the Supreme Court after the tour, or did  
10 you just sort of wander around and happen onto it?

11 A We just happened onto it.

12 Q If we could play video No. 9, which I believe is taken around this time period  
13 when you're in the area of the Supreme Court. We may need to turn the volume up on  
14 it because I know the volume is low on some of these clips.

15 [Video shown.]

16 BY [REDACTED]

17 Q So it's a very short video clip. I'm not sure if you could hear that, but the  
18 speaker, who I believe is you, said: Tomorrow's going to be up to Pence.

19 Was that you saying that in the video?

20 A That was hard to hear, but I don't actually recall, but I can't deny it either so.

21 Q Well, I'll just ask you then, on January 5th, did you understand that people  
22 were hoping that Vice President Pence would take some kind of action the following day  
23 to help support President Trump's effort to be reelected?

24 A Yes. Yes.

25 Q And, you know, this discussion about tomorrow it's going to be up to Pence,

1 was it your understanding that the only way that President Trump could prevail during  
2 the joint session was if the Vice President took that action?

3 A That he supposedly had the authority to maybe delay and -- that he had  
4 some kind of authority that could weigh in President Trump's favor, yes.

5 Q Do you remember where you learned that information about the Vice  
6 President's authority?

7 A Just from the different news feeds, the general talk that was a lot of  
8 discussion around that at the time.

9 Q When you were in D.C. on the 5th and the 6th, did you hear anyone talking  
10 about taking any kind of action to encourage the Vice President to act in favor of the  
11 President?

12 A No, sir.

13 Q Did you attend an event at Freedom Plaza, which is down Pennsylvania  
14 Avenue, sort of between the White House and the Capitol Building on January 5th?

15 A I can't recall. Can you help me with that, what the event was?

16 Q Sure. If we can pull up exhibit 3, and it's the last page, is that MAGA map.

17 [REDACTED] I'm working on it even. Give me one second. Adobe has frozen.

18 [REDACTED] I can do it on my end.

19 [REDACTED] Can you direct me to the page, please, [REDACTED]?

20 [REDACTED] It's the last page, and then maybe we can zoom in on the map itself  
21 there.

22 BY [REDACTED]

23 Q The event that I'm referring to -- sorry, [REDACTED]. Could you go up to the  
24 actual map for January 5th?

25 The event that I'm referring to is what's labeled on the map as March to Save

1 America, 1 p.m. Freedom Plaza.

2 And I can tell you, Mr. Foley, that the event that you happened upon at the  
3 Supreme Court, as far as I can tell based on the timing and the photographs and videos  
4 that you provided to us, was the one Nation Under God rally, which is in the red to the far  
5 right of the screen?

6 A Okay.

7 Q So do you remember walking -- it would have been probably about a mile or  
8 so down Pennsylvania Avenue to get to Freedom Plaza where there was a pretty large  
9 produced rally going on?

10 A Honestly, I can't remember one way or the other.

11 Q Some of the people who were speaking at that event included Ali Alexander,  
12 Alex Jones, Roger Stone.

13 Does any of that ring a bell?

14 Mr. Brickman. [REDACTED] you cut out after the name Roger.

15 BY [REDACTED]

16 Q So some of the people who were speaking at that event included Ali  
17 Alexander, Alex Jones, and Roger Stone. Does any of that ring a bell?

18 A It doesn't.

19 Q The last question about January 5th, did you see any fights or conflict,  
20 physical conflict, between demonstrators on January 5th?

21 A Could you repeat that again? You cut out.

22 Q Did you see any physical fights or conflicts between groups on January 5th?

1

2 [11:10 a.m.]

3 BY [REDACTED]

4 Q Did you see any physical fights or conflicts between groups on January 5th?

5 A No, sir.

6 Q All right. [REDACTED], we can take down the PDF here for now.

7 So let's move on then to January 6th. Maybe, actually, I haven't confirmed this,  
8 but each night that you were staying in the area of D.C., am I correct, from our review of  
9 that Facebook post about Danny Hamilton's tour, that each night you were there, you  
10 were staying on the buses in a camp site outside of D.C. Is that right?

11 A That's correct.

12 Q So, following your wandering around D.C., you all traveled back to the camp  
13 site, spent the night there? Is that right?

