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

DEPOSITION OF: NICHOLAS LUNA

Monday, March 21, 2022

Washington, D.C.

The deposition in the above matter was held via Webex, commencing at 10:05 a.m.

Present: Representatives Aguilar and Raskin.

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted] STAFF ASSOCIATE
[redacted] INVESTIGATIVE COUNSEL
[redacted] SENIOR INVESTIGATIVE COUNSEL
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[redacted] INVESTIGATIVE COUNSEL
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[redacted], SENIOR TECHNICAL ADVISOR
[redacted] INVESTIGATIVE COUNSEL
[redacted] PROFESSIONAL STAFF MEMBER

For the WITNESS:

BILL RAMSEY
NATHAN SANDERS
Neal & Harwell
Nashville, TN

[redacted] Now it's 10:05 a.m., on March 21st, 2022, and this is a deposition of Nicholas Luna conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

At this time, I'd ask you, Mr. Luna, to identify yourself, state your name, and spell your last name for the record.

The Witness. Good morning. My name is Nicholas Luna. Last name is L-u-n-a.

[redacted] And, Counsel, could you please identify yourselves, and state your name and spell your last name for the record as well.

Mr. Ramsey. This is Bill Ramsey. I'm a lawyer at Neal & Harwell in Nashville, Tennessee. Ramsey is R-a-m-s-e-y.

[redacted] Thank you, Mr. Ramsey.

Mr. Sanders. Good morning. This is Nathan Sanders, also from Neal & Harwell in Nashville. My last name is spelled S-a-n-d-e-r-s.

[redacted] Thank you, Mr. Sanders.

This will be a staff-led deposition. If any members of the select committee decide to join, they, of course, may choose to do so, and they can ask questions as well. And I'll introduce any members who join. They will show up, I believe, virtually, and I'll announce that for you so you're aware of their presence when they come in.

My name is [redacted] I'm a senior investigative counsel for the select committee. I plan to do most of the questioning. Also in the room with me to my right is [redacted], professional staff member of the select committee, and to my left is [redacted], investigative counsel for the select committee.

We also have several other members of the select committee staff on the Webex

platform, and you can see those on your right. That includes our chief clerk, [redacted]; [redacted], who's investigative counsel; [redacted], investigative counsel; [redacted], who's also an investigator with the committee, and then there's several court reporters.

And like I mentioned, if there's any members who join, you'll see their names there, and I'll try to announce that for you.

At this time I'd ask that the court reporter administer the oath to the witness.

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?

The Witness. I do. Thank you.

[redacted] Thank you.

And before we begin, I'd just go over some of the ground rules for the depositions with the select committee. As we mentioned before we went on the record, there is an official reporter transcribing the record of this deposition, and that will be the official record of the deposition.

You and Mr. Ramsey and Mr. Sanders will have an opportunity to review the transcript and suggest any corrections before it's finalized. As you know, this is also being audio taped and videotaped, but the court reporters' transcript is the official record.

So because the reporter is taking down the official record, I'd ask that you wait until each question is completed before you begin your response, and I will try to wait until your response is completed before we ask our question. That just makes it easier for them to take down what everybody's saying.

The reporter cannot record nonverbal responses, such as shaking your head. So

it's important that you answer each question with an audible and verbal response.

I do want to note that you are appearing pursuant to a subpoena from the select committee, and that has been provided and is part of the record in this deposition.

As you know, you've been placed under oath, meaning that any knowing false statement you make can constitute perjury, as well as violation of Title 18 United States Code Section 1001. So it's important that you tell us the truth at all times as best you recall. And it's important that you understand our questions to that end and are able to answer them to the best of their -- excuse me -- of your ability.

So if I say something or ask a question that's not clear to you, please don't hesitate to ask me to rephrase it or clarify. I'd much prefer that you answer something knowing what I'm asking rather than guessing and just trying to answer anyhow.

You may only refuse to answer a question to preserve a privilege recognized by the select committee. If you refuse to answer a question based on a privilege, the staff can either proceed with the deposition or seek a ruling from the chair on the objection. And if the chair overrules such an objection, you're required to answer the question.

If you need to consult with your attorneys at any time during the interview, that's no problem. You can have a brief sidebar here -- find the best way to do that is to turn off your camera and the microphone -- you can consult with your attorneys, or we can take longer breaks if you want to consult elsewhere or for a longer period of time.

If you need any other kind of breaks, a comfort break or otherwise for lunch at some point, please just let us know and we're certainly happy to accommodate that.

Under the House deposition rules, neither committee members nor staff may discuss the substance of testimony you provide today, unless the committee approves the release of that information.

So we just went over a lot of ground rules, but do you have any questions about

what we just went over?

The Witness. I do not, sir.

[redacted] Okay. And do you understand everything that we went over?

The Witness. I do.

[redacted] Very well.

EXAMINATION

BY [redacted]

Q Let's pull up exhibit No. 30, please.

All right. So what we're showing you is exhibit No. 30. This is a subpoena from the select committee to Nicholas Luna. It's dated November the 5th, 2021.

Is that a copy of the subpoena that you received from the select committee?

A Yes, it is.

Q Okay. And do you understand you're appearing here today pursuant to this subpoena?

A Yes, I do.

Q Now, part of the subpoena required you to produce documents and information, including electronically stored information. Do you understand that?

A I do.

Q And did you search for records that are responsive to the subpoena schedule? And I want to just preface this by saying, I don't want to get into any conversations you had with your attorneys about that.

A I did.

Q Okay. And have you produced to the select committee, through your attorneys, all the documents and communications in your possession, custody, or control that's responsive to the request in this November 5th subpoena?

A I have.

Q All right. And as we go through the deposition today, we're going to ask you a number of questions about a number of topics, and if you do think that you have any documents, including text messages, emails, or otherwise, that are responsive or that may shed light on some of these issues, we'd ask that you please raise that. You can raise that with your attorney, and I'm happy to follow up with him afterwards, but just to make sure that we get all of the documents that you may have that are responsive to the subpoena.

I'd also ask, [redacted], if you could please pull up exhibit No. 1.

This is a letter dated February 28th, 2022, to your attorney, Mr. Ramsey, from Jonathan Su, deputy counsel to the President.

Do you remember receiving this letter, Mr. Luna, or your attorney receiving this letter?

A Yes.

Q Okay. And in this letter, just for the record, it's from Deputy Counsel to the President, Jonathan Su, to your attorney, informing you and him that President Biden has determined that an assertion of executive privilege is not in the national interest with respect to your testimony here today.

All right. You can take that down. Thank you.

I want to go through some of the accounts and devices that you may have used that would be relevant to our investigations so we can follow up where appropriate.

Did you have a White House email account?

A I did.

Q And what was the email account that you used?

A It was Nicholas.F.Luna@who.eop.gov.

Q Was it provided to the National Archive, to the best of your knowledge?

A Yes, sir.

Q Did you use a personal account, email account, in connection with any of your work?

A During -- could you clarify what time you're talking about?

Q Absolutely. Fair question.

So we're most interested in the period immediately before the November election, so I'll just say October through January -- October 2020 through January 2021.

A No, I did not use a personal email for government work or anything related to that, no, sir.

Q Did you have an email account with the Trump campaign at any point during that same period?

A I did not, that I -- that I remember. I may have been given one, I don't remember if I used it or not, but I -- sorry. I don't remember that.

Q Okay. Did you have a White House-issued cell phone?

A I did.

Q Did you use that for text messaging?

A Yes, sir.

Q Did you also use it for calling?

A Yes, sir.

Q And was that turned in to the National Archives as well, to the best of your knowledge?

A Could you just clarify turn in to the National Archives? I didn't do anything with the phone, other than turn it back in to the HR people, but could you clarify that for me, please?

Q Of course. Yes. So it sounds like you turned it in in January 2021?

A Correct.

Q And who did you turn it in to?

A The White House Communications Agency.

Q Do you remember what day you turned it in?

A If I remember correctly, January 20th, 2021.

Q And did you use your personal phone for work during that period, either text messages related to events happening or making calls for work purposes, during October 2020, roughly, through January 2021?

A Yes.

Q Okay. Were there any specific reasons you would use your personal phone versus the White House-issued phone for anything related to your work in that period?

A You had said just now anything related to my impressions of work. I used my personal cell phone for what I would interpret are my own feelings about work, not necessarily work product. It was more so just to -- you know, like as with colleagues, share feelings about events that were going on and the day-to-day, but not for work product per se or any sort of deliberative use. But you did say anything related to work, so yes.

Q Okay. Fair enough. I appreciate that clarification, Mr. Luna.

Did you have a campaign-issued phone at any point during that period, October through January?

A I did not.

Q And did you send or receive text messages on behalf of President Trump?

A Yes.

Q Can you explain that process?

A Sure. And -- and just to explain it, it wasn't -- it wasn't that I would send words, like, a note from him. It would be that, on his behalf, I would text a Senator to say, "the President would like to speak to you," and then put the phone number in there.

Q Okay. How often, on average -- understanding that we're asking you to make an approximation here, but how often, on average, would you send text messages or receive text messages on behalf of the President in that period of October through January?

A And then just to reiterate, it's not -- it's not that I would send a note per se. That was not my job. I would say less than five times I would use text messaging to say -- and this is obviously an estimate. I don't remember specific instances -- that I would say text message to alert someone that the President was trying to get in touch with them.

Q Less than five times. You mean in that whole period or is that like a per week estimate?

A No, the whole period. It wasn't regular for me to do that. It would only be if I couldn't reach the individual through traditional means by calling them on the phone or -- that would be the first line because it would obviously be an immediate need. So the phone would be the first. And then if there's no answer, then a text message would be the followup.

Q Did somebody else have the responsibility of sending messages, you know, to people on behalf of the President?

A I don't think that it was someone's sole job. I would -- I would -- I do remember his secretary being the one that would be responsible for the majority of sending messages from the President.

Q And who was that?

A That's Molly Michael.

Q Now, the text messages that you just referred to, were those all done from your official work phone?

A Correct. To the best of my memory, those were all done from my work phone.

Q And do you know whether President Trump sent or received text messages from his own device in that period?

A To the -- to my knowledge, he never text messaged. He never used text messaging ever. And his -- his personal phone was the phone issued to him by the White House Communications Agency. But to my knowledge, he never texted the whole time that I worked there.

Q Okay.

A I don't know if he received text messages. I should clarify there. I don't know if he received text messages to the number.

Q Fair enough. You mentioned that his personal phone was one issued by the White House Communications Agency. And just generally speaking, do you know what kind of phone that was? Was that like a Samsung or an iPhone or something else?

A Correct. It was an iPhone.

Q And it had the ability to make and receive calls, to your knowledge?

A That is correct. Yes.

Q On your phone that's used for messaging applica- -- or excuse me -- for messaging with others in the White House or outside the White House but related to official business, did you use any messaging applications? And some, I would note, might be like Signal, Telegram, WhatsApp, or others?

A To the best of my knowledge, I never used any of those -- those apps for

messaging purposes about work.

Q On any phone?

A On any phone, correct.

Q Some people keep -- are very good about keeping notes. They'll keep journals or, you know, a running notebook that they have for tasks that they're working on in the White House. Did you keep anything like that related to your official duties, that you can recall?

A No, not that I can recall.

Q So, Mr. Luna, I'll switch off from that kind of document information line of questioning. Could you summarize your professional background leading up to your position at the White House?

A Leading up to -- do you want to specify time, Mr. George, just to --

Q Just after college. Very briefly, you can just give us the highlights.

A Oh, after college, I had worked in politics for a senator from Tennessee who ran for President, then I worked for John McCain as a logistics coordinator. I worked for Rick Scott's campaign in Florida for governor. I worked for Mitt Romney's campaign as an advance representative.

But if I had to be honest, my -- my goal and hope and professional hope was to become an actor, and I pursued that in both New York and Los Angeles. So my work also included a lot of hospitality business, obviously, as an actor and pursuing that.

And then leading up to my work in the administration, I was called by a friend to begin work as an advance representative within the administration I believe after the election had happened.

Q Okay. I understand that you may have worked at the Department of Defense as a consultant. Is that accurate?

A That -- that is not accurate.

Q Okay. Do you know why -- excuse me -- we may have found that online, perhaps a LinkedIn profile. Do you know what that's about?

A I believe, and the best of my knowledge, the reason I did that was to avoid the appearance of being a political operative, and my paycheck was, in fact, from the Department of Defense civilian division. So I -- I, you know, I tried to steer away from a political resume. I believe that's why I did that.

Q Did that have anything to do with the Trump administration?

A Well, I don't think specifically, no, sir. I think it was just -- if -- my history is not to be a political, although I've worked in politics, it's not that I'm a speechwriter or a press person; I'm just a logistics person.

Q Understood. Got it.

Okay. And it sounds like you were brought on to work on Advance after the election. Did you work with the transition team?

A I did not work with the transition team. The transition team had reached out to -- I think it was a job as offered at the Department of Energy early on.

Q Do you remember what month you started working with Mr. Trump, whether as a candidate or as President?

A I don't recall the exact date. I -- no, I don't recall the exact date.

Q Was it before he was sworn in as President?

A Yes.

Q Okay. And what were your responsibilities in that period before Mr. Trump was sworn in as President?

A My responsibilities would include organizing motorcades, setting up appearances, and coordinating logistics of his movements.

Q So sometimes you've been referred to as like a body man, somebody who's with the President a lot. Were you -- did you have that type of role in the pre-Presidency period that we've just been talking about?

A No, sir.

Q And once Mr. Trump assumed the Presidency, what was your role?

A I was hired as a lead advance representative.

Q What did that mean in the day to day?

A Sure. Day to day that would mean that, once the White House determined the President would be traveling outside of the White House grounds, they would send a lead advance representative to coordinate the logistics with the Secret Service, the White House Military Office, and any other stakeholders that may be involved in a trip.

Q How long did you do that, that specific role for?

A That specific role I believe was a year and a half.

Q And what'd you move to after that role?

A I became the President's trip director.

Q Tell us about that. What does that mean? How is that different than what you were doing before?

A So instead of being the -- the man or woman on the ground, I was the -- the person who would quality control all of the other lead advance representatives, as well as accompany the President, and primarily be responsible for the staffs' logistics, whether it be where they need to go or where they need to, you know, see.

Q And were you frequently with the President as trip director?

A Could you define "frequently"? I'm sorry, just -- I mean --

Q Great point. How often, on average, you know, per week would you be with the President as trip director?

A I would say -- it would depend on his travel schedule, because my responsibilities were only when he traveled. I had nothing to do with the office or the White House grounds. So on any given week, he could travel two to five times, and -- but still that would -- that would -- I mean, I would be on the plane with him and not necessarily, you know, always with him per se.

Q How long were you trip director?

A I believe I was trip director for a year. I believe it was a year period.

Q And then what'd you do?

A Say that again.

Q I'm sorry. And then what did you do after that?

A I became -- I -- I worked in the White House Operations division as a deputy assistant to the President for operations.

Q Right. And what's that role entail?

A It's -- it's more so -- it's, again, it's a step in, I guess, the direction of overseeing more so the -- the logistics of the President. It also included more of the not seen functions at the White House and including the White House grounds, upgrades. Then also at that point included -- not my specific role, but my boss was -- was responsible for some hiring and firing at the White House as a part of the chief of staff office.

Q Who was your boss at that point?

A Dan Walsh.

Q All right. And did your job responsibilities change after that?

A Yes, they did.

Q When was that and to what?

A I believe it was -- and I'm sorry for not knowing the exact dates. It was -- it

was 20 -- like late 2018 or early 2019, I became the President's personal aide. My title was deputy assistant to the President for operations and personal aide to the President.

Q Okay. So I have that as roughly February of 2019. Does that sound right to you?

A If that's what you have, yes, sounds about right.

Q So what responsibilities did you take on with that role?

A So in -- I suppose I would say that my responsibilities became more singularly focused. I no longer had, you know, an operational mind set; it was more so the day to day of the President, accompanying him if he traveled, and in providing more of a -- I don't know what word I would use. This is the body man stuff, where I ensured that he was -- that he looked presentable, that he was provided for in terms of any personal needs that the President needed.

Q Did that include needs both in the White House when he was in the Oval Office and outside?

A That is correct.

Q And would you be responsible for at least carrying or coordinating briefing materials that the President may need for a meeting or an appearance, for example?

A I'm sorry, [redacted] did you say curating those documents?

Q Coordinating. So, getting them, holding them?

A Yes.

Q And at that point, was your desk in the Outer Oval?

A That is correct. Yes, sir.

Q I understand around April of 2020, you became assistant to the President and director of Oval Office Operations. Is that right?

A Correct, sir.

Q All right. So tell us about that job. How did that change from what you were doing as the personal aide to the President before that?

A That was -- I think, if I'm correct, it wasn't necessarily a change of function. There was individuals that had left the office so that my responsibilities kind of assumed a bigger role within that personal -- within that personal aide function. But specifically my job then entailed more of the -- of the previous position, stage craft, and building out events on the White House grounds as opposed to the previous job was outside of the White House. My job was then overseeing public appearances by the President on the White House grounds, to include press conferences, anything else that you would see on TV on the White House grounds.

Q How would you do that? Could you just explain some of the things you would have to do to set up an event like that?

A Sure. I mean, the number one thing is coordinating with the stakeholders, which is the Secret Service, the White House Military Office, and then the White House Communications Agency. Once it was determined where that made-up event would exist, I would then -- I would then determine the best position where the President could deliver his remarks, where the other guests could be positioned, the best lighting, the best -- you know, the best way -- the best appearance that he could have.