14 A That's correct.

15 Q So then walk us through your day on January 6th, 2021.

16 A So we left early to try to beat the crowd. So we got to -- near the  
17 Washington Monument. The bus let us off there. And it was around 7, 7:30,  
18 something like that, and there was already a pretty large crowd gathering. So, from  
19 there, walked around trying to find a good spot to -- to watch the speech and so walked  
20 alongside the Washington Monument up towards one intersection. I don't know the  
21 street name. Then we came back, and we settled on a spot in front of the Washington  
22 Monument and watched the rally. And then -- and a lot of wait time there.

23 And then, after that, you know, President -- President Trump said that we'll -- now  
24 we're going to walk down to the U.S. Capitol and peacefully let our voices be heard.  
25 And so -- and that's when I -- that's when I knew we were going to walk down towards the

1 Capitol. And so the crowd started moving that direction. I wasn't one of the early  
2 ones. I was maybe midway, and I have some video of people walking down towards the  
3 Capitol and then that last video where I -- when I left. We were going to meet one of  
4 Cynthia's daughters at a hotel. I can't remember the name of the hotel, but we were  
5 very hungry, and so we moved off to the left.

6 And, when I saw the crowd up there, I didn't want any -- that just made no sense  
7 to me. I had no interest in that, so --

8 Q So was the first you heard about people moving from the area of the rally to  
9 the Capitol, was the first time you heard about that when President Trump said  
10 something about it during his speech?

11 A That's correct.

12 Q Now, while you were in the -- this area, did you have to go through any  
13 security perimeters, like metal detectors, that kind of thing, to get to where you would  
14 watch the rally?

15 A No. There was an area closer to the White House, so wherever he gave the  
16 speech, that was pretty packed. We didn't go to that area. We were pretty far back,  
17 basically watching it on TV monitors in the open field by the Washington Monument.

18 Q Now, when you were in the area of the Washington Monument for this rally,  
19 did you see or hear anybody talking about invading the Capitol Building? Sorry. Looks  
20 like you guys didn't catch that.

21 A That's right --

22 Mr. Brickman. You can tell by my look of bewilderment, right?

23 [REDACTED] Yes. Whenever Jeff looks confused, that means that my video  
24 lagged.

25 Mr. Brickman. But go ahead. You can ask again.

1 BY [REDACTED]

2 Q When you were in this area near the Washington Monument, did you see or  
3 hear anyone talking about invading the Capitol Building?

4 A I did not.

5 Q Did you see anybody dressed in what I would characterize as military-style  
6 clothing, with helmets and body armor?

7 A Not at the rally.

8 Q Did you see people like that later on?

9 A I did.

10 Q Tell me about that.

11 A So this was toward the end of the -- towards the walk towards the Capitol,  
12 and kind of when I took that last video before we went left, there were six or eight guys.  
13 They looked like they were dressed in fatigues and boots, and they were -- they were kind  
14 of running together and trying to gather a crowd. And I thought it was very, very odd.

15 So --

16 Q Tell me what you mean about them trying to gather a crowd.

17 A They were just saying: Come on, come on. We're going to the  
18 Capitol -- or something like that, yeah.

19 Q And so it was a group of men wearing military-style fatigues. Were they  
20 wearing helmets?

21 A I believe so.

22 Q Did you notice any --

23 A To the best I --

24 Q Did you see any kind of markings or patches on them that had any names or  
25 symbols that you can remember?

1           A    No. They were moving pretty quick.

2           Q    And this was -- where on the National Mall, if you can remember, did you  
3 see this?

4           A    It wasn't -- it was at the end of Constitution Avenue, heading towards the  
5 Capitol. So it was not -- you know, it was still on Constitution Avenue.

6           Q    And then, just for the record, when you referred to turning left, I think what  
7 you mean is, as you're facing the Capitol Building, walking towards it from the  
8 Washington Monument, at some point, you turned left, which would be north away from  
9 Constitution or The Mall. Is that right?

10          A    I don't have my bearings, but we just -- we just went to the nearest street  
11 that we could get to.

12          Q    So you did give us some photos of the events that you've described, and so  
13 those we've put together in exhibit 10. We don't need to walk through every single one  
14 of them. There's just a few of them I want to ask you about. So, if we can pull that up  
15 and go to -- well, actually, this is a good one to clarify. Photos 1 and 2, it looks to me,  
16 show signs on the grass. The perspective, I believe, is with your back to the Capitol  
17 looking towards the Library of Congress. And, based on what I know about the events of  
18 the 5th and the 6th, there was an event that sort of matches this description from  
19 January 5th. But I don't want to, you know -- I guess I'm giving too much away to try to  
20 inform what your answer might be on this, but I just want to clarify that this is not a  
21 photo from January 6th.

22          A    That's correct. It was January 5th.

23          Q    Okay. Great. All right. Let's go to photograph, well, 3. Let me go to 3  
24 and just confirm something. This photograph of the Washington Monument, is this  
25 early in the morning on January 6th?

1           A     As best I recall, yes.

2           Q     And photograph number 7. You took a photo here of a gentleman that  
3     looks like he's using a megaphone. Do you remember why you took this photo?

4           A     No, I don't. Just one of many. I was just snapping pictures.

5           Q     What kinds of things were you hearing people saying on these megaphones  
6     as you were in the area of the Washington Monument and the Capitol that day?

7           A     I really can't recall. I mean, there was a lot of people with megaphones,  
8     and it was pretty chaotic.

9           Q     If we go to 14, please, [REDACTED] So this, from the background, looks like it's  
10   now close to the Capitol, and 15 is also one that is -- that shows the Capitol with the  
11   crowds gathered there. So you covered this a little bit already, but I'm wondering if you  
12   can tell us in a little bit more detail what you saw happening in front of you at the Capitol  
13   Building that morning.

14          A     Well, I just saw large -- large crowds going towards the Capitol, and I think at  
15   one point I saw them up on the steps or you can -- I think you can see it from a distance.  
16   But we -- we broke off. We were tired. We wanted to get some food. And that's  
17   where we went. And I had no interest in what was going on.

18          Q     Why not? Tell me about that. What was it that you weren't interested  
19   in?

20          A     It just seemed odd to me that people were right up on the Capitol steps.

21          Q     And you could see that as you were approaching, that people were close  
22   enough to the building in a way that you didn't think -- or that you found odd --

23          A     -- with that, right, yes.

24          Q     And am I correct then in my understanding that you didn't leave the rally  
25   until President Trump finished speaking?

1           A    Correct.

2           Q    Now, if we go down to the next page, page 16, this, I'll tell you, looks to be a  
3         photograph from the opposite side of the Capitol. Did you walk to the other side of the  
4         Capitol on January 6th?

5           A    I went -- I'm sorry. Yes. No, that's correct. What happened was we  
6         went to the hotel and then went to get something to eat, and I spent the rest of the  
7         afternoon there in the cafe and then just hearing news of what happened, and then there  
8         was that curfew. And so I wanted to get back to the bus as quickly as I could to make  
9         sure I didn't miss it, and I was pretty rushed. But, on the way, when I took the phone,  
10       the GPS, it took me back along this route to get to the bus. And I thought that was  
11       honestly very bizarre to see that going on. I was -- it's a very disturbing photo to me.

12          Q    So do you remember the hotel where you went with the other folks when  
13         you left The Mall?

14          A    I do not remember the name of it.

15          Q    Do you remember the cafe that you went to?

16          A    I do not know the name of it.

17          Q    Okay.

18          A    I know I -- I'm fairly certain I charged something, charged my meal there.  
19         So it would likely be in my records.

20          Q    And so, in summary, then, you walked from this area near the Washington  
21         Monument where you heard President Trump speak, walked down Constitution Avenue  
22         towards the Capitol, and then, at some point before you got -- I don't want to  
23         characterize how close you got, but at some point after you saw what was happening at  
24         the Capitol and you and some of your -- the folks who were with you got hungry, retired,  
25         went to a hotel to meet up with someone's daughter and then got a meal. Following

1       that, you wanted to get back to your bus, and it took you by the east side of the Capitol.

2       Do I have that all squared? Is there anything wrong about that summary?

3           A     No, that's correct.

4           Q     Okay. Did you -- how close did you get to the Capitol?

5           A     That's as close as I got, but it was because of my GPS took me that way to  
6       get back to the bus.

7           Q     And so, just for the record, when you say that's as close as you got, you're  
8       referring to this photograph 16 showing the east side of the Capitol?