Q Did you assist with those same or similar functions for events that were off the White House grounds, and one in particular that we'll talk about in depth will be the January 6th rally?

A Right. I -- I did not -- I would not continue -- there was people that were doing that job just as I had done it leading up to that time. So I don't want to say that I didn't have -- at any point did I -- did I did have a piece of feedback for one of those individuals just having been through that process, but it wasn't my day-to-day

responsibility.

Q And my question there assumed that the rally on the Ellipse was not on White House grounds. Is that right? Is the Ellipse not part of the White House grounds and include events that you would help coordinate for, generally?

A That's -- that's correct. But I -- I -- to the best of my knowledge, I don't know -- I mean, it depends on who you ask. If you're asking the White House Military Office is that White House grounds -- I don't know --

Q Just for your purposes, Mr. Luna. Fair enough.

A For my purposes, that's correct. I'm sorry, [redacted] That's correct. Yes.

Q Okay. All right.

A That's not White House property, yes.

Q In that role that you just described, director of Oval Office Operations and personal assistant to the President, is that the role you had between October to January of 2021?

A Correct, sir.

Oh, I'm sorry, sir. You said it was April of 2020 when I got that title changed --

Q Yes.

A -- so it would have been April 2020, because there was a press release, I believe, to the end of the administration, April to the end of the administration. So forgive me for clarifying.

Q No. That's great. Thank you for clarifying that. And please feel free to do that throughout.

But, yeah, in the period that we're going to be most focused on here, that was your job, the director of Oval and personal assistant to the President?

A That is correct, sir.

Q As part of your responsibilities, would you accompany the President in meetings or official functions he would have in the residence?

A [redacted], could you clarify accompany him in the meetings?

Q Yeah. So if Mr. Trump would have a meeting, say, in the residence -- like the Yellow Oval, I understand, is part of the residence. If there's a meeting there, would you assist him like you would if there was a meeting in the Oval Office?

A Yes. I believe -- yes, I would. I just want -- I would not be a part of the meetings, but the same way that the guests would be facilitated to the -- the Oval Office, the same way. Some meetings took place in the residence portion of the White House, yes, sir.

Q Okay. With respect to phone calls -- and we're going to talk about specific phone calls on the day of January 6th, but I'd like to just zoom out a little bit and think of it more broadly.

A Okay.

Q If the President needed to make a phone call to somebody, did you have a role in connecting the President?

A Yes. I believe you could say I had a role in it. It also -- but go ahead. I'm sorry.

Q Yeah. No. Can you just explain it? So, like, would the -- I'm just envisioning the President saying, Nick, you know, get me so-and-so on the line. Is that a job function or responsibility that you had, maybe not all the time, but some of the time?

A Correct. So that would be -- that would be kind of the function that I would play in connecting the phone calls.

Q How would that work? So if the President makes a request of you to

connect him with somebody, what would happen functionally?

A So it depends also where this is located.

Q Let's start with in the White House and with the President in the Oval Office.

A Okay, great. So that's easier, I suppose. The President could -- could want to get someone on the phone, X person, but then say, get me X person. And myself -- and during this time, it was myself and Molly Michael in the Outer Oval Office who would have the responsibility to connect a phone call. I would then, from my land line, dial the individual, individual X. If they're -- if they answer, I could then transfer that line to the President once the call was connected.

Q So would you make the phone call on your desk phone?

A Correct, sir. Yes.

Q Okay. And then you would transfer it through the White House switchboard -- or maybe not switchboard is the right word, but through the White House phone system to the President's desk?

A Correct, sir.

Q And what about on a cell phone -- actually, excuse me. Back up.

Before we leave that topic, would you listen in to the President's phone calls for any reason?

A No, sir. It was not my responsibility to do that. No, sir.

Q Do you know if anybody --

A But to say that I didn't overhear certain conversations if the door was open, that's -- that's -- I couldn't say that with certainty that I -- you know.

Q Yeah. But you weren't listening to both ends of the phone call, for example, from your desk?

A No, sir. No.

Q Did that ever happen, that you can recall, between the October 2020 through January 2021 time period?

A Could you just clarify, [redacted], did what happen?

Q Yeah. Do you ever remember listening to the President's phone calls between October 2020 through November 2021? And by listening in, I mean to both ends of the conversation on the phone.

A No, sir.

Q And what about if the President wanted to make a phone call using a cell phone? Did you have any role/responsibility to help him make those calls, again, focused while he was in the White House?

A While in the White House?

Q Correct.

A If -- if he wanted to make a phone call from his government-issued cell phone and he didn't have the number -- if I remember correctly, he had an address book full of his contacts that was monitored by the White House Operations and White House Communications Agency. I -- on the instance, I don't remember specifically, could provide him a telephone number that he could then dial from his cell phone?

Q Did you ever use your cell phone -- again, while you're in the White House, in the structure itself, did you use your cell phone to make calls for the President and then give him your phone?

A No. Not in the White House, no, sir.

Q Would you do that -- what if the President was traveling and outside of the White House?

A Yes.

Q And besides that government-issued cell phone that the President had and

used, do you know if the President had any other cell phones?

A Not to my knowledge.

Q I understand there's a document -- and we've provided a few documents in advance to your -- you and your counsel to prepare for today, one of which is called a daily diary or a daily schedule. Those may actually be two different things, so focusing on the diary first.

Did you have any role in compiling the information that would go into the President's daily diary?

A No, sir.

Q Who had a role in compiling that information?

A I don't know.

Q What about his call log? We understand that you received copies of the Presidential call log on a daily basis or a near daily basis. Is that accurate?

A That is accurate, sir.

Q Why did you get copies of the Presidential call log frequently?

A I don't -- I couldn't tell you why. I don't remember exactly why. But the function of knowing if there was a pending call or if he had already spoken to somebody that was on a pending call list that we -- that we may have had, but I don't know -- I don't know who determined that I needed to be on that list. I don't remember.

Q Did you have -- I'm just hypothesizing here, but was there like a daily meeting where you'd go over the Presidential call log for any purpose?

A No, sir.

Q Do you know who else received that? Was it a distribution list, for example?

A Correct, sir. And I believe the White House operators were the one that

compiled that list, obviously. And then the -- I don't know who controlled the distribution list. The only person that I know with a certainty received that list as well was Molly Michael.

Q Do you know if Ms. Michael had any role in compiling events, like a daily Oval log or anything else, that would go into the daily diary for the President?

A I -- I do not know if she had any role in the diarists.

[redacted] I'll pause there and see -- do you have any followup on any of the questions we've just asked?

And I would note, [redacted], if you could just scroll up so I can see who's attending?

There are no members currently on the Webex platform and, like I said before, I'll try to notify you if anybody joins.

BY [redacted]

Q But moving on from that. I want to talk to you about the period between the election day, so November 3rd, 2020, and January 6th. As you can imagine, that's going to be quite a broad list of topics, but one of them I want to talk to you about is election fraud claims that were circulating in that period.

Did you, Mr. Luna, have any conversations with President Trump directly about claims of election fraud in the November 2020 election?

A From the time of the election till January 6th is your question?

Q Yes.

A Could you clarify also just what type of conversations are you -- are you -- are you referring to? You said any conversation that has to do anything with an election?

Q No. That's fair enough.

So I guess I'll preface it by saying that, in that period, there was a lot of information and claims circulating about potential fraud and irregularities, malfeasance in the November 2020 election. I can't possibly list them all as we sit here today, but things about dead people voting and ballots of -- suitcases of ballots and Dominion machines and foreign interference in the election, and the list goes on.

A Right.

Q So the question is: Did you have one-on-one conversations with the President about claims related to election fraud or malfeasance after the November 3rd, 2020, election and up to January 6th?

A I don't recall any conversations like you're describing, no.

Q Okay. Were you present for conversations that Mr. Trump would have with other White House staff about election fraud after the November election?

A It would be hard for me to say that I wasn't --

Q Okay.

A -- in the sense that if you're saying in general, if the discussions being had in the White House at that time were all about the election -- and I can't characterize Mr. Trump's comments, it's just -- I don't remember specific conversations, but that was a lot of what was being circulated within the White House and in that specific area, I suppose.

Q And when you say "in that specific area," you're talking about where you sat at the Outer Oval and the Oval area?

A Correct. That's what I assume, you know -- right.

Q Yep. Okay. So it sounds like you may not remember specific conversations, but can you just tell us, you know, what was the general discussion like that was happening in the White House about the election and election fraud after the

election?

A Sure. I mean, I think that, in my personal opinion and to the best of my, like, recollection, the majority of what was being said publicly by lawyers and the President himself, whether that's on Twitter, whatever, was -- was the general nature of any sort of conversation within -- within my area of the White House.

Q So is it fair to say that the -- I mean, one of the focuses, not the singular focus, but one of the focus of the President in the White House, so far as you saw or witnessed, was the election and claims of election fraud in that period from November to January?

A I'm sorry, [redacted], would you repeat that one more time, please?

Q Yeah. Sure. Was one of the President's focuses at that time, so far as you witnessed and heard, focused on claims of election fraud and irregularities leading up to January 6th?

A For my memory, that's correct. That's a fair statement.

Q Do you remember anything in particular that the President was focused on with respect to election fraud and irregularities?

A You know, [redacted], for me, I don't know particularly what -- if you're talking about specific instance in a place or a thing, I don't -- I don't -- didn't have a discussion with him or any one of his staff specifically about one of the things that you're discussing.

Q Do you remember if there's any one claim of fraud or irregularities that seemed to come up more than others? And I would offer you some examples. Like the Dominion voting machines or dead people voting. Like, was there any one thing that you remember standing out?

A You know, I don't -- I mean, I couldn't specifically say -- and both of those are

instances of things, you know, that you could imagine that I don't remember specifically, but, you know -- I couldn't say with certainty, like, that there was, like, a one above all else that -- that he was or anyone else was, to my knowledge, focused on more than any other.

Q Do you recall anybody in the White House pushing back on any of these claims, you know, saying, Mr. President, this one, really, there's nothing to it, or, we need to focus on something else, not claims of fraud in the election?

A Not -- not in a direct conversation or conflict with the President.

Q Do you recall it happening at all, even if it wasn't in a direct conversation with the President?

A Yes, sir. That's -- yes.

Q Can you tell us about that? Who were the people that were doing that and, to the best of your recollection, how did that come up?

A Right. So to the best of my recollection -- my office kind of was a holding space before guests would go into the Oval Office for meetings, where they'd proceed to have their meetings, but to the best of my recollection, Mr. Eric Herschmann, Mr. Derek Lyons were individuals that would at least vent frustration either before or after those meetings with -- with the President.

Q Is there anything you remember Mr. Herschmann or Mr. Lyons saying on this topic about, you know, pushing back on claims of election fraud?

A I don't remember specifically, but -- I don't remember like a specific instance where they -- they said anything to me in particular. You know, it's not that I'm having the conversation with them; they may be having the conversation in my office, you know --

Q Sure.

A -- as lawyers, you know, doing their thing, so --

Q Okay. And what do you remember them then saying to each other, even if not directed towards you, Mr. Luna, but what do you remember them saying to each other?

A And I can't recall specifically anything in regards to a specific allegation that was being made by some and then them rebutting it or not agreeing with it, but there were instances of that.

And your question was, who would -- who would be pushing back against these things and, to my mind, from those conversations that I overheard or, you know, remember, you know, not specifically, that those were the individuals that would be, you know, pushing back against dead people vote -- or whatever -- whatever the instance was. But I don't specifically remember a day or a conversation that I could tell you.

Q Okay. And I'm not so interested in word for word, although if you remember word for word, that's great, but just generally kind of explain it. You know, what were the things where'd they come out frustrated and talking about, saying this needs to stop, or, we need to focus somewhere else? What -- just in your words, how would you describe it?

A In my words and to the best of my knowledge and recollection, I don't -- the problem is, is that there was so many things in the press and there's so many things in person and, you know, you all know, you're living in kind of like a -- it's D.C., right?

So, in general, the -- they -- they exuded displeasure with some of the -- like, as you say, the -- the fraud claims and things like that. And it would be in general a displeasure with what the President was at least dealing with in those meetings with those, you know -- with those allegations, I suppose.

Q Okay. So along those lines, do you remember ever hearing about or seeing

the President's reaction to people pushing back on claims about fraud in the election?

A I do not believe I recall specific instances of the President having an opinion about someone pushing back, no, I couldn't say that.

Q What about on the other side? So you mentioned Mr. Herschmann and Mr. Lyons being people who were pushing back on some of the claims related to fraud in the election. Who were the people in the White House who were kind of advancing those claims of fraud within the election, to the best of your knowledge?

A Okay. To the best of my knowledge -- and just to clarify, you're saying White House officials or are you saying --

Q First, we'll start with just, yeah, White House staff. So I don't know if officials captures everybody, but anybody working in the White House.

A I don't recall anyone in the White House specifically advancing these. I do know -- I never -- I don't believe I ever recall seeing it, but I know that -- that Peter Navarro was someone who was involved in compiling this information into a report, obviously, that's publicly released. But other than that, I don't recall anyone else having any conversation or -- you know, with -- with the President about -- about these allegations.

Q What about Mr. Meadows? Do you know what his perspective was with respect to claims of fraud following the November 2020 election?

A I do not know. I couldn't characterize what his -- what his viewpoint was.

Q Okay. Did you ever hear him talking about it with the President or others in your general presence?

A I don't recall specific conversation that he had in my presence about the election. I -- no, I couldn't recall, sorry.

Q All right. And we just cabined the conversation to White House staff or

officials. What about outside the White House? Who was coming in and advancing these claims of fraud, to the best of your knowledge, to the President?

A And, again, I wouldn't be in these meetings, and it's not like I'm -- you know, I would see the documents that they would bring in. However, the frustration that I saw in Mr. Herschmann and Mr. Lyons came usually after outside people, such as Sidney Powell, Jenna Ellis, Mr. Rudy Giuliani, Mike Flynn.

Q There's a meeting -- I think we'll get to -- it occurred on the afternoon into the evening and then late night on December the 18th. It's been widely reported. Is that an instance where Mr. Herschmann and Mr. Lyons were perhaps frustrated or pushing back on things of election fraud?

A I would say -- correct. That would be a correct assessment.

Q Setting aside December 18th and that meeting, are there other times when you remember Mr. Herschmann and Mr. Lyons coming out and kind of being frustrated about what was happening with respect to election fraud claims?

A I did not remember specific instances. I couldn't honestly tell you of a specific time when that happened.

Q All right. So far as you recall, did it happen more than once, meaning more than just that one December meeting?

A Correct, sir. Yes.

Q And do you remember overhearing any conversations about the election between President Trump and Mr. Giuliani, for example?

A I do not recall specific conversation between the President and Rudy Giuliani, no, about -- about the election.

Q What about challenging the election? Any conversations between Mr. Trump and Rudy Giuliani on that?

A No, sir, I don't recall any conversation.

Q What about -- do you recall ever hearing any conversations about the election or challenging the election between the President and John Eastman?

A I do not recall any conversation between the President and Mr. Eastman, no, sir.

Q What about between the President and Mr. Meadows? Same question.

A Right. I -- I do not remember a specific conversation between Mr. Meadows and the President about election. If you just give me a second to just -- let me just -- this is --

Q Of course, yeah. Take as much time as you need.

A Thank you.

I don't remember a specific conversation that I overheard between the President and Mr. Meadows regarding the election.

Q You're hesitating there, and I guess I would just follow up with: Do you remember any -- generally -- any conversations or discussions between the President and Mr. Meadows, even if you don't remember, you know, specific instances, about challenging the election?

A Excuse me for -- for pausing. I just -- I don't -- I don't remember specifically anything that was said.

Q Okay.

A The -- the -- the one in general, from what I understood it and from just maybe passing as the chief would come out of meetings and there would be continuing kind of, like, conversations that Mr. Meadows, as the chief of staff, was, you know, responsible for following up on anything that the President was -- was trying to -- was trying to do.

And so I hesitate, I don't remember specifically anything that was said. However, in those types of situations, I have a general feeling that I overheard something that -- that may have been related to the election between the President and the chief of staff.

Q Fair enough. Tell us about that. What do you remember, to the best of your recollection, about that? What was Mr. Meadows' reaction? Was he frustrated? Was he on board?

A And, again, I don't remember spec- -- I mean, I can't -- to remember a specific instance of this, I can't really honestly qualify what Mr. Meadows' reaction to it was. I don't know. He never confided in me about anything or said anything to me to lead me to believe that he'd have an opinion.

What was -- you had the first part of that question was --

Q Yeah. I'm just trying to see, you know -- you said something to the effect of -- and I don't want to put words in your mouth -- that you have some general memory about Mr. Meadows coming out of meetings, for example, with things to do related to the election. And I'm just trying to understand what that is.

What are you thinking about that makes you say that?

A So -- so -- if my memory serves me correct, there was the meeting with -- I don't even remember where they were from -- people that were from -- State legislators or they were State senators or something like that. And I do remember Mr. Meadows being -- I don't know if he was in charge of it, but I do remember him having a part in that. But that's what I'm thinking about. And in terms of like -- that may have been a conversation that I -- not a conversation, but a directive that was in his, you know, in -- that I remember correctly.