9           A     Correct.

10          Q     So at any point did you ever walk over any fences?

11          A     No, sir.

12          Q     Did you encounter any law enforcement as you approached the Capitol?

13          A     No, sir. Let me say, unless they were on Constitution Avenue, but I didn't  
14       approach the Capitol.

15          Q     And then I asked you earlier about weapons on the bus. Did you see any  
16       weapons when you were out in D.C. on January 6th?

17          A     No, sir.

18          Q     What about people carrying defensive items like bear spray or mace?

19          A     I didn't notice any of that.

20          Q     If you had to ballpark about how long you were away from the area of the  
21       Capitol before you came back and took this photograph, how long do you think it was?

22          A     I think -- a rough timeline, if the speech ended around noon and we got  
23       down there around 12:30, got to the hotel, I think it was like 1 o'clock, say 1 o'clock that  
24       I -- or 1:30 when we got to the -- to the cafe. And, if I remember correctly, the bus was  
25       leaving at 3, so I was really in a rush to get there. I didn't want to be late for that to get

1 out because of the curfew notice and what was going on. I just wanted to get out of  
2 there. So that's the rough timeline.

3 Q Okay. So we know though that President Trump's speech actually went on  
4 a little longer than that. It ended closer to being around 1 o'clock as opposed to 12.  
5 So but you remember you had to hustle to get to when your bus was leaving D.C.?

6 A Yeah. That's correct. And it might have been 4 o'clock when it left. I  
7 don't remember exactly. I knew at the time that I had to get there at a certain time, and  
8 I made it. I was really concerned about it. I had to kind of run part of the time to get  
9 there.

10 Mr. Brickman. [REDACTED] give me one second. If you see this strange arm coming  
11 across the screen, I need to put the charger on my laptop. All right?

12 [REDACTED] Sure.

13 Mr. Brickman. One second. For the record, Jeff's left arm. All right.

14 BY [REDACTED]

15 Q And also, just in terms of building out the relative timeline, it sounds like you  
16 got the curfew alert before you took this photograph, which was before you got on the  
17 bus to leave D.C. Is that right?

18 A That's correct.

19 Q If we go down to the next one, this actually is I think the curfew alert, and  
20 we may need to zoom on this a bit here. Is this from a screen shot that you took on  
21 your phone when this alert came to your phone?

22 A That's correct.

23 Q Now, I'll tell you, in the background of this, it's a little blurry because of the  
24 way that I think that this phone shows when alerts come up. But that actually appears  
25 to be a photograph behind this that is the one of you and your friend Bill at

1       Representative Loudermilk's office. And so this sort of circles back around to where we  
2       started again, that whatever text messages you might have had on January 6th you no  
3       longer have access to. Is that right?

4           A    That's correct.

5           Q    And that's because you have some kind of feature that automatically deletes  
6       the text messages from your phone?

7           A    I think so. I can't confirm that. I can check, but I think so. Sorry that I  
8       can't give you a more definitive answer, but I know I couldn't -- I couldn't access them on  
9       my phone.

10          Q    Understood. Understood. Now, to the best of your knowledge, did  
11       anyone from your group that traveled to Washington, D.C., go into the Capitol on  
12       January 6th?

13          A    No, sir. Not -- definitely not, that I know of.

14          Q    And have you heard about anyone from the group that you traveled with to  
15       Washington, D.C., being charged criminally for conduct related to January 6th?

16          A    No, sir.

17          Q    Now, I'm assuming that your friend Bill you've been in touch with since  
18       January 6th socially. Is that right?

19          A    That's correct.

20          Q    So but, other than Bill, are there other people from this January 6th bus  
21       group that you traveled to D.C. with that you've been in touch with about January 6th?

22          A    No.

23          Q    So you haven't kept in touch with any of the other people since January  
24       of 2021?

25          A    I have not.

1           Q     After January 6th, were you ever contacted by Representative Loudermilk's  
2 office about your trip to D.C.?

3           A     No.

4           Q     Do you know if anyone else from the group was contacted by his office  
5 about the trip?

6           A     Not that I know of. I haven't been in contact with him.

7           Q     Have you been contacted by law enforcement or any other  
8 investigators -- other than us -- about January 6th?