Q Okay. And what I'm going to do -- I'm about to say something, not to

suggest anything, but to see if it shakes anything loose, what we call, refreshing recollection. But there was a State legislature, a group from the Pennsylvania State legislature who came down at the end of November, November 25th, after a hearing in Pennsylvania. There were also State legislators who came from Michigan, Speaker Chatfield and Senator Shirkey.

Did one of those events or meetings, does that refresh your recollection about what you just mentioned with respect to Mr. Meadows and what he was doing?

A Definitely I did not know where the people were from and I did not attend the meetings and I did not -- I wasn't a party to that, but I do remember the -- the chief having a -- having a role in -- I don't know -- I mean, I just remember him being around the office that -- and I don't remember if it was the Michigan or Pennsylvania. I didn't know -- I don't remember that those were the places, but I do remember him on one or the other of those being before going into the meeting in my office.

Q You mentioned his role. Do you know what his role was with respect to those meetings or coming out of those meetings?

A I do not, sir. No.

Q Do you remember Mr. Meadows saying anything to you about any of those meetings?

A I do. Yes, sir, I do.

Q What did he say?

A There was one instance where it would normally be my job to go in and make sure that the President is comfortable in whatever the situation is, if he's sitting at a chair or something like that, and I remember specifically this instance he had said, don't come in, don't come in to the room today.

[11:00 a.m.]

BY [redacted]

Q Mr. Meadows said that to you?

A Correct.

Q Did he ever tell you why not to come into the room?

A He did not.

Q Did you think that was odd, just based on your experience working at the White House?

A I don't know if it -- I mean, there's so many types of meetings, you know, classified, otherwise. It wasn't, you know -- I don't know if it was necessarily odd. It may have been one of two or three times that he asked me do that, but that's not -- I don't know if "odd" would be the right characterization.

Q Okay. But that didn't happen very frequently. It sounds like it was a rare occurrence that you were told not to come into a meeting like that.

A Correct. I mean, to the best of my -- I mean, you know, my role within any sort of meeting is not -- it's not a big role. It is a general room, you know, role. So if the chief or someone else said -- and it wasn't always just Meadows. Some people would say, like, you know, don't -- just let us have the room, if you will.

Q So we understand that Mr. Giuliani at one point compared his job of looking into potential election fraud to his prior job as a prosecutor investigating mobsters and conspiracies.

Do you ever remember hearing Mr. Giuliani or others referring to the post-election period like looking into a conspiracy?

A I do not recall a specific time that I heard that from Mr. Giuliani, no, sir.

Q All right. What about just generally from anybody? Do you remember anybody describing the post-election efforts like investigating a conspiracy?

A You were reading, I believe, something -- a statement. I mean -- and, again, mixing with, like, the reports of the day and my day-to-day life, I don't -- I may have heard that at the time. I don't remember hearing him qualifying or, you know, describing his efforts as that. But, you know, I read a lot of articles at that time. I never heard him say that in my presence, no, sir.

Q Okay. All right. Yeah. And that's a very fair point, Mr. Luna. I want to know what you know from your experiences at the time, being in and around these events. And to the extent that your knowledge may be based only on something you've read in the press or publicly afterwards, please feel free, like you just did, to qualify any answer.

A Okay. Thank you.

Q Yeah, certainly. I appreciate that.

Other than Mr. Giuliani, do you remember from your experience at the time in the White House anybody talking about that post-election period like that, looking into a conspiracy, for example?

A I do not recall anyone -- overhearing that type of statement. No, sir.

Q So we understand that in the post-election period -- and, again, just for -- so we're talking about the same period, roughly November 3rd to January 6th -- we understand that there was a theory being circulated about one potential challenge to the election, and that being one involving State legislators and getting them to take actions to change the results, potentially, of elections in States that Mr. Trump had lost.

Is what I'm saying here -- does that ring any bells for you? Are you familiar with this idea of using State legislatures to have an effect on the election?

A Only from news reports and public knowledge.

Q Okay. So you don't remember anybody, for example, saying, we need to convince State legislatures to appoint their own set of electoral college electors?

A I do not recall having that conversation with anybody, no, sir.

Q Do you remember -- I mean, we just talked about the meeting of Pennsylvania or Michigan State legislators at the White House. Do you remember any discussions about why it would be important to get State legislators to come meet with the President in that period?

A I don't believe I had a conversation with anybody about the purpose of the meeting or the contents of the individuals or who they were.

Q Do you remember overhearing about why the President was interested in meeting with State legislators, from anybody?

A No, sir.

Q Okay.

If we could pull up exhibit No. 2, please.

And I hope you've had, Mr. Luna, at least a brief ability to go through some of the exhibits that we're planning to show you today, understanding you may not have been able to look at everything word for word.

But what I'm pulling up now is a September 23, 2020, article. This was published in The Atlantic, but reports like it have been published elsewhere as well. And so this date, September, is obviously before the election.

And on page 23 of this exhibit, I'll read it for you, but it says, "According to sources in the Republican Party at the state and national levels, the Trump campaign is discussing contingency plans to bypass election results and appoint loyal electors in battleground states where Republicans hold the legislative majority. With a justification based on

claims of rampant fraud, Trump would ask state legislators to set aside the popular vote and exercise their power to choose a slate of electors directly."

So, now, focused on the pre-election period, do you remember this idea ever coming up, where Mr. Trump or his campaign would ask State legislators to appoint loyal electors where Republicans hold the legislative majorities?

A No, sir. I do not recall overhearing those conversations.

Q Separately from overhearing conversations, did you learn anything about an effort in the pre-election period to coordinate with State legislators or officials about appointing electors after the election?

A I did not. No, sir.

Q On November 11, 2020, there was a meeting I believe in the Oval Office, but certainly at the White House, between President Trump, Vice President Pence, Bill Stepien, Jason Miller, Justin Clark, and Eric Herschmann regarding State legislatures.

Do you remember anything about a meeting that took place on or about November 11th between those people?

A I do not, sir, no.

Q Do you remember seeing those people coming in to the Oval Office or White House around November 11th to meet with the President?

A I do not specifically recall, sir, seeing those individuals on that specific day. Not to say that those individuals wouldn't have been in a meeting. I just -- I don't recall specifically that date --

Q Okay.

A -- and this meeting in particular.

Q Do you remember any meeting in early to mid-November between the President, the Vice President, and officials from his campaign happening in the Oval

Office?

A I do not specifically remember any meeting that contained members of his campaign plus the Vice President or anybody related to the campaign, no, sir.

Q Okay. And, to be clear, that was just in the early to mid-November timeframe.

A Correct.

Q Okay.

In that November timeframe, do you remember hearing about or being a witness to any discussions where White House officials were considering encouraging the President to concede the election?

A Could you clarify one more time, [redacted], the time period you're talking about?

Q Yeah. So let's just start with November, any time in November.

A Right. It helps me, like, you know, try to recall these things if -- okay. But go ahead. Sorry. So early November?

Q Yeah. So November, meaning election night, the week after the election before it was called, at least in the press, for now-President Biden, or any point up and through November, do you remember hearing about efforts to have the President potentially concede the election?

A I don't recall anyone -- or any effort that I was aware of at the time to have the President concede the election.

Q Do you know of anybody who was discussing whether the President should concede or not --

A No.

Q -- from election night all the way up and through December?

A I I don't recall any -- I don't recall anyone, to my knowledge.

Q Okay.

And now just to zoom out, that broader time period now, from November all the way up and through January 6th, do you remember any discussions about the President potentially conceding the election?

A I don't recall any conversations, overhearing or being a part of, that involved conceding the election.

Q Okay.

So you mentioned overhearing or being a part of, and that's perfectly fine. I appreciate you clarifying that. Did you ever hear about conversations like that, so secondhand?

You know, as an example, maybe Mr. Herschmann would come to you and say, "I just had a crazy meeting with Mark Meadows where we're trying to get the President to concede." Maybe not those people, but anybody at all, do you remember hearing anything like that?

A I do not recall hearing or -- I just don't remember any discussion or anything about conceding the election --

Q Okay.

A -- during that time, no.

Q Do you know what the President's view was on whether he should concede the election after the election and up through January 6th?

A I do not know. I don't -- can't speak to his view.

Q Okay. Yeah. And, to be clear, I'm not asking you for, kind of, his own personal thoughts --

A Right.

Q -- except if he relayed them to you. So do you remember the President ever talking to you about whether he would concede the election?

A No, sir. That was not a discussion that we had.

Q Do you remember overhearing any conversations between the President and other people about conceding the election?

A I do not recall any conversation with people talking with the President about conceding the election, no, sir.

Q Okay.

If you could pull up exhibit No. 3, please?

Before we get to that, I'll see if you have any questions.

BY [redacted]

Q So [redacted] has been asking you about hearing conversations, overhearing conversations, hearing about conversations about conceding the election. I'd just like to ask the same questions but with respect to not conceding the election.

So did you hear, overhear, hear about any conversations about not conceding the election?

A I'm trying to answer this the right -- I mean, if -- the answer to not conceding is the opposite of, you know, conceding, I mean, then the conversations, if they were election-related, would not be about conceding but they would be about not conceding.

So, again, I don't -- I mean, I'm not trying to -- I don't specifically remember a conversation, but if the conversations in general were the election and not conceding, then that would be what the conversations were about.

Q Just let me make sure I understand what you just said. So I suppose when you have a conversation about conceding the election, you can have a conversation about whether or not to concede, specifically.

A Okay.

Q And it sounds like you're saying that you don't recall conversations like that. Is that fair?

A No -- and you're helping, like, iron it down. I mean, if the -- you're saying, did I overhear a conversation that if -- if you're characterizing it as conceding or not conceding -- that if he is choosing not to concede, all conversations about election fraud, a so-called rigged election, is about not conceding. Am I just --

Q Right. I think that's exactly right.

A Okay.

Q So I guess I'd ask whether you overheard conversations either about not conceding specifically, as in someone saying, "The President should not concede" --

A Got it.

Q -- or about, you know, making claims about election fraud or, you know, taking the fight to the State legislatures or anything like that, you know, to further efforts not to concede.

A Got it.

Again, the answer to your question is, I don't recall hearing conversations about not conceding specifically, if that's the question about --

Q Sure.

A -- you know -- and then the second part of the question was anything to do with any other conversations? Could you just clarify that? I'm sorry.

Q Sure.

So, I mean, as I said before, you can have a conversation about "yes, you should concede" or "no, you shouldn't concede."

And then it sounds like what you're saying is that there may have been

conversations about other efforts that were related to not conceding -- for instance, making claims about election fraud or, as [redacted] said, coordinating with State legislators about appointing electors.

A Understood.

Q Yeah. So I'm asking specifically whether you heard, overheard, heard about any conversations about those things?

A Understood. Thank you for clarifying.

I do not recall specific instances of overhearing or being a part of a conversation that had to do with those types of allegations or State legislatures or anything like that.

Q Understood.

A Thank you.

[redacted] Back to you, [redacted]

[redacted] All right.

BY [redacted]

Q If you could pull up exhibit No. 3 now. We jumped the gun there earlier. Sorry.

All right. So exhibit No. 3, can you see that on the screen, Mr. Luna?

A Yes, sir, I can.

Q All right. So that's an email from Jenna Ellis. Do you know who that is?

A I do.

Q Who is Jenna Ellis?

A Jenna Ellis at the time, I believe, was the campaign lawyer.

Q Did you ever see her in the White House?

A I did. Yes, sir.

Q How many times, roughly, did you see her at the White House in the period

from November 3rd to January 6th?

A I honestly couldn't tell you how many times. I know it was more than one time.

Q Okay.

A But I couldn't even generally tell you roughly how many times. Sorry.

Q Do you think it was more than 10?

A I don't -- I don't -- I can't recall if it was or if it wasn't. I know it was more than one.

Q Do you remember a specific recollection -- or, excuse me, I'll rephrase that. Do you have a specific recollection of Ms. Ellis being at the White House at any point?

A I do not, no.

Q All right.

This was sent from Ms. Ellis on -- forgive me, I'm having trouble seeing it myself -- Saturday, the 28th of November, with a subject "The Constitutional Authority of State Legislatures To Choose Electors."

And it was to molly.a.michael@who.eop.gov. Do you know who's email address that was?

A I do.

Q Who's that?

A That is the President's executive assistant, Molly Michael.

Q And then it was also to Mark Meadows, which was at a "Congressnc" personal account. Do you know whether, Mr. Meadows, chief of staff to the President, used that personal account?

A I do not know, sir.

Q Okay. Did you ever use that account to communicate with Mr. Meadows --

A No, sir.

Q -- that you can recall?

A No, sir.

Q This email says, "For POTUS." That's the entirety of the body of the email.

Do you know why Ms. Michael and Mr. Meadows would be receiving an email from Jenna Ellis that only says "For POTUS"?

A I don't know specifically why she wrote that. I don't.

Q Well, what about just generally? Did Ms. Michael, for example, part of her job entail delivering things -- or receiving things from outsiders to deliver to the President?

A That's a correct characterization --

Q Okay.

A -- of what her responsibility could be.

Q And you say "could be." Just for clarity in the record, was that one of Ms. Michael's responsibilities --

A Yes, sir.

Q -- to receive and print things out for the President?

A Yes, sir, it was.

Q Okay.

If you go to page 2 of this, this is the attachment, and the attachment, I believe, is called "Thectors.pdf." And it appears to be some kind of memo or article written by John C. Eastman called "The Constitutional Authority of State Legislatures to Choose Electors."

Do you recall ever seeing this memorandum from John Eastman?

A I do not recall ever seeing this, no, sir.

Q So then I think I know the answer to my next question, but it's dangerous when I assume. Do you know whether the President ever saw this memo from John Eastman?

A I do not, sir.

Q Do you recall any discussions about this memo by John Eastman related to the constitutional authority of State legislatures to choose electors?

A I do not recall any conversation about this specific document, no, sir.

Q All right.

And we're going to talk about John Eastman a little bit more throughout the day, but when was the first time that you recall John Eastman's name coming up in the White House?

A I don't specifically recall when his name first came up as a part of my day-to-day stuff -- you know, day-to-day work. Sorry.

Q Do you remember it coming up at some point, though -- John Eastman's name, that is?

A Yes, sir, I do.

Q Could you approximate when? I mean, are we talking about January of 2021, or are we talking about, you know, on the other end of the spectrum, in November of 2020?

A I couldn't tell you. I honestly couldn't answer that question, sir. I don't remember or recall.

Q Do you have any knowledge of the first time Mr. Eastman spoke to the President in that period, so November 3rd through January 6th?

A I do not recall when he would've first spoken to the President, no, sir.

Q Do you remember seeing him at the White House, "him" being John

Eastman?

A I don't remember seeing John Eastman at the White House.

Q Did you ever learn that he was coming to the White House for meetings?

A I personally did not know that he was coming to meetings at the White House. No, sir, I -- no.

Q All right.

And we'll get into -- like I said before, we'll get into some more about Mr. Eastman later. But that's very helpful.

We briefly hit on, you know, visits from State legislators to the White House in the November-December timeframe, but I'll represent to you, Mr. Luna, there were also hearings that Mr. Giuliani was convening and a witness at in various States in the late November to early December timeframe.

Do you remember any discussions about hearings that Mr. Giuliani and his team were conducting for legislators in battleground States after the election?

A I do not recall anything like that, no, sir.

Q Do you know the hearings that I'm talking about, where Mr. Giuliani testified before various bodies of State legislatures?

A I believe so. I -- to the best of my knowledge, just to clarify, you're talking about any public hearing at, like, a State legislature?

Q Correct.

A Yes, sir, I do recall seeing that on TV.

Q Okay. Do you remember hearing any discussions about it within the White House?

A No, sir.

Q Do you remember hearing any discussions about it with anybody from the

Trump campaign?

A No, sir.

Q Did you ever talk to Mr. Giuliani about any of those hearings before State legislatures?

A No, sir, I did not.

Q Did you ever talk to the President about the hearings that Mr. Giuliani had a role in convening or testifying at before State legislatures?

A I did not, sir, no.

Q So, on December 14th, that was the day the electoral college met and cast votes either for Mr. Trump or Mr. Biden.

Do you recall any discussions about coordinating the meeting and votes of alternate electors for Mr. Trump in States that Mr. Trump had lost?

A No, sir, I don't recall a conversation about the -- what you just said.

Q Okay.

We understand that Mr. Trump and Mr. Eastman had a call with Ronna McDaniel about the electoral college and electors who would meet to cast votes for former President Trump.

Do you know anything about meetings or calls between the President and Ronna McDaniel on this issue, specifically alternate electors?

A I do not have knowledge that I recall of Ms. McDaniel or Mr. Eastman discussing this, no, sir.

Q Okay.

And, just to be clear, I know I've said this before, but it's okay if you hear about it through other people. Hearsay is totally fine in this context, so if you --

A Understood.

Q -- even hear about other people talking about this.

Do you remember anything like that at all coming up at the White House in that period?

A No, sir.

Q I'll stop there and see if anybody has any questions.

All right.

So, Mr. Luna, in December of 2020, then-Attorney General Barr said that he had a seen no widespread fraud that would change the outcome of the November 2020 election.

Do you remember when Mr. Barr said, even if you just read about it publicly at the time?

A I do.

Q Okay. What was the reaction within the White House? And, first, we'll start with the President. What was his reaction to hearing about that?

A I don't recall a specific -- being around him or seeing a specific reaction to Mr. Barr's statement.

Q What about others? Did you ever hear, you know, Mr. Meadows or Mr. Scavino, Mr. Stephen Miller, or anybody talking about Mr. Barr's statement at the time?

A No, sir, I don't recall having a conversation or overhearing that conversation pertaining to Mr. Barr's statement -- or, whether it was a press release or -- you know.

Q Okay.

It has been publicly reported that after Mr. Barr had publicly and privately expressed his views on election fraud claims that you called him and read a statement from Mr. Trump. Is that accurate?

A That I called Mr. Barr?

Q Correct.

A Specifically I called Mr. Barr and read him a statement?

Q Correct.

A I don't recall doing that.

Q Okay.

Do you remember calling anybody and talking to them about Jonathan Karl's report related to Mr. Barr and claims of election fraud?

A In what period are we talking about?

Q The November and December timeframe.

A No, sir, I don't remember calling someone.

Q And I'm sorry, I may have mistaken this. Did you call Jonathan Karl about Mr. Barr's views on election fraud and Mr. Karl's reporting? I'm sorry.

A During the time of November and January, is that what the --

Q Yeah, any time between November and January.

A No, I did not speak to Mr. Karl.

Q Okay. And forgive me, I may have misstated that.

A No problem.

Q Do you remember ever being asked to call any reporters or authors to push back on their reporting related to election fraud?

A Not during this time, no, sir.

Q "Not during this time." When were you asked to do something like that?

A You're talking at any point in my career in the government or at any point in -- ever?

Q Yes. And, to be clear, to push back on reporting about election fraud in the

November 2020 election. So not just reports generally, but about that specifically.

A Yes. There was one phone call.

Q When did you make that call, and to whom?

A This phone call was to Jonathan Karl at -- I mean, I don't specifically remember. This -- and it wasn't during my time in the White House. This was my post-White-House time.

Q Okay.

A And I believe it must've been last summer at some point. And I don't think it was about Bill Barr's statement.

Q All right.

So the report is that the statement read, "Jonathan Karl's story on slow-moving Bill Barr is made up beyond any level imaginable. It takes a very strong and special person to go against the mob. Bill Barr was not that person."

Is that roughly what you said to Mr. Karl?

A Just to be clear, this is after I was no longer in government and working for the, you know -- afterwards. But, yes, I believe -- I do remember this statement, yes, sir.

Q Okay. That's very helpful, and I appreciate that clarification. I'm sorry for originally when I suggested that this was directly to Mr. Barr.

A No problem.

Q Do you, Mr. Luna, have any knowledge of an attempt to appoint Jeffrey Clark as Acting Attorney General?

A I do not personally have any knowledge about -- at that time or that appointment, no.

Q Okay.

So there were discussions that we've learned about in the December and early

January phase about Mr. Clark and him meeting at the White House with various other people. Do you have any recollection of Mr. Clark at the White House?

A I do not, sir, no.

Q Okay.

It has been, I believe, publicly reported that Representative Perry may have helped to introduce Mr. Clark to the President or others. Do you remember anything with respect to Representative Perry and Jeff Clark or the Department of Justice in that timeframe?

A No, sir, I do not.

Q Okay.

And I'm sorry if I already asked you this another way, but do you remember Jeff Clark ever being at the White House in December or January?

A I do not remember him being at the White House, not -- I do not, no.

Q Earlier, you mentioned Mr. Navarro and the report that he compiled about fraud in the election. Tell us about what you remember about that.

A I don't know. I didn't read the report. I mean, your specific question was, was there anyone who did things -- and I think you characterized it better. But I not read Mr. Navarro's report.

Q What about just the fact of him working on a report about election fraud? What do you remember hearing about that?

A I think that was basically it, that that was the thrust of it, that he was working on it.

Q Who'd you hear that from?

A I don't remember if it was a conversation or if it was in passing through my office.

Q Do you ever remember hearing why Mr. Navarro was working on this report?

A No, sir, I do not.

Q Do you know if anybody asked Mr. Navarro to do this report?

A No, sir, I do not.

Q Do you know if the President ever encouraged Mr. Navarro to complete this report?

A No, sir, I do not.

Q Did you ever talk to anybody about the Navarro report while it was being drafted or before January 6th?

A No, sir, I do not.

Q Do you know who Joanna Miller is?

A Yes, sir.

Q Who's that?

A If my memory's right, she was his executive assistant.

Q Do you know what her role was with respect to the reports that Mr. Navarro was drafting about the election?

A I do not, no, sir.

Q What about Garrett Ziegler? Do you know who that is?

A Only from a news report.

Q So you never met Mr. Ziegler while you were at the White House --

A No.

Q -- that you can recall?

A Not that I recall. No, sir.

Q Did you even know that a person named Garrett Ziegler worked in the White

House while you were there?

A No, sir, I did not.

Q And you said you never read Mr. Navarro's reports.

A Correct, sir.

Q Okay. Did you ever receive a copy of Mr. Navarro's reports as part of your job?

A I don't -- not specifically for me, no, sir. I don't know if I was -- if it was as a part of -- I don't even -- I don't -- no. The answer is no. I don't remember.

Q Okay. Do you ever remember being asked to do anything with Mr. Navarro's report?

A No, sir, I don't recall being asked to do anything with the report.

Q Do you remember if the report was provided to any Members of Congress before January 6th at any point?

A I do not -- I'm not aware of that, no, sir.

Q The issue of Dominion Voting -- I'm sorry, go ahead.

A We didn't say anything. Sorry.

Q Oh, I'm sorry. I thought I heard something. Apologies.

Mr. Sanders. Well, [redacted] if you are going to go on to a new topic, would it be a good time to take a break? We've been going --

[redacted] Yeah, of course.

Mr. Sanders. -- an hour and --

[redacted] How long would you guys like?

Mr. Ramsey. Ten minutes, max?

Mr. Sanders. Yeah, I'd say 10 minutes would be good.

[redacted] Sounds perfect. Let's go off the record, and we'll see you back in

about 10 minutes.

[Recess.]

[11:42 a.m.]

[redacted] It's 11:42 a.m., and we are resuming the deposition of Mr. Nick Luna.

BY [redacted]

Q So we left off and I was just about to ask you about Michigan specifically. There was a lot of talk in the post-election period about Antrim County and Dominion voting machines with respect to the Michigan.

So first I'll ask you generally, are you familiar with what I'm talking about when I say "Antrim County, Dominion voting machines"?

A I am -- only from the document that you all produced.

Q Okay. Perfect. So let's pull that up. And that is -- bear with me just a moment.

Apologies. Sorry, I'm not finding the right --

A Not at all. Not at all.

Q You know what? I apologize. Let me do it this way. Nick, if you're able to pull it up --

Mr. Saunders. Is that the ASOG report?

[redacted] Yes.

[redacted] It's 31.

[redacted] Thirty-one. Sorry about that, gentlemen.

The Witness. Not at all.

BY [redacted]

Q All right. If you could zoom in just a little bit. Okay.

So this is an email from Molly Michael on December 14, 2020, to you, Nick Luna,

as well as Austin Ferer. I may be pronouncing that incorrectly.

Who is Austin?

A You pronounced it correctly. Austin was the Oval Office coordinator.

Q What does that mean?

A It was a junior position to Molly Michael, his executive assistant.

Q This is an email that she sent to you and Mr. Ferer that she had received apparently from Sidney Powell. And if you scroll down a little bit, that was sent directly to her. And it attaches, I believe it's called "Antrim County Forensic Report."

We're showing you now this Allied Security Operations Group forensics report.

So do you remember getting this from Ms. Michael?

A I do.

Q Why'd you get it?

A I don't recall why I got it. No, I don't -- why she forwarded it to me and Austin. I don't remember why.

Q Do you remember doing anything with it?

A No, I do not remember doing anything with it, no, sir.

Q All right. Do you remember seeing this in the White House, though, or hearing discussions about this Allied Security Operations Group report, which is also called the ASOG report?

A To your first question, I do remember seeing this document in this email -- excuse me, at this point I assume is when I would've seen the document.

Q Okay. And do you remember any discussions or anything about this document?

A I don't recall any discussions about the document, no, sir.

Q Who's Sidney Powell, to the best of your understanding?

A Sidney Powell is an attorney, or was an attorney at this time, who was involved in -- with Mr. Giuliani, from a press conference that I saw, as an attorney for the campaign. I don't know if she was a campaign attorney or if she was outside counsel. I don't know.

Q Okay.

And that press conference that you saw with Mr. Giuliani, do you remember discussions about that press conference?

A No, sir.

Q Nothing at all? That -- their -- Dominion, I understand, was a topic of conversation that Ms. Powell raised quite forcefully. Do you remember anything about that press conference and discussions about it in the White House?

A I remember the press conference, sir. I don't remember discussions within the White House, no.

Q Okay.

Do you know if the President ever saw this Allied Security Operations Group report?

A I do not know. I can't confirm whether he did or not.

Q Do you know what Ms. Michael did with this, other than send it to you and Austin?

A I do not know what she did with it, no, sir.

Q The subject line, it says, "Do we do another rule 32," on the email. If we could pull back the email from exhibit 31, page 1.

Do you know what that means, "Do we do another rule 32"?

A I do not, sir, no.

Q So that date, I know we've mentioned it before, but December 14th is also

the date that the electoral college met to cast votes. What do you remember about discussions related to the electoral college happening in the White House while you were there?

A I don't remember specific conversations about December 14th.

Q Okay. And maybe not December 14th specifically, but just generally. You know, what about the fact that the electoral college was going to meet on December 14th and likely declare that Joe Biden won, or cast votes for Joe Biden?

A I don't -- I mean, I don't -- my knowledge, I -- I remember learning about this being a date while at the White House. I don't remember what brought that up. But that was the only thing that I recall about December 14th, was learning there was something -- a part of the election was on December 14th.

Q And do you remember anybody in the White House or on the campaign talking about the need to do anything with respect to the election before the electoral college met?

A I do not. I do not remember any conversation like --

Q Do --

A -- that.

Q I'm sorry. I should've let you finish.

A No, that was it. I don't remember any conversation like that, no.

Q Do you remember the President having any reaction after -- or, on or after December 14th when the electoral college met and cast their votes that would ultimately declare Joe Biden the winner?

A I don't recall his reaction or any reaction to this, no, sir.

Q Do you remember hearing that anybody in the White House, you know, was like, "This is the end of the road here. They've met, they've sent in their votes, and Joe

Biden has more than the President"?

A I don't recall hearing that -- those conversations, no, sir, or any --

Q Do you remember hearing about anybody's reaction to that in the White House?

A No, sir.

Q And is that because it didn't happen or you just don't recall them?

A I can't speak to whether it happened or not. I don't -- I don't know, sir. I don't recall any conversation like that.

Q Do you remember any discussions about seizing voting machines or voting machine data?

A I don't recall any discussions, no, sir.

Q Do you remember anything about that coming up at the White House?

A Not at the White House, sir. Again, these are from press reports.

Q Do you remember President Trump ever meeting with Attorney General Barr and learning that seizing voting machines had been a topic of conversation?

A No, sir.

Q Do you recall President Trump ever asking Department of Homeland Security -- I believe he was the Acting -- Acting Secretary Ken Cuccinelli about seizing voting machines?

A I do not recall that, no, sir.

Q Were you ever asked to get in touch with anybody at Department of Justice or DHS related to seizing voting machines, even if just to set up a conversation?

A Nah, I don't recall making any call like that, no, sir.

Q What about sending emails or text messages to facilitate any discussion about that?

A No, sir. Not that I recall.

Q Now, we understand that, at some point, folks related to the campaign or outside advisors suggested that the President sign an executive order that would authorize seizing voting machines.

Do you know anything about that executive order?

A Other than press reports and public knowledge, no, sir, I do not know anything about that.

Q So you don't remember any discussions in the White House or from campaign or outside advisors about draft executive orders related to voting machines?

A That's correct, sir.

Q All right.

And I'm going to show you this just to see if, again, it refreshes your recollection.

But if we could pull up exhibit No. 5, please.

All right. And are you able to see that, Mr. Luna?

A I am, yes.

Q Okay.

That is a document dated December the 16th, 2020. It's called "Presidential Findings to Preserve, Collect, and Analyze National Security Information Regarding the 2020 General Election."

And in the first paragraph there, it references authorities including various executive orders about foreign interference in elections as well as a statute called IEEPA, the International Emergency Economic Powers Act.

And if you go to page 2, to the bottom of page 2, in number 1 it says, "Effective immediately, the Secretary of Defense shall seize, collect, retain and analyze" various descriptions of voting machines and its data.

And then in number 7 on the next page, page 3, it talks about the appointment of a special counsel to oversee the operations and ensuring that she has all resources necessary to carry out her duties consistent with the Federal laws and the Constitution.

Do you ever remember seeing this document or a document that looked like this while you worked in the White House?

A No, sir, I do not recall seeing a document like this.

Q Okay. Do you remember any discussions about this executive order or an executive order based on foreign interference in the election?

A No, sir, I do not.

Q In the part that I just read you, number 7 that's still up on the screen there, on page 3 of exhibit 5, it talks about this special counsel and her duties consistent -- do you remember any discussions, whether you were a part of them or not, about appointing a special counsel related to the November election?

A I do not, no.

Q Earlier, we talked about Ms. Sidney Powell, and it's been widely reported that her name had been floated to become a special counsel related to the election.

Do you recall anything about Sidney Powell potentially becoming a special counsel?

A No, sir, I do not.

Q Do you remember hearing about any discussions that the President had with Mr. Giuliani or others on Mr. Giuliani's team about seizing voting machines?

A No, sir, I do not.

Q All right.

If we could pull up exhibit No. 7.

Actually, I'm sorry, exhibit No. 6, please.

And we're going slightly out of order here, but exhibit No. 6, this is a screenshot of text messages that you, through your counsel, provided to the select committee.

And do you see that there, Mr. Luna?

A Just the top portion of it. Yes, sir.

Q Okay. Perfect.

So the top portion says the chat involves you and three other people, those being "DS," "JM," and "MM." It looks like from the texts themselves that's Molly Michael, John McEntee, and Dan Scavino. Is that accurate?

A That is correct, yes, sir.

Q All right.

So, on December 20th at 7:20 p.m., Ms. Michael sends you a message that says, "Good evening! Sidney Powell is at the WH and wanting to see POTUS tonight at the direction of Flynn to give POTUS documents. I am going to call Sidney right now -- but I wanted to let you all know in case they call you on it as well!"

You say, "Thank you for the heads up molly" and "Godspeed."

Tell us about that. What were these messages about?

A If I recall correctly, this was an instance where Ms. Powell would somehow be at the White House and insist on seeing the President. And my response to her thanking her for letting me know that Sidney was on -- was at least attempting to do this, according to Molly.

Q Why would she text you about that? My understanding is you guys sat right next to each other. Understanding this is in the evening, but why text you about that?

A Yeah, so I don't remember if we were -- I don't recall if I was at the office at this point or if she was -- if she was at home or if I was at home.

Q And you said that Ms. Powell somehow would be at the White House. My understanding is the White House is not all that easy to get into. So could you explain how Ms. Powell would just somehow show up to the White House?

A The individuals at the White House have to be WAVEd in. So anyone with WAVEs privileges -- you have to take a course, and you have to do all this other stuff I suppose -- but you could enter any guest you want to the White House.

Q Did you have WAVEs privileges?

A I did, sir, yes, sir.

Q Sounds like from these messages you did not WAVE Ms. Powell in that night. Is that correct?

A That is correct, sir.

Q Do you know who did?

A I do not know, sir, no.

Q Do you know anybody who would typically WAVE Ms. Powell in? Who would be the one that she calls, to your knowledge, to get into the White House?

A I don't know specifically, sir.

Q Do you know of anybody who ever WAVEd her in?

A I know that I read a public document, or I guess an article, about an individual claiming that they let these -- I don't know if this specific instance, but if you're saying who let Sidney Powell in in general, there was one instance where I believe the gentleman you asked me about before said he WAVEd them in.

Q Mr. Ziegler being that gentleman?

A Correct.

Q But you don't know from your time at the White House whether that was correct?

A Correct, sir. I can't verify that. I don't know.

Q All right.

[redacted] And I see Representative Aguilar has just joined us.

Thank you for coming, Mr. Aguilar.

BY [redacted]

Q Okay. So, in this message in exhibit No. 6 that's up on the screen there, it also talks about Ms. Powell wanting to see the President at the direction of Flynn.

Who do you understand "Flynn" to be in this message?

A I don't know specifically. I couldn't tell you with certainty who it is.

Q Okay. Based on your experience at the White House and who was coming in and out around this time, December 20th, do you expect that that's a reference to General Michael Flynn?

A I would -- I would -- yes.

Q Okay. And what's Ms. Powell's relationship, or what was it like, with General Flynn, to the best of your knowledge?

A I don't know.

Q Do you know if they worked together?

A I don't recall whether or not they did or not.

Q Do you remember ever seeing them together at the White House?

A Yes, sir, I do.

Q When was that?

A I don't recall a specific meeting. I know that -- I recall them coming in at one meeting, and they were together, the two of them.

Q Tell us about that meeting. What do you remember about it?

A Nothing about the meeting, only the fact that before -- they'd come through

my office to go into the Oval Office -- that they were together. I don't recall what date. I don't remember the timeline of it.

Q Okay. Do you remember them saying anything as they were walking by you or standing in your office waiting to go into the Oval?

A No, sir, not that I recall. No.

Q My understanding is that Ms. Powell and General Flynn attended a meeting that got fairly heated and that lasted late into the night. We talked about that briefly before, December the 18th.

Do you remember anything about their attendance at that meeting?

A No, sir, I do not.