9           A     Well, I sent you that card, so that was an initial contact. I'm not sure what  
10 agency, but a special agent came to my daughter's house first inquiring -- wanting to talk  
11 to me. And then I -- she -- she, best I recall, she sent me that by text, and I contacted  
12 them, contacted the name on that card.

13          Q     Yeah, forgive me. I might have missed the business card in the production.

14          Mr. Brickman. I've got it. [REDACTED] if it's okay for me, I know that I'm not being  
15 deposed, but I can state in my place that the -- I believe that the business card that  
16 Mr. Foley sent to the link that [REDACTED] provided that we sent yesterday is the name on the  
17 business card is Nathan A. Burnham, B-u-r-n-h-a-m, special agent, U.S. Department of  
18 Homeland Security, with an Atlanta address, with an Atlanta phone number, and an email  
19 at the bottom right-hand corner.

20           [REDACTED] Thanks for that, [REDACTED]

21          Mr. Brickman. And on the back of that card -- sorry -- is a -- what appears to be a  
22 cell number of [REDACTED]. So, whether you want to follow up with that or not, your  
23 call, but no pun intended, but that's the card.

24           BY [REDACTED]

25          Q     Thank you for that.

1           Mr. Foley, do you remember when that contact came to you? It sounds like this  
2       agent knocked on your daughter's door to get in touch with you. Is that right?

3           A    Correct.

4           Q    Do you remember when that was?

5           A    I think -- I think that's -- on the photograph, there's a date on it of -- I can  
6       check here. Let me see. I have a date of June 29, 2021.

7           Q    And so can you tell me again how you followed up with Special Agent  
8       Burnham after you got that information from your daughter?

9           A    I called him.

10          Q    And what did he want to talk to you about?

11          A    He wanted to know about the events of January 6th and just wanted to  
12       come and sit down with me -- he and I think another agent, and I said to him that I was  
13       there; you know, I attended the rally, but I did not go to the Capitol Building, to the  
14       premises, after the rally, and so I don't really have anything to offer. And so that's how  
15       we left it.

16          Q    So you never --

17          A    He still wanted to come talk to me, but I said I'd need to get some  
18       representation if that's the case. And I didn't get a call back.

19          Q    So, after that one phone call, there was never additional contact with the  
20       Federal agents?

21          A    Correct.

22          Q    Did the special agent say why you had been identified as someone they  
23       wanted to talk to?

24          A    No, they did not.

25          Q    Do you have any idea why they identified you as someone to talk to?

1           A     I have no idea. I didn't ask them. I could guess, but it would just be  
2 speculation.

3           Q     Well, the reason I'm asking is -- is, you know, I think that -- I think there was  
4 an effort by a lot of Federal agents across different agencies to use social media postings  
5 to identify people who may have been in January -- in D.C. for January 6th, to just try to  
6 identify additional leads. So I was curious if you knew if you had appeared in any kind of  
7 social media postings that might have, you know -- they might have come across related  
8 to January 6th?

9           A     It could've been. I don't recall.

10          Q     Did you post on Facebook about your trip to D.C.?

11          A     I can't recall that. I know I don't use Facebook a lot, so I don't know one  
12 way or the other.

13          Q     And they didn't ask you about any other specific individuals, did they?

14          A     No, they did not. No, sir.

15          Q     And did they ask you to provide any photographs or videos to them?

16          A     No, sir.

17          ██████████ Well, Mr. Foley, I don't have any other additional questions for you,  
18 and this has been very helpful. Unless there's anything else, I'll give you an opportunity.  
19 If there's anything else you want to say for the record, I'm happy to let you do that.

20          The Witness. You know, the only thing I'd say is I'm just opposed to any kind of  
21 violence in any way from anybody, and that's just who I am, and I -- I'm all for peaceful  
22 demonstrations, but opposed to any kind of violence in any demonstration anywhere in  
23 the country. And that's all I'd like -- that's all I've got to say.

24          ██████████ Well, thank you very much for that, Mr. Foley. I appreciate your  
25 time and attention and helpfulness to us.

1           And this will conclude the deposition of Albert Foley, and we'll therefore stand  
2 adjourned. Thank you.

3           [Whereupon, at 11:39 a.m., the deposition was adjourned.]

2

3

4

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

6

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8

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10 Witness Name

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Witness Name

Date