Q I understand that that was a pretty widely-talked-about event at the White House, and it was reported as such. Do you know anything at all about that meeting that you heard just working at the White House?

A I mean, again, this was -- it was widely reported, and I remember reading it in Politico. I don't know specifically anything about that meeting.

Q What about generally?

A In general, I had a conversation, if I recall correctly, about this meeting with Mr. Herschmann, and the only anecdote that he told me was that one of these people -- I don't remember who it was, Sidney Powell or Mike Flynn -- in this argument that was widely reported thought that Mr. Herschmann was White House Counsel, or was Pat Cipollone, or something.

And so that was the only anecdote that he had -- he told me. I don't know if was reported or not, but --

Q Did he say --

A -- that was --

Q Oh, I'm sorry.

A No, go ahead. Sorry.

Q Did he say anything else about the meeting? I assume he didn't just walk up to your desk and say, "General Powell [sic] thought I was Pat Cipollone." There was some context, I suppose, but maybe not.

A No, I -- no, there was -- there's not a longer conversation than that that I recall.

Q Okay.

All right. Now if we could pull up exhibit No. 7.

Any followup on that, [redacted]

[redacted] Yeah. Could we briefly go back to this exhibit?

[redacted] This is the second time I've done that. I'm sorry.

The Witness. Not at all.

[redacted] And scroll down a little bit.

BY [redacted]

Q So this text message exchange looks like it takes place on December 20th, and it looks like Ms. Michael was letting you know that Ms. Powell was back at the White House.

So this would've been 2 days after that meeting that was widely reported about. Do you know or did you hear anything about why she was there?

A No, sir, I did not.

Q Do you recall any other times, so other than the 18th and the 20th, when Ms. Powell showed up at the White House.

A For -- are you saying in general as -- when she came to the White House?

Q In this time period, let's say, so after December 18th but before January 6th.

A I don't specifically recall her coming -- not -- I don't have any -- I mean, there were meetings. I don't remember when they -- I mean, I don't remember if it was before this or after this, but I remember more than once she had a meeting with the President in the Oval Office. So I'm --

Q Sorry. I just want to make sure that I understood. So are you saying that you recall her being in meetings with the President during this period or just generally?

A Again, I don't know -- I don't -- I can't say this -- I mean, if it's November to January, then it would've been during that period, yes, sir. But I don't recall specifically the times or when it was.

Q Understood.

And if you can remember, when she came in, do you recall seeing anyone going in with her?

A If my memory is correct, the time that we're talking about, on the 18th, she, if I remember correctly, came in with Mr. Flynn -- with General Flynn. But, other than that, I don't recall her being with anyone or -- not to say -- I just don't recall how she would enter --

[12:04 p.m.]

BY [redacted]

Q Understood. So in this exhibit, it looks like Ms. Michael let you know that Ms. Powell was at the White House and wanted to let you know in case Ms. Powell attempted to contact you. And then you responded: "Thank you for the heads-up, Molly. Godspeed."

Why did you wish Ms. Michael Godspeed in dealing with Ms. Powell?

A And just to be clear, I believe the statement of "but I wanted to let you all know in case they call you on it as well" is -- I don't think that -- it could have been the White House ushers would call or the valet would call. I don't -- I didn't have any direct contact with, that I recall, General Flynn or Sidney Powell. They would not reach out to me to coordinate any of this stuff.

So Godspeed is obviously, you know, to handling what may appear to be a difficult situation with Sidney Powell.

Q And why did you think it would be a difficult situation with Ms. Powell?

A Well, I -- if I recollect, to the fact that she sent this text message, it wasn't a standard -- a standard meeting or event.

Q And can you explain what you mean by that? So it wasn't a standard meeting or event. So you wished her good luck, essentially, for what reason?

A In handling this event. I mean, I don't recall if I was there or not or if she was there by herself or -- or what, but it would appear that Sidney Powell did not have a meeting. It was 7:30 at night. I don't even know that Ms. Michael was there in this exchange.

Q Okay.

A So that she may be handling this remotely, trying to use the Secret Service and the White House residence staff to figure out a solution to this meeting.

Q Understood. So if you scroll down a little bit, it looks like Mr. McEntee responded with an emoji. And I don't know exactly how to characterize this for the record, but it's a facial expression of an emoji with sort of a neutral expression. So the mouth of the emoji is like a flat line.

Do you have any sense or understanding of what Mr. McEntee was conveying when he responded with that?

A I do not, sir.

Q Okay. Did you, Ms. Michael, or Mr. McEntee ever have any conversations about Sidney Powell or the conversation she was having with the President or the work she was doing?

A I don't recall a specific conversation with Ms. Michael or Mr. McEntee about Sidney Powell or General Flynn. Is that your question?

Q That's right.

A I don't specifically recall a conversation about Sidney Powell, no, not with those individuals or, you know, in general.

Q Understood. So I'll just kind of tell you how I read this message, and you can help me understand it or tell me if my understanding is not correct. But it sounds like, you know, Molly Michael, you know, texts you and some others and says Sidney Powell is trying to get into the White House. And then you wish her Godspeed, and then Mr. McEntee responds with sort of a maybe not particularly pleased facial expression emoji.

So it sounds like maybe there's some sort of shared understanding about Ms. Powell, either in what she's doing or trying to talk to the President or something like

that. And I'm wondering if that sounds accurate or if I'm misreading it.

A That sounds accurate to me, to the best of my knowledge.

Q Can you tell me why you and these others would have had this shared understanding about Ms. Powell?

A If I had to -- if I had to characterize that, I believe that it would -- it would be because of instances similar to this. And our -- and our job is kind of structured. That really helped us. And according to this text message, and I -- that there are instances where Ms. Powell would try to circumvent the normal working of our structure, I suppose.

Q Got it. And then, so later in the text message, it looks like Ms. Michael responded that he, who I assume is President Trump, not going to see her tonight, his decision.

Did you ever hear anything about Mr. Trump's decision not to speak with Ms. Powell or not wanting to see her?

A No, sir, not beyond these text messages here.

[redacted] All right. Thank you.

Back to you, [redacted]

BY [redacted]

Q Just to follow up on that, can you please give us any examples that come to mind of Ms. Powell or General Flynn circumventing the structure, as you just put it, that could have resulted in your understanding as you expressed in these messages?

A I can tell you generally the type of thing would be showing up to the Oval Office or Outer Oval Office without a meeting scheduled would be a type of -- would be a type of instance where circumventing the normal regs of procedure, if you will.

Q And how many times -- understanding we're asking you to approximate

here, though, how many times did that happen in that period between the election and January the 6th?

A I honestly couldn't tell you how many times. I mean, I know it's more than one, but I don't recall specific instances. I was, again, generally saying what would potentially lead to us having an opinion about Ms. Powell.

Q And when Ms. Powell would show up for meetings without being on the schedule, would you talk to her?

A Yes, sir.

Q Tell us about those conversations you had with Ms. Powell.

A They would be only logistical in nature, I assume, I guess, just to say, you know. If it was a conversation, she would say, I need to see the President. And it would be my job to alert the chief of staff and then ask the President if, in fact, he wanted to meet with Ms. Powell.

Q Okay. So tell us about that. So Ms. Powell shows up unannounced, no scheduled meeting. You tell Mark Meadows. What's Mark Meadows' reaction to Ms. Powell showing up unannounced for a meeting with the President?

A I couldn't characterize what his reaction was to it.

Q I'm not asking you to characterize it. Just what did he say?

A I don't recall him saying anything to me. It wouldn't be a -- it would just be an alert so that he would be able to either come to the Outer Oval Office or -- or not. I don't recall a conversation about that.

Q Okay. And it sounds like -- I don't want to put words in your mouth, but it sounds like you would also at least sometimes have to alert the President that Ms. Powell was there to meet. What was his reaction when you said that Ms. Powell was there unannounced to meet with him?

A Again, I don't recall a specific instance about this, but he either met with her or he didn't.

Q Do you ever remember him turning her away when she would come unannounced?

A I don't remember a specific instance but, yes, he did turn her away. Not turn -- I mean, he would not -- he did not meet with her at that time.

Q And what would she do if the President didn't meet with her, showing up expecting to meet with him?

A I don't know, sir. I don't know.

Q Did he sometimes accept, though, her meeting, her coming in to meet with him unannounced?

A If I remember correctly, yes, there would be times when she would be allowed to go into the Oval Office.

Q Did she ever show you the documents that she needed to show the President in any meeting, announced or unannounced?

A No, sir, not that I recall.

Q Did she ever tell you about the documents, what she needed to have the President do in any of these meetings?

A No, sir, not that I recall.

Q Did she ever tell you why she was there to meet with the President, even if unrelated to documents, just generally?

A No, sir, not that I recall that she would ever tell me.

Q Were you ever asked to contact her to set up a meeting with the President?

A I don't remember if I did or not, sir.

Q Were you ever asked to call General Flynn to set up a meeting with Mr. Flynn

and the President?

A I don't recall doing that, no, sir.

Q What about Mr. Giuliani? Did you ever contact Mr. Giuliani to set up a meeting with the President?

A No, sir, not that I recall.

Q What about to facilitate any requests? Like if the President wanted something from Mr. Giuliani, did you ever contact Mr. Giuliani to get anything?

A Not beyond -- to get anything?

Q Yeah. Documents, phone calls, set up meetings, information?

A Setting up phone calls, that would be the nature of any conversation with him. And by setting up, I would let Mr. Giuliani know that the President was trying to speak with him.

Q Were you told to give Mr. Giuliani information as to why the President wanted to meet with him on any of these phone calls where you'd set up meetings or calls?

A No, sir.

Q Did the President ever tell you why he wanted to meet with Mr. Giuliani or have a call with Mr. Giuliani?

A No, sir.

Q All right. If we could pull up exhibit No. 7.

So, Mr. Luna, this is a tweet that President Trump put out on December the 19th, 2020. And this says 1:42 p.m., but this is actually very early in the morning, 1:42 a.m.

A Wow.

Q It says: Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump. Has a link to presumably that report.

It says: A great report by Peter. Statistically impossible to have lost the 2020 election. Big protest in D.C. on January 6th. Be there, will be wild!

Do you remember this tweet coming out?

A I don't, sir.

Q Did you have any role in drafting this tweet?

A No, sir.

Q Did you ever talk to the President about this tweet?

A No, sir.

Q Did you ever talk to the President around this time, meaning December 19th or a few days after, about what he meant when he said there's going to be a big protest on January 6th?

A No, sir, I don't recall a conversation with him about that.

Q Do you remember ever talking to the President about a big protest in D.C. on January the 6th?

A Are you -- I mean, this is -- yes. Not a protest.

Q Well, tell us what you mean, like -- and I'm focused right now on the period before the 6th --

A Oh, okay, yes.

Q -- before January 6th, so in the last month.

A No, I agree. I mean, I understand. I just -- I never discussed with the President about a protest on the 6th, no, sir.

Q Okay. You're using the word "protest." Did you talk to him about something else on the 6th?

A I did have a discu- -- I mean, I had around January 6th, the date. Obviously, the nature of my job being around there, I was aware of conversations about the 6th.

Q Okay. And we're going to get to that time period in just a little bit. But what about like in this December timeframe, just when the President announces for the first time to the world, at least my understanding, that there's going to be a big protest in D.C., be there, will be wild, did the President ever express anything about these planned protests or his thoughts about a protest for January 6th in this period?

A No, sir. Not during this period, no.

Q Did the President ever at any point tell you what he meant when he said "will be wild"?

A No, sir, he did not.

Q And at this point -- we're talking around December 19th -- were you aware of any planned rallies on January the 6th?

A I was not aware of any rallies, sir.

Q When was the first time you heard about a rally planned for January the 6th in Washington, D.C.?

A It was four or five days before January 6th.

Q And what was the context in which you heard about it?

A I, if I recall, was speaking with Operations and Advance people about the potential of the President attending a rally on the 6th.

Q Who were those people, specifically?

A Max Miller, the director of Advance.

Q Who else?

A That was, at that time, the only person that I had any discussion with.

Q And what did he tell you in that conversation?

A I don't recall specifically, but the idea that the President would be -- or is attempting to attend a rally on the 6th. My memory is that that was when I became

aware of the January 6th, you know, concept of a rally.

Q Do you know why Mr. Miller was telling you that, specifically?

A Sure. I mean, I -- the nature of my job was, before I became -- the position that I was in at the time was to do this as a trip director. So it wasn't my -- it wasn't my job description, but, you know, I had the experience and it interested me.

Q Did Mr. Miller say what the President would do that day?

A There was -- yes. The general idea of the rally at that point -- quote/unquote, rally. I don't know, whatever you want to call it.

Q That's fine.

A -- was that -- was that there'd be some -- that there would be an event surrounding the events of January 6th.

Q Okay. And what about -- what was the President's role going to be, at least at that point when you were talking to Mr. Miller, for this rally?

A From what I understood it to be, he was going to be a speaker at the event.

Q Did Mr. Miller say anything about the President going to the Capitol on January 6th when you were talking to him about this rally?

A So there wasn't -- from my memory, there was -- there was an interest by I don't know who to have the event take place at the Capitol itself. And so that was, to your question, what was being discussed, the possibilities of where -- and the possibility that it could even be held at the White House grounds, therefore, I'm involved. But at that point, I don't recall there being a set structure or format or anything like that, other than a speech.

Q Okay. So you remember that at that point it wasn't set as to location. It could have been White House grounds, Ellipse, potentially at the Capitol. Anywhere else?

A That is, I recall, the only places. And to be clear, at this point, the event, whether it was going to be a campaign event or an outside event that the President attends, I don't recall there being a decision on that either.

Q What else do you remember Max Miller saying about the rally or the events of January 6th during this conversation?

A That was it. There wasn't a -- I mean, at this point, I don't recall there being, like, anything more to kind of discuss about it.

Q Did Mr. Miller say anything about why the President wanted to do this rally, like what the purpose was?

A No, sir, not that I recall.

Q Did you talk -- around the time of your meeting or conversation with Mr. Miller, did you ever talk to the President about this rally and the events of January 6th?

A About the rally itself? I had -- on January 5th, yes.

Q What did you talk about on January 5th?

A I was in the office, in the Oval Office, and he had asked me to open the door so that he could hear. I guess there was a concert or something going on at the National Memorial, War Memorial right off of 17th, and he asked me to open the door.

Q Did he say anything other than just open the door?

A He made a comment. I don't remember specifically what he said, but there's a lot of energy.

Q What else?

A I believe that was all from that day about the -- January 5th.

Q Okay. And in that time when you were asked to open the door, do you remember the President saying anything about there being a lot of anger out there, a lot

of people who are upset with the election?

A I don't recall it being char- -- I don't. Like I said, I remember it being there's a lot of energy. I don't recall it being positive or negative energy.

Q Who else was in the meeting or in that -- in the Oval with you guys when this happened?

A It was just the two of us, that I -- if I recall correctly.

Q And you don't remember anything else happening? He just asked you to open the door and saying there was a lot of energy?

A Correct. Yes, sir.

Q How long were you in there?

A I could -- I don't recall specifically, but to open the door and then leave.

Q Could the President open the door himself?

A I would assume, yes, sir, he could open it himself. It would require -- I mean, if I remember correctly, he was sitting at the desk. So I don't know why he asked me to do it, but --

Q And were you already in the Oval Office when the President asked you to open the door?

A No, sir.

Q So he called you in, said, open the door, there's energy, and then you left?

A Correct.

Q And nobody else was in the Oval other than the President at that point. Is that right?

A If I remember correctly, that is correct.

Q Okay. All right. And we're going to get to other meetings or discussions on January the 5th as well, but that's very helpful. I appreciate it.

[redacted] Any followup at this point on that? Okay.

BY [redacted]

Q On December the 21st, there's a meeting attended by President Trump, Vice President Pence, various Members of Congress, including some from the House Freedom Caucus, specifically to talk about January 6th. I believe Mr. Meadows may have also been in that meeting. And I believe that that meeting happened in the Cabinet Room.

Do you remember anything about that meeting on December the 21st?

A You talking about it now, I mean, I -- I don't recall specifically anything about it. Yeah, but I --

Q Yeah. What about just generally even if not specifically?

A Well, I mean, generally you're reminding me that there was a meeting with Members of Congress, but I don't know why or when or, you know.

Q What do you remember about it?

A I don't remember anything from the meeting itself if -- but when you're saying that, I would have been responsible for putting out, you know, drinks or anything like that in the Cabinet Room, if that's where it took place.

Q All right. And do you remember seeing Members of Congress there? Do you --

A I don't specifically remember this.

Q Okay. So you don't remember -- you don't remember anything specifically about this meeting in the Cabinet Room with Members of Congress, the Vice President, the President. I believe the Vice President's staff may have also been there, Mr. Hodgson and Mr. Short.

A Okay.

Q So you don't remember anything about that?

A I mean, I'm not trying to -- I don't specifically remember this meeting. I remember -- you talking to me about it has refreshed my memory that there was, in fact, a meeting, but I had nothing to do with it in or out of the meeting or the contents of the meeting or the people in the meeting.

Q Okay. Do you remember anybody talking about this meeting afterwards?

A I do not recall anyone speaking about it, no.

Q Do you remember hearing anything about this meeting afterwards?

A I don't recall anything after this meeting, no, sir.

Q And at this point, again, just to kind of set the framework, the electoral college had voted. Presumably by that point it's going to be certified for now-President Biden. Lot of court cases had failed. The President's talking about a rally or some kind of protest on January the 6th.

So I'd just like to get the sense from you that you had, what was expected for January 6th at this point, late December?

A So I don't -- I don't recall there being any -- for my part, I don't remember anything specific to January 6th being a part of my day-to-day, you know, work, if you will.

Q Yeah, sure. But did you ever hear anything at all? Like, you know, people are saying, the next -- the next chance we have to change the result of the election, now it's just January 6th. It all comes down to January 6th.

Was that feeling kind of circulating at the White House, to the best of your knowledge?

A Yes. To the best of my knowledge, there was an understanding of that, yes.

Q All right. So tell us what you remember about that.

A I remember that -- that at this point, to the best of my knowledge, that this

was a -- it was a difficult and interesting time, I suppose, to be in my position and positions around. So my recollections are only from conversations with my colleagues, that -- and I remember one specifically that I'll tell you about with Ms. Molly Michael, where we had made the comment, not knowing anything about, you know, the process of the electors and certifying the election, that there had been multiple dates, if I'm not mistaken, that there was like, you know, if you're learning in civics class.

And so if December 14th was a thing, then January 6th was a thing. And there was just kind of a fatigue, if you will, in like the progression of these dates and they seemed to keep coming up. That was the specific conversation that I remember having.

Q Okay. So you remember at some point, I mean, the feeling shifted -- again, I don't want to put words in your mouth, but there was a shift from whatever had just happened, whether it was the electoral college meeting or something else, to now the focus is January 6th with respect to the outcome of the election. Is that fair?

A I think that's a fair assessment, yes. But you're saying in -- you're saying in the White House in general. If you could just -- could you just clarify, what do you mean by that? Like --

Q Well, I guess I'll ask you. Like, where were you getting this sense from? Who was it?

A Right. I mean, there was -- I don't specifically recall, like, what informed me about these things, but whether it was public reporting by these people who were purporting these things or working for it, that may be what led me to become aware of these dates.

Q Do you know if Mr. Meadows was focused on January 6th at some point as the next point at which the outcome of the election could be changed?

A I can't say with certainty that he was. I never had a discussion with him

about it.

Q Did he say or do anything that led you to believe that, even if you're not 100 percent certain?

A I don't recall anything. I mean, like in -- in what time period are we discussing, just to be clear?

Q Right. So we're really in the December period, but at any point. I mean, like, why was January 6th significant to, you know, people at the White House?

A I don't know that. I don't know why that became a significant date. I don't know who brought that specific thing in and said, January 6th is the next, you know, date to do whatever they were doing.

Q Okay. All right. And we'll get to some other specific, you know, documents, ideas, that are coming around then.

A Okay.

Q We just talked about December the 21st. I understand that that meeting, there was discussion about the Vice President and his authority, as the presiding officer as President of the Senate, on January the 6th.

Do you remember hearing anything at all being discussed in the White House or among folks with the campaign related to the Vice President's authority on January the 6th?

A I do not recall that.

Q Around that time, I understand that administration officials, staff, whomever, reached out to John Eastman to have his theory turned into a memo.

Do you remember anybody reaching out to Mr. Eastman about writing any legal theory related to January 6th?

A I do not, sir, no.

Q Did you ever contact Mr. Eastman and ask him to write a memo?

A I do not recall asking Mr. Eastman to do that, no, sir.

Q Did you ever call Mr. Eastman directly?

A I don't recall ever calling him directly, no, sir.

Q Did you ever send him any emails or text messages?

A I don't recall sending him an email, no, sir.

Q Do you remember the President ever reaching out to anyone to get Mr. Eastman to write his theories down in a memo?

A I do not, sir, no.

Q On January the 2nd, there was a phone call between President Trump and Georgia Secretary of State Brad Raffensperger. Are you familiar with that call?

A From the reporting, yes, sir.

Q Did you help to set up that call in any way?

A I did not, sir, no.

Q Do you know if Ms. Michael did?

A I do not know if she had a role in that call, no, sir.

Q Did you participate in that call?

A I did not participate in that call, sir.

Q I believe the same day, January 2nd, the President had a phone call with Phill Kline, Peter Navarro, John Lott, Rudy Giuliani, John Eastman, and about 300 State legislatures, or at least it's been estimated to be a large number of State legislators. And I believe the Amistad Project may have had something to do with that or a group called Got Freedom.

Do you know anything about the call I'm talking about?

A I do not, sir, no.

Q Do you remember hearing that President Trump called a number of State legislators on or about January the 2nd to talk about the election?

A I don't remember this happening, no, sir.

Q Do you remember any discussions at all about reaching out to State legislators to take some action related to the November 2020 election?

A I do not, sir, no.

Q All right. If we could pull up exhibit No. 8, please.

[redacted] I'll pause there to see if, Mr. Aguilar, if you have any questions, or if anybody else on the line has any questions for Mr. Luna at this point.

Okay. Hearing none.

BY [redacted]

Q Exhibit No. 8. If you could zoom in on the top.

Can you see exhibit No. 8, Mr. Luna?

A Yes, sir, I can.

Q All right. So this was to President Donald J. Trump Private White House line. It's covered by an exhibit tag there, but it looks like the actual email address it went to is Molly.A.Michael@who.eop.gov.

Do you know whether that address was sometimes used or referred to as the President Donald J. Trump private White House line?

A No, sir, I don't know anything about that.

Q All right. So it went to that address. It also went to Maria, which is Maria.Ryan. Do you know who that is?

A That I believe is Rudy Giuliani's partner or assistant. I don't know.

Q Did you ever communicate with Ms. Ryan?

A I believe she came to the office at some point.

Q Do you remember why?

A She was accompanying Mr. Giuliani.

Q Do you remember what they were there to do?

A I do not know, sir.

Q And did they go into the Oval Office?

A I don't recall if they both did, no, sir.

Q Okay. Do you know if one of them may have gone into the Oval Office when she accompanied Mr. Giuliani?

A I -- I don't recall them -- I recall seeing them in my office and meeting her; I don't know when. And I don't recall if she accompanied Mr. Giuliani. I don't recall if this specific day he ended up going into the office.

Q What was your conversation with Ms. Ryan and Mr. Giuliani like that day?

A I don't specifically recall, but it -- beyond pleasantries, it was -- I don't recall anything.

Q And this also went to John McEntee, Jo Zafonte. Do you know who that is?

A I do not know who that is, no.

Q Anthony Ornato, who's that?

A That's the deputy chief of staff for operations at the White House.

Q Did you report to Mr. Ornato?

A I did, yes, sir.

Q And it also went to Commissioner Kerik. Do you know who Bernie Kerik is?

A I am aware of Mr. Kerik, yes, sir.

Q Do you remember Mr. Kerik ever being at the White House?

A I don't specifically recall, no.

Q Did you ever communicate with Mr. Kerik?

A Yes, sir, I did.

Q About what?

A There was an event maybe in 2019, I believe, where we were in New York City, and --

Q I'll just stop you there. It wasn't related to the election or January 6th?

A No, sir. No. No, no.

Q Oh, okay. All right. I appreciate that. I don't mean to interrupt you for the sake of interrupting you, just for --

A I appreciate that. That's good.

Q So in the period -- and to be clear, I should ask you a better question. Between November of 2020 and January of 2021, did you speak with or communicate with Mr. Kerik?

A I did not, sir, no.

Q Okay. And this email in exhibit No. 8 is from Bill White. Do you know who Bill White is?

A I am aware of Mr. Bill White, yes, sir.

Q All right. Who is he?

A He -- I can explain how I met him, was the President attended a Veterans Day parade in New York City, and I believe Bill White was the host of the event. And I had met him at that event.

Q What was his relationship like with the President, if anything?

A Well, what I remember, he had a previous relationship with the President, before he was President, at some charitable thing. I don't -- I don't recall specifically or the accuracy of that.

Q He sends this email on January the 5th. It says: Letter from Georgia

Senate for POTUS.

And then in the body of the email, it says: 10 to 12 day extension put that smack in the middle of Georgia legislature actually being back in session automatically, parenthesis, without Kemp calling it. And then "see below."

He's sending, apparently, another letter or email from Brandon Beach. Do you know who Brandon Beach is?

A I do not know him other than from this email.

Q Do you know why you received this email?

A I don't know specifically why, no.

Q Attached to this email is page 2 of exhibit 8. It's a letter from the State of Georgia State Senate dated January the 2nd. It's addressed to Vice President Pence, expressing some views on fraud in the election and the election.

Do you remember receiving this letter?

A I don't remember receiving this, no, sir.

Q Do you remember doing anything with this letter?

A I don't remember doing anything with this letter, no, sir.

Q In the email from Mr. Beach to Bill White, that Bill White then forwards on to you and others, it says: If we can get a 10 to 12 day extension, we can blow this wide open.

I'll represent to you that, at the time, people were talking about delaying the certification of the election during the Joint Session of Congress, pushing it off, essentially, from January the 6th.

What do you remember about those conversations and that idea, delaying certification?

A I don't specifically recall any conversation, other than news reports, if

anything. I mean, I don't -- I never had a discussion with anybody about extending the date, but I was aware just of a general theory.

Q Where did you hear that general theory from?

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

Q Okay. Do you remember anybody -- let me think about the best way to ask this. I'll back up.

What's your understanding of who in the White House or on the campaign were advocating for this idea of delaying the certification on January 6th?

A I'm not aware of any -- that I recall, anyone from the White House or from the campaign. I don't know.

Q And so you get this email on the 5th. It's talking about blowing the election wide open. What's your reaction to that, as somebody in the White House, when you get an email like this?

A I didn't -- I don't -- I didn't -- Bill White used to send multiple emails to people. And from my understanding, I was one of the last people to get the -- you know, on the -- on the cc list. I don't -- I didn't read the letter and I didn't do anything with the letter. So I didn't have a reaction to it, I suppose.

Q Do you remember --

You can take this down. Thank you, Grant.

Do you remember President Trump ever encouraging Vice President Pence to use his role as President of the Senate to reject electoral ballots during the certification on January the 6th?

A Could you just repeat that one more time, [redacted]

Q Yeah. Do you recall President Trump ever encouraging Vice President Pence to use his role as President of the Senate to reject electoral ballots during the

certification on January the 6th?

A I don't recall them having a specific conversation, no.

Q Do you ever remember hearing about President Trump doing anything like that?

A I -- I remember hearing that the President wanted the Vice President to meet with John Eastman.

Q When do you remember hearing that the President wanted the Vice President to meet with John Eastman?

A I apologize. I do not recall the date or even the time around.

Q And I'll just -- I'm asking these only to see if we can narrow down a little bit, but do you think this happened in January, like days before January the 6th, or do you think this happened mid-December, November?

A I would -- I would -- my best guess would be the middle of December to anytime in the beginning of January.

Q Okay. Where'd you hear that from?

A So the -- a meeting -- the President had a meeting with the Vice President, and upon conclusion, the door opened and the President, if I remember correctly, had asked Molly to set up a meeting with John Eastman and the Vice President.

Q Did he say -- "he" being the President -- say anything else other than please set up a meeting between the Vice President and John Eastman?

A I don't recall there being anything further than that, no.

Q Did the Vice President say anything as they walked out of that meeting?

A I don't recall, no, I don't.

Q Can you describe it, I mean, just the general mood? Was it tense? Was it happy? Was it matter of fact? What was it?

A I mean, I think matter of fact would be a good characterization. There wasn't any, from what I recall -- and, again, I'm not -- I'm not like -- the reason that I am aware of this is like a general kind of memory of him asking Molly to set up a meeting. I don't recall there being any noticeable difference than a conversation, you know, normal conversation.

Q Do you know if Ms. Michael set up that meeting between the Vice President and John Eastman?

A I do not, no.

Q Do you know if Ms. Michael reached out to Mr. Eastman at all?

A I do not, no.

Q Do you remember the President saying anything else about -- or at that time when they came out with the Vice President?

A There's nothing else. No, sir, not that I recall.

Q Did you hear any part of the President's meeting with the Vice President that day before they walked out and asked to set up a meeting with John Eastman?

A I did not, no, sir.

Q When the Vice President came to the White House that day, do you know what the meeting was supposed to be about that he was going to talk to the President or about which --

A I --

Q I'm sorry, go ahead.

A I don't -- I don't know what the meeting was supposed to be about, no, sir.

Q Do you remember seeing any meetings on the schedule between Dr. Eastman and the Vice President?

A I wouldn't see the Vice President's schedule. So no, sir, no, I don't.

Q Do you remember hearing any discussions in the White House about the Vice President's role on January the 6th?

A And during this time period, we're talking December 19th till January 6th. Is that right?

Q No, it's at any point. So November all the way through January 6th. Any discussions that were happening that you heard about, participated in about the Vice President's role on January the 6th.

A And, again, the only reason I ask this is so that I help clarify my brain like where -- you know, what this -- what this is. About the Vice President's role in January 6th?

Q Yes.

A I don't recall any conversations specifically about the Vice President and January 6th.

Q Do you remember hearing anything about the Vice President's authority to count or not count electoral votes?

A I don't -- I don't -- I can't recall if it was from news reports or from -- I don't remember what -- what led me to become aware of anything having to do with the Vice President, but I don't remember any specific conversation that -- with anyone that was discussing the Vice President's role in certifying the election, no.

Q Do you remember any conversations about the Vice President having the authority to delay the counting of the electoral votes?

A No, sir, I don't.

Q Do you remember any conversations about Members of Congress and their role on January 6th, lodging objections to the election?

A I don't recall any conversation with a Member of Congress or about what

Members of Congress' role would be. No, I don't recall any conversation like that, no.

Q Do you remember hearing anything about encouraging Members of Congress to object during the joint session on January the 6th?

A I'm not -- I don't remember any -- any conversation relating to that, no.

Q Did you ever talk to the President about Members of Congress and what they might do on January 6th during the Joint Session of Congress?

A I did not, no, sir.

Q Bear with me just one moment.

A Sure.

Q Do you remember hearing that the Vice President had asked anybody on his staff to look into his authority as President of the Senate on January 6th?

A I lost. Go ahead. Sorry, [redacted], can you start over right there?

Q Yeah, of course. Yeah.

Do you remember ever hearing anything about the Vice President asking his staff to look into his authority as President of the Senate on January the 6th?

A No, sir. I do not recall that.

Q So sometime in December, there's a lawsuit filed by Representative Louie Gohmert against the Vice President, styled Gohmert v. Pence.

Do you remember ever hearing anything about that lawsuit?

A You telling me about it is reminding me. I mean, I don't remember anything about it, no, sir.

Q What did it remind you of, though?

A I just remembered that it existed. I don't remember the -- you're reminding me that it existed, and --

Q Do you remember whether the President encouraged this lawsuit, you know,

Gohmert v. Pence?

A I do not recall him encouraging this, no, sir.

Q Okay. And broadly speaking, if you don't remember this, do you remember the President ever encouraging any lawsuit that would clarify the Vice President's role on January the 6th?

A No, sir, I don't. I don't recall him -- specifically about lawsuits with overturning the election, no, sir.

Q Okay. It's been reported that the Vice President believed that Mr. Trump himself was behind the lawsuit and asked certain Congressmen to file it, and that Ms. Sidney Powell was, I believe, lead counsel in that lawsuit or at least related to the legal team in that lawsuit.

Do you know anything about that?

A No, sir, I do not.

Q Another lawsuit that came up was Texas v. Pennsylvania, in which Ken Paxton and others filed a lawsuit against the State of Pennsylvania and a few others related to the election.

Do you know anything about that lawsuit?

A I don't know anything other than what I remember from the news.

Q Did you ever talk to anybody in the White House, including the President, about Texas v. Pennsylvania?

A If I remember correctly, I remember when the Supreme Court ruled. I believe -- and I may be wrong, not being a lawyer or anything. The Supreme Court ruled on this at some point, at some date, correct?

Q That's right. It was around December 11th is when the Supreme Court decided it.

A Okay. And it was on TV that that news broke, that the Supreme Court wasn't going to grant cert- -- whatever it was, whatever the result was. And I went and I told the President that the TV had the results of whatever this court case was.

Q What did the President say when you told him that?

A If I remember correctly, it wasn't -- it was something like, oh, shit, or something negative about it.

Q Was he upset?

A Yes, sir. That's a fair characterization.

Q What else did he say?

A That's all I recall, sir. I don't -- I didn't -- I don't -- if I remember correctly, it was just to look at the TV and then return back to his office or the back room of his office.

Q Do you remember if he called anybody in from his staff to talk about the results of Texas v. Pennsylvania?

A I don't recall, no, sir. No.

Q Do you remember anybody going in to talk to him about it, even if he didn't call them in specifically?

A No, sir, I don't recall specific people going in to talk to him about it, no.

Q As part of that lawsuit, approximately 16 State attorneys general signed on in support. Do you know anything about the effort to get State attorneys general to sign on in support of that lawsuit?

A I do not, no, sir.

Q What about Members of Congress? I remember about I think over a hundred Members of Congress also signed something in support of that.

Are you aware of any efforts to get Members of Congress to sign onto that lawsuit?

A No, sir, I'm not.

Q Do you remember any meetings between Vice President Pence and Representative Matt Gaetz or other Members of Congress regarding the Vice President's role in certifying the election on January the 6th?

A No, sir, I'm not aware of any meetings with the Vice President and Members of Congress. No, sir.

Q Did you ever talk to Matt Gaetz about January 6th?

A No, sir, I did not.

Q Did you talk to any Members of Congress about January the 6th?

A I -- well, I mean, about January -- I talked to them on January 6th.

Q Okay. Tell us about that. Who'd you talk to on January 6th?

A So in line with what I have already discussed as my job responsibilities, I reached out to Senator Josh Hawley on January 6th, through a text message on my work phone, that the President was trying to call him or trying to speak to him.

Q When was that? Was that in the morning, afternoon, evening?

A I don't recall. I couldn't tell you when that was.

Q Why did the President want to talk to Josh Hawley?

A I do not know, sir.

Q How did you get instructions to contact Senator Hawley?

A The President as, you know, per normal procedure, would say, get me Josh Hawley on the phone. And it was, again, in response to either I tried him on his cell phone or tried through a landline. He did not answer. And that's what precipitated the text message.

Q Did you actually have a conversation or back-and-forth communications with Senator Hawley on January the 6th?

A No, sir. He did not respond to my text message.

Q On January 4th, 2021, President Trump met with Vice President Pence and John Eastman about the certification on January the 6th. What do you know about that meeting?

A I don't recall that meeting, sir. I don't remember anything about it.

Q This meeting has been pretty widely reported. And, apparently, Mr. Eastman told Vice President Pence that he, Vice President Pence, had the authority to count certain electoral votes or not count others, or delay the certification of the election, and that it was a meeting at which the President and Vice President didn't necessarily agree.

Do you remember hearing anything about that while you worked in the White House?

A I do not remember hearing it, no, sir.

Q Have you ever had any conversations with the President at any point, including up until today, about the meetings that he had with Vice President Pence in the days leading up to January 6th?

A A conversation with the President about?

Q His meetings with the Vice President in the days leading up to January 6th.

A No, sir.

Q Has the President ever told you what he said to the Vice President in the days leading up to January 6th?

A No, sir.

Q Has the President ever told you what he thought the Vice President could do on January the 6th?

A No. Not to me, no, sir.

Q Have you ever been present for any conversations where the President described his meetings with the Vice President or what he thought the Vice President could do on January 6th, up until and including today, as we sit here?

A This is a broad question. Could you just repeat that question and let me digest it slowly, because this is -- you know, I want to make sure I answer to the best of my knowledge.

Q Yeah, of course.

A Thanks.

Q And I appreciate that. So the question is: Have you ever been present for any communications where the President, President Trump, described what he thought Vice President Pence could do on January the 6th?

A Yes.

Q Tell us about that.

A I don't specifically remember an instance of conversation. I do -- the idea that the President thought that the Vice President could have a role in January 6th beyond his whatever was the reason that I knew why John Eastman -- and I don't remember why I became aware of it -- why John Eastman needed to meet with the Vice President. But specifically a conversation with me, I don't remember what, but, I mean -- is that answering your question?

Q Kind of. So this happened before January 6th, it sounds like?

A Correct, yes. Yes.

Q And who was in that conversation?

A I don't recall specifically. I don't know if it -- I don't remember the composition of the conversation or if it was even a conversation with somebody. I don't really recall.

Q Let me ask it a little bit differently. How did you learn that the President thought the Vice President could do something on January the 6th?

A I don't -- I don't remember specifically what made me aware of it, but it was -- it was widely known, I believe, that that was -- that was his -- his viewpoint. And that by the fact that he wanted Mr. Eastman to meet with the Vice President, that that was some way how to do it, or whatever he thought was going to happen should -- that was a pathway to do it.

Q Have you ever heard the President say anything about the Vice President's role on January 6th? And that, again, from November all the way up until now.

A I mean, yes. Yes.

Q Privately, not publicly. Setting aside his public statements, just, you know, to you, have you heard --

A Oh, no, no. Then, I mean, not -- not to me specifically, no.

Q Have you been a part of conversations where the President expressed this privately, not publicly?

A Yes.

[1:00 p.m.]

BY [redacted]

Q Okay. And other than the one you just described, tell us about them.

A Again, this is in general. The concept that he didn't have the courage to do what he needed to do is a sentiment that he's -- that I've heard him have in conversations with other people.

Q Who has he told that to, aside from the public setting?

A I mean, I couldn't tell you. Honestly, I don't recall who specifically, but -- but -- many people. I mean, I suppose anyone that was on the discussion or the topic.

Q What were the words that he used that you remember conveying this idea that the Vice President didn't have the courage to do what needed to be done on January 6th?

A I think that's an accurate, you know, characterization, didn't have the courage to do what needed to be -- what should've been done --

Q Did that --

A -- is a good --

Q Did that happen while Mr. Trump was still President or after his Presidency had concluded that you heard these conversations?

A Well, this is -- I mean, that's what you're referring to, is -- I'm talking about after -- after January 6th --

Q Okay.

A -- characterizations. Yes.

Q I understand that on January the 5th the President and Vice President met

again, at least once, to talk about the Vice President's role on January the 6th. And it may have been a lunchtime meeting and maybe one later.

Are you familiar with the President and Vice President meeting on January the 5th?

A I don't recall that, sir, no.

Q Do you remember anything about the President wanting Congress to decide the outcome of the election? So not necessarily having the Vice President choose what electoral votes to count or sending it back to the States, but kicking it to Congress and the individual delegations of the States in Congress. Do you remember hearing anything about that?

A I do not, sir, no.

Q In some of these meetings, the Vice President apparently told the President something to the effect of, "I wouldn't want any one person to have the authority to decide the outcome of the election by counting votes or delaying certification."

Do you remember the Vice President -- or hearing that the Vice President communicated that to the President?

A No, sir, I do not.

Q All right.

Before we leave the topics we've just discussed, I'll see first if anybody online has any questions for Mr. Luna.

Hearing none, [redacted], anything?

Okay.

If you could pull up exhibit No. 9, please.

Do you know a person named Ivan Raiklin?

A I do not, sir, no.

Q Have you heard that name before?

A I have not, sir, no.

Q All right.

We're pulling up exhibit 9. This appears to be something with White House letterhead, potentially, at the top, "The White House, Washington, D.C." It's dated December 22, 2020. It's called "Memorandum for the President," and subject: "Operation 'PENCE' CARD - Dec 23rd."

Do you remember ever seeing a memo, whether this one or something like this, about Operation Pence Card?

A No, sir, I do not.

Q Did you ever hear anybody refer to something called the Pence Card or Operation Pence Card?

A I -- no, sir, I have not heard that.

Q Okay.

Do you know if the President ever received this memo or another memo like it dealing with Operation Pence Card?

A I do not.

Q All right.

If we could pull up exhibit No. 10.

All right. What we're showing you here is exhibit No. 10. It's titled "PRIVILEGE AND CONFIDENTIAL. January 6 scenario."

And I'll represent to you that this is a memorandum that John Eastman wrote, one of two that he wrote. This is the shorter one.

Are you familiar with these memos that Mr. Eastman wrote?

A No, sir, I am not.

Q Do you know if the President ever saw this memorandum or any memorandum that John Eastman wrote?

A I do not know, sir, no.

Q All right.

If we could show you exhibit No. 11.

This is titled "ATTORNEY-CLIENT PRIVILEGED COMMUNICATION," to President Donald J. Trump, prepared by Jenna Ellis, dated December 31, 2020. And in italics there, it says, "Memorandum Re: Constitutional Analysis of Vice President Authority for January 6, 2021 Electoral College Vote Count."

Do you remember seeing this memo?

A No, sir, I do not.

Q Did you know that Ms. Ellis was preparing a memo for the President about the joint session of Congress?

A No, sir, I did not. No.

Q Do you know if the President ever actually received this memo from Ms. Ellis?

A I do not, sir, no.

Q Okay.

If we could go to exhibit No. 12, please.

Okay. So up on here is exhibit No. 12. And this is a memo, the contents of which we understand Mr. John McEntee drafted. It's titled "JEFFERSON USED HIS POSITION AS VP TO WIN." And then it has a series of about eight bullet points related to the Vice President and the Constitution and Thomas Jefferson.

Did you ever learn that John McEntee drafted a memo about the Vice President and his authority on January the 6th?

A No, sir, I did not. No.

Q Did you ever talk to Mr. McEntee about the Vice President and his role on January the 6th?

A No, sir, I did not.

Q Did you ever talk to Mr. McEntee about Vice President Jefferson and his role certifying an election?

A No, sir, I did not.

Q Okay.

We understand that Mr. McEntee may have texted this to several people. Did you receive any texts from Mr. McEntee about the Vice President or anything to do with January the 6th, a meeting of the joint session of Congress?

A No, sir, I did not.

Q All right.

And if we can go to exhibit No. 14, please.

Can you see exhibit 14 we just put up?

A Yes, sir.

Q All right. So this is, like, a White House cardstock. Do you recognize, you know, this type of paper or the appearance of this paper?

A Yes, sir.

Q What is it, just generally, without respect to the actual substance of the note?

A Sure. It's a pocket card that was used, either printed or written notes.

Q Who would use those?

A Anyone in the White House complex had access to these notes.

Q Were they used to pass notes to the President that you're aware of?

A I can only speak for myself. I have used notes similar to this to pass notes, yes, sir.

Q On this, this says -- the substance of it says, "This is probably our only realistic option because it would give Pence an out." And below that, it says, "-- Johnny."

And then if you scroll down to page 2, it's another memo that says "PENCE CAN LET THE STATES DECIDE." And then, again, there's several bullet points here.

Go back up to page 1. Do you recognize the handwriting?

A I do, yes, sir.

Q Whose handwriting do you recognize that to be?

A If I had to say, it would -- it resembles John McEntee's handwriting, sir.

Q Okay. And did John McEntee go by the name "Johnny," to your knowledge, while he worked in the White House?

A Yes, sir.

Q It looks like -- it's hard to see in here, but you can see somewhat of a tear just above -- starting above the word "out" and then continuing across the line.

Do you know whether the President ever tore up notes when he was finished with them?

A Yes.

Q Okay. And just to be clear, did the President tear up notes when he was finished with them?

A Yes. So, I mean -- at times. I don't -- I don't -- you know, did I ever see him tear up notes? I don't know what the documents were, but there were tearing.

Q Okay. So -- and not asking you to account for every single note or --

A Right.

Q -- piece of paper that crossed the President's desk, but you are aware that at least sometimes the President would tear up notes or pieces of paper when he was done with them. Is that correct?

A Yes, sir, that's correct.

Q Okay.

So, in that memo we just looked at that accompanies exhibit 14, have you ever seen this memo that says "PENCE CAN LET THE STATES DECIDE"?

A No, sir.

Q Do you know whether Mr. McEntee was working on such a memo to get to the President about the Vice President deciding -- or having the States decide -- excuse me -- the outcome of the election?

A No, sir, I was not aware.

[redacted] Okay, so we're going to get into the events of January 6th specifically. Do you want to take a brief lunch break? I think now would be a good time, a natural spot to do that.

The Witness. Sounds good to me, sir.

Mr. Ramsey. We were talking about that yesterday. It'd be a good time.

[redacted] Oh, perfect. All right. Well, let's go off the record.

[Recess.]

[1:33 p.m.]

[redacted] Let's go back on the record. It's 1:33 eastern time, and we're resuming the deposition of Mr. Nick Luna.

BY [redacted]

Q Where we left off, we were about to get into the events on January 6th. I do want to talk about the evening of January 5th.

And I think we started to get into it a little bit, but my understanding, and it's been reported, that the President, after meeting with the Vice President on the 5th, asked to have a meeting or had a meeting with a number of folks on his press team, including Kayleigh McEnany, Dan Scavino, Judd Deere, and others in the Oval Office and that you may have helped get those folks into the Oval Office.

Do you remember any meetings with the press crew in the Oval Office on January the 5th?

A Yes, sir, I do.

Q Okay. Were you in that meeting? Were you there for it?

A I wouldn't characterize it as a meeting per se. If I remember correctly, it was -- I don't know if it was his idea or my idea. As the administration was winding down, I would do it with different offices, just as a sign of appreciation for their work, to bring them into the office.

And, at that time, I think the press office was the one that had the most people in it. If I recall correctly, there was no specific reason it was the press office.

Q And was that before or after the President asked you to open the door and when he commented on what he was hearing outside?

A That was after that instance. If I recall, the door opening was during the

day, and then this meeting took -- this gathering took place in the evening.

Q All right.

And what happened during the gathering? I won't call it a meeting. It sounds like that might not be an accurate description, but --

A We can call it -- I mean, if a meeting is considered when people come into the Oval Office. Just, there was no specific, like, agenda or otherwise, you know, purpose other than gathering. But "meeting" is great.

So your question? I'm sorry, [redacted]

Q That's all right. What do you remember happening? What'd the President say?

A I believe it was appreciative. If I remember correctly, it was appreciative of their work, and that there's a lot of energy outside, there's a lot of enthusiasm. And I believe the individuals that were gathered there said things. I don't remember what they said, but they either said words of appreciation or comments on the, you know -- on the enthusiasm outside.

Q All right. And I'm going to ask you a number of questions about what you just said, but I also want to confirm who was there.

So do you remember Dan Scavino being there?

A I don't remember Dan Scavino being in the meeting itself.

Q Do you remember Kayleigh McEnany being there?

A I do.

Q How about Chad Gilmartin?

A I do remember him, yep.

Q Lindy Rose?

A Yes, sir.

Q Margo Martin?

A Yes, sir.

Q All right. Gaby Hunt [sic]?

A I don't remember specifically Gaby.

Q How about Jalen Drummond?

A I don't remember Jalen -- not to say that he wasn't; I just don't remember.

Q How about Sarah Matthews?

A I don't remember her being in there, no.

Q All right.

And you said the President commented or others commented on just the, I don't know, the scene that was happening in Washington. Can you be a little bit more specific about that? What do you remember?

A I just remember that the -- I don't remember who would say it, but the President began the gathering, if you will, by remarking on the enthusiasm that is happening outside of the Oval Office, and then what proceeded then was people affirming that and agreeing with that statement.

Q Enthusiasm about what?

A I don't know what the President was referring to by enthusiasm for the people outside, but what I understood was enthusiasm in general.

Q Okay. Did it have anything to do with the election or the joint session of Congress, as you understood it?

A I don't -- I can't say that for a fact. But, I mean, there was -- it was a rally outside, I guess. There was a separate thing going on. So I don't know specifically what he was referring to, no.

Q Okay.

And I understand that the President had the door open for this meeting as well. Do you remember that?

A I do remember that, yes, sir.

Q And that was separate from the time you had opened the door earlier, correct?

A That's correct.

Q What do you remember hearing outside?

A I don't specifically remember. I remember being able to hear something, noise. I don't recall if it was music or drums or speeches at that point. I don't recall specifically.

Q Okay.

Apparently -- it's been reported, at least -- that the President, listening to that, said something along the lines of, "Isn't that great? Tomorrow is going to be a big day."

Do you remember the President saying something to that effect?

A I don't remember him specifically saying that, no, sir.

Q Okay.

Do you remember the President asking the group how to get congressional Republicans to do the right thing during the joint session of Congress or something to that effect?

A I don't remember that being a part of the conversation, no.

Q Do you remember him saying anything to the effect of, "Republicans and the RINOs are weak. They need courage. The Vice President and Members of Congress, all of them, need to do the right thing"? Do you remember anything like that?

A I don't remember anything like that, no, sir.

Q I know you mentioned that the President commented on energy earlier.

Do you remember the President saying something to the effect of, you know, "Don't forget these people," meaning those who gathered outside, "are fired up"? Do you remember anything like that?

A On -- not specifically that they're -- I mean, the enthusiasm -- I don't -- if he said "fired up," I don't remember that specifically, but the enthusiasm, I assume, would be part and parcel.

Q Do you remember anything else that the President said during that gathering with the press folks, particularly about the next day or anything that could happen the next day, on January the 6th?

A No, sir. I don't recall there ever being any discussion about January 6th per se.

Q Do you remember him saying anything about the Vice President?

A I do not recall him saying anything about the Vice President at this meeting, no.

Q And even if it's not what I asked you about specifically before, do you remember him saying anything about Members of Congress during this gathering?

A I do not remember him saying anything about Members of Congress in this meeting, no.

Q Okay.

I understand that there was a period, either just before or after this gathering, where you were in the Oval Office with the President and Dan Scavino. Do you remember that?

A I would have to be refreshed of the timing or anything like that, but it is possible, for sure. I don't --

Q Do you remember talking to the President with Dan Scavino in the Oval

Office on the 5th at all?

A I don't -- I don't re- -- I mean, specifically, I don't recall, but that is not to say I didn't. I don't --

Q We also understand that the President called Gary Coby on the evening of January the 5th.

A Uh-huh.

Q What do you know about that call?

A I don't know anything about that call, sir, no.

Q Do you know that he did call Gary Coby that evening?

A I was not aware that he made a phone call, no, sir.

Q Do you know who Gary Coby is?

A I do.

Q Who is he, in your understanding?

A It's my understanding, during the campaign, he was the director of digital -- the digital campaign fundraising wing.

Q Do you know whether the President was ever concerned about getting kicked off of social media in the days leading up to January the 6th, particularly on that evening of the 5th?

A I was not aware, sir, no.

Q Can you describe Mr. Scavino's role in the White House, particularly in this period, so December and January, late 2020, early 2021?

A Sure. I mean, from my -- you know, my understanding of Mr. Scavino's role, he was the deputy chief of staff to the President, and his main -- his main focus was social media and digital content creation. He also crafted or helped cultivate tweets that the President would send out. And then he also oversaw the videographers in the

White House.

Q Okay. Do you know if he had any role in crafting the tweet that we looked at earlier from December 19th about the protest in Washington and "Be there, will be wild"?

A I do not know if he had any.

Q Are you familiar with the website -- it's a social media website -- called TheDonald.win?

A No, sir.

Q Do you remember anybody in the White House ever talking about that social media site or forum?

A No, sir.

Q What about -- there's another page that was more or less devoted to the President on Reddit. It was called reddit.com/thedonald. Do you remember that being -- that forum ever discussed in the White House?

A No, sir, I do not.

Q Did you ever talk to Mr. Scavino about either of those?

A No, sir.

Q Okay.

So, on January the 6th, switching to that, did you have any role planning or preparing for events on January the 6th, 2021, other than what we've already discussed today?

A I was involved -- yes.

Q All right. Can you describe it?

A Sure. Any time the President would leave the White House, I would be intimately aware of the run of show, the logistics, the requirements of the President.

So, knowing that, I was aware of the logistics and the fact that he was going to give a speech and where it was going to be.

Q What were your expectations for that day as you helped to plan and get all of what you just described under control, so to speak?

A I was -- it was -- I don't -- I don't recall it being specifically important, you know, more so than any event that took place -- I think the night before, or two nights before, we had just come back from Georgia or -- I don't remember -- I don't remember the date, but similar to that, I would know what time we were departing, you know, what -- if we were taking the helicopters or the planes, if there was motorcade, that kind of a thing, just to answer any questions. But, from my standpoint, nothing different that day.

Q I assume, you know, your expectations were that the President would go to the speech at the Ellipse and then come back to the White House. Were you aware of any other plans under consideration for January the 6th and the President?

A No, sir. That was it. That was my understanding, that he would give remarks and then return back to the White House.

Q Was that your understanding from the beginning? Aside from the question of whether or not it would happen at the Capitol or the Ellipse or on White House grounds, was that your understanding at the beginning? The President would speak, come back to the White House, and that's the day.

A That is correct, sir, yes.

Q Did the President ever saying anything to you about what might happen with the election certification that day, on January the 6th?

A No, sir, he did not.

Q Were you involved in any discussions about whether the President should

appear and give a speech at the rally on the Ellipse?

A No, sir, I was not involved in -- no.

Q And in the days leading up to January 6th, were there any discussions about protests at the Capitol, other than the one we already talked about where the President might speak? And we should call that a rally. Excuse me.

A No, it's fine.

Can you repeat that question one time, [redacted]

Q Yeah, no, I appreciate that. Any discussions about protests at the Capitol that you are aware of in the days leading up to January the 6th?

A No, sir.

Q Were you aware of any discussions about the Proud Boys, Oath Keepers, or any other groups protesting at the Capitol on January the 6th?

A I was not, no.

Q I understand that on January the 4th the President met with one of the rally organizers, Katrina Pierson, in the dining room off the Oval Office. What do you know about that?

A I do recall this meeting, that the purpose was to discuss the speakers, the music, and potentially the run of show.

Q Were you in that meeting?

A I was not.

Q Okay. So how'd you learn about it?

A So, before they go into the Oval Office, they stop in my office, and that was when I was made aware of the meeting topic.

Q And when you say "they" stopped at your office before going into the Oval, who are they?

A Max Miller and Katrina Pierson.

Q Anybody else? Was Bobby Peede there?

A I don't recall Bobby Peede going in at that particular meeting, no, sir.

Q One of the topics that came up during that meeting was the need, or potential need, for National Guard troops. And one of the numbers that appears to have been thrown out was potentially 10,000 National Guard troops.

Did you ever talk to Mr. Miller or Ms. Pierson about the National Guard being present for January the 6th?

A No, sir, I did not.

Q Did you hear anybody -- or hear that that topic had ever come up in the White House, about the potential to have National Guard troops on January the 6th?

A Not that I'm aware of, no.

Q What was your role, if any, in helping the President get ready for his speech on the Ellipse in the days leading up to or on January 6th itself?

A There was not -- I mean, unless it was the day of January 6th, there was no role for me in the -- no official role, if you will, in planning or -- I mean, if anything, it would be if I had to, you know, pass a note between someone who wasn't there about the event concerning the event.

[redacted] I just note for the record that Mr. Aguilar has rejoined us.

Thank you for being here, Mr. Aguilar.

BY [redacted]

Q Are you thinking of any specific notes that you had to pass related to his speech on the 6th?

A No, sir. I just -- in general, the idea that, like, if the President thought of something about the event that he wanted to make sure was done, like a particular song

or a speaker, I would then convey that to Max Miller, who would then convey it to the organizer. But nothing specific -- I mean, if --

Q Let me ask you this way: Do you remember -- on the issue of speakers, do you remember the President ever weighing in as to speakers he wanted or didn't want at the rally on the Ellipse?

A Yes.

Q Tell us about that.

A So, from a conversation after this meeting with Katrina and Max -- I believe they were discussing it in my office that -- I don't remember specifically who, but the President had an opinion -- if your question is, did he have an opinion on who would speak, then the answer is yes.

Q Do you remember any names coming up that he didn't want at the rally on the Ellipse to speak on the stage where he was going to speak?

A I don't recall any names particularly.

Q Do you remember Roger Stone's name ever coming up related to who might be speaking at the Ellipse?

A I don't recall Roger Stone's name coming up, no.

Q How about Alex Jones?

A I don't recall Alex Jones' name coming up either.

Q How about Ali Alexander?

A No, I don't -- and -- don't recall that name coming up.

Q So we understand that you may have helped coordinate with Rudy Giuliani about something that Giuliani wanted in the President's speech that day.

Do you remember ever talking to Mr. Giuliani about the President's speech?

A No, sir, I do not.

Q Do you remember Mr. Giuliani ever conveying a message, either through you or to you or to the President in general, about what Mr. Giuliani thought the President should say on January the 6th?

A I do not recall that happening, no.

Q Did you see a copy of the President's remarks for his speech on the Ellipse before he gave them on the 6th?

A I don't recall if I did or not.

Q Did you comment or give suggestions about what the President should say or should not say in his speech on January the 6th?

A No, sir, I did not.

Q Who wrote those remarks, to the best of your knowledge?

A To the best of my knowledge, it was his speechwriting team. I don't know -- they have their own separate office. I don't know who compiled that information.

Q Were you aware of any discussions about the President going to the Capitol on January 6th, either walking there as a part of a protest or marching there? Anything about the President going to the Capitol on the 6th?

A Yes.

Q Tell me about that.

A I believe it was -- like I said before, that there was some desire to have the speech take place at the Capitol, and so, therefore, it would require him to go.

Q What about apart from that? What about him marching to the Capitol on the 6th?

A Yes.

Q Tell us about that.

A So it was kind of a general thing. I mean, to get into the specifics of it, I was aware of a desire of the President to potentially march to the -- or accompany the rally attendees to the Capitol.

Q When did you first hear about this idea of the President accompanying rally attendees to the Capitol on the 6th?

A Well, this was at the 6th. This was during the -- after he finished his remarks.

Q Do you ever remember hearing anything about the President marching to the Capitol before his remarks on the 6th?

A I don't recall there being a conversation about that, no.

Q Okay.

So we understand that you may have spoken about this issue with Mr. Deere and Ms. Michael on more than one occasion. Is that accurate?

A What issue? I'm sorry.

Q About the President marching to the Capitol on January the 6th or walking to the Capitol on January the 6th.

A I don't recall specifically having conversation with them about walking to the Capitol.

Q All right. What do you remember talking to Mr. Deere and Ms. Michael about with respect to the President going to the Capitol?

A I don't remember any specific conversation with Mr. Deere at this time. I mean, he's a press guy. I don't -- I was aware that there was a desire to have the remarks be at the Capitol, and I believe I spoke to Ms. Michael about that. But I don't recall a specific conversation where the three of us were having this discussion, no.

Q Okay. And it could've just been one-on-one with Mr. Deere too. I mean,

if you had anything like that, you know, that's something we're interested in as well. So do you remember talking to Mr. Deere about the President going to the Capitol?

A I don't recall that, no.

Q Okay.

And what was your conversation like with Ms. Michael about the President going to the Capitol?

A I don't recall specifically. Again, there was -- he wanted to give -- I think his intention was he wanted to speak at the Capitol, so if it was something to do with that.

Q What was your understanding as to why the President wanted to speak at the Capitol itself?

A My understanding?

Q Correct.

A So from my understanding was, is that he wanted the optics or, you know, the sound of the crowd to, I guess, sway the minds of people inside of the Capitol, as far as I understand it. He didn't say this to me, but if I was, you know -- if you're asking my opinion.

Q Okay. And not necessarily opinion, but what gave you that -- what led to that understanding?

A I mean, the whole idea behind -- and in his speech it was said that, you know, we're going to go let our voices be heard. I mean, I don't know, beyond that, what would lead me to believe that, no.

Q Do you know if anybody took any steps to have the President's speech at the Capitol that day, on January the 6th?

A No. From what I understand, the inauguration was already set up, and so it was impossible to, you know, do the speech. Also, this is, like, the outgoing

administration, so there's not -- you know, that's a --

Q Did you look into the possibility of having the President speak at the Capitol --

A I did not.

Q -- on the 6th? Do you know who did?

A I believe if anyone looked into it, it would've been Tony Ornato.

Q Did you ever talk to Mr. Ornato about that?

A I -- I think -- yes. Yes, I did.

Q All right. And tell us about that conversation.

A So I think I was passing a message along, like I said before, about what the President was wanting to do or, you know, wanted a song or whatever -- and this was in the 4 or 5 days leading up to January 6th -- that, you know, his intention was to have it be at the Capitol. And so I passed that message along to the people who would make that a possibility or not.

Q So it sounds like you understood that the President wanted this to happen. Did the President tell you this, that he wanted to speak at the Capitol?

A Correct, yes.

Q Okay. And did he say this because he wanted to have the crowd's voices be heard at the Capitol on January the 6th?

A Again, that's my opinion, yes.

Q Okay. Understood you said your opinion, but did the President tell you --

A No, no, no.

Q -- that that's effectively what he wanted?

A No, it was not that. He did not -- there's -- it did not have a statement where it was said anything to do with beyond speaking at the Capitol.

Q Okay. But it was your understanding that that was the reason why, that having the peoples's voices be heard by the joint session of Congress on the 6th?

A Again, it was my opinion. I'm not -- it wasn't anything inferred from his statement. It was just, you know, my opinion.

Q Okay.

Did anybody say anything about -- other than the President -- about having the speech at the Capitol, other than -- excuse me -- other than the President or Mr. Ornato?

A No, sir.

[redacted] Any followup from that?

Mr. Aguilar, I don't know if you have any questions, if you're on.

Mr. Aguilar. No, I'm fine, guys. Thank you.

[redacted] All right.

Questions here?

All right.

Thank you, Mr. Aguilar.

BY [redacted]

Q We're going to go through a few tweets that led up to the 6th.

We can go to exhibit No. 16, please.

As this is coming up, I'll just generally ask you -- I mean, there was a number of tweets that the President issued about the big protest rally on January 6th and him retweeting something from Kylie Kremer referring to January 6th as a historic day.

What was your understanding, working closely with the President, about the protests and the activities on January 6th?

A I'm kind of having trouble understanding the question. What was my understanding at the time?

Q Yes. Yep. In the days leading up to it.

A I mean, I -- honestly, I don't have any concept of what, I mean, my role at that point was, beyond, you know, like I said, if there was anything specific that he, you know, wanted to do or was, like, you know, thinking about with regard to a rally. But I wasn't involved in any discussions about a protest or a --

Q Okay.

So we're looking at exhibit 16 now. He says, "The BIG Protest Rally."

Did the President ever express to you his desire to have a big turnout, for example, a lot of people show up on January the 6th?

A Not that I recall with me, no, sir.

Q And did you have anything to do with this tweet on January the 1st?

A No, sir.

Q Do you know who did, other than the President?

A I don't, sir, no.

Q Okay.

If we can go to exhibit 17, please. And this is going to be a tweet from January the 4th where President Trump retweeted a tweet from Kylie Kremer.

Do you know who Kylie Kremer is?

A I do not, sir, no.

Q Okay.

So she tweeted, "BE A PART OF HISTORY! January 6th - arrive by 9AM. White House Ellipse," and then hashtags "MarchForTrump," "StopTheSteal," and "DoNotCertify."

The President retweeted that and said, "I will be there. Historic day!"

Do you remember anything about this tweet or retweet?

A I don't remember anything specifically about this tweet, no, sir.

Q Did at any point the President express to you or others his understanding or what he meant by January 6th being a historic day?

A No, sir.

Q A lot of people -- or, I shouldn't say that. Let me back up. A number of people referred to January 6th as a 1776-type moment, like a revolutionary-type moment.

Did you hear the President ever refer to January 6th as a revolutionary-type moment or 1776-type moment?

A No, sir, I did not.

Q Did you hear anybody in the White House refer to it like that?

A I do not recall anyone using that terminology, no, sir.

Q All right.

You can take that down. Thank you[redacted]

So January 6th itself, what time did you get to work?

A I believe I got to work between 9:30 and 10:00 a.m.

Q And we're going to try to walk through January 6th as minute-by-minute as we can.

So what happened when you first got to work?

A I -- to the best of my knowledge, I got into work, I parked my car. I came in. I came to the office, my office, the Outer Oval. And I don't recall what happened when I immediately got there.

Q Do you remember where the President was when you got to work that morning?

A I don't specifically -- I mean, I -- I don't remember. I know he was in the

residence.

Q Was Ms. Michael there?

A I don't -- I don't believe she was. No, sir.

Q All right. We understand that she may have come in later that afternoon. Is that accurate, to the best of your recollection?

A Correct, sir.

Q All right.

Did you talk to anybody when you got to work that day about either the rally or the joint session of Congress?

A I do not recall having a conversation with somebody about those things, no.

Q If we could pull up exhibit No. 18, please.

All right, so we've pulled up exhibit No. 18. It's titled "THE DAILY DIARY OF PRESIDENT DONALD J. TRUMP."

Without looking at the substance necessarily, do you recognize what this document looks like?

A I have never seen a document like this before, no, until --

Q Okay.

A -- until it was sent to us.

Q Okay. All right.

So this is -- I'll represent to you, this is a diary that we have received as part of this investigation that shows various events of the President of the United States on January 6, 2021.

This shows that -- if you look at the entry for 10:32, which is on page 2, it says that "the President talked with his Assistant and Director of Oval Office Operations, Nick Luna," for about a minute.

What did you talk to the President about that morning on the phone?

A I don't specifically recall what I said.

Q Okay. Do you remember generally what it was about?

A I don't specifically remember, no.

Q Okay.

[redacted] And I'd just note for you, Mr. Luna, that Congressman Raskin has joined us.

Thank you for being here, Mr. Raskin.

Mr. Raskin. Thanks much.

BY [redacted]

Q Okay. There are a number of calls that the President had that morning -- Rudy Giuliani, Mark Meadows, Jim Jordan, and Stephen Miller.

Do you know what the President spoke about with Representative Jordan that morning?

A I do not, sir, no.

Q Do you remember what the President discussed with Mr. Giuliani that morning?

A No, sir, I do not.

Q What about Stephen Miller? Do you know what he talked to Mr. Miller about? And that was a relatively long phone call at 9:52.

A No, sir, I do not.

Q Did you ever talk to Mr. Miller about his conversations with the President on the morning of January the 6th?

A I did not, sir, no.

Q Do you remember the President asking you to do anything that morning?

A No, sir. Not that morning, no.

Q All right.

At 11:11, which is the bottom of page 2 of this daily diary, exhibit 18, it shows that the President, who had just come down to the Oval Office around 11:08, met with his son Donald J. Trump, Jr.; Eric Trump; Lara Trump; Ivanka Trump; Kimberly Guilfoyle; Stephen Miller.

Do you remember a meeting that the President had that morning with those individuals, among others?

A I don't remember it, no, sir.

Q Do you remember those people coming to a meeting with the President in the Oval Office?

A Very well could've. I don't remember it.

Q Would they have to have gone by your desk, if they did?

A Correct. Yep.

Q Do you remember seeing Donald Trump, Jr., going to a meeting that morning in the Oval Office?

A I don't recall him going to the meeting, no, sir.

Q Do you remember Keith Kellogg going to a meeting that morning in the Oval Office?

A Yes, sir.

Q What do you remember about that?

A I remember that Keith Kellogg was in a meeting with the President, if I remember correctly, Ivanka.

Q All right. And what do you know about that meeting?

A I know that they were in the Oval together.

Q Could you hear what was going on in that meeting?

A No, sir.

Q Was the door to the Oval Office open or closed for that meeting?

A It was closed, if I remember correctly.

Q And were you in that meeting at any point?

A Yes, sir.

Q When were you in that meeting?

A I don't know the timeline. It was -- it was -- it was during the meeting.

Q What happened when you went in?

A I dropped a note to the President.

Q For what?

A To let him know that it was -- that the time -- you know, it was time to go.

Q Was the President on the phone at the time?

A Yes, he was.

Q Whose phone was he on?

A I believe he was on his desk phone.

Q Did you connect a call for the President before then?

A I don't recall if I connected the call.

Q Do you know who he was talking to?

A I do, yes, sir.

Q Who was he talking to?

A The Vice President.

Q How do you know that?

A Either I connected the call or someone in the office connected the call.

Q What happened on that phone call?

A I don't know what happened on the phone call.

Q Did you hear any part of the phone call, even if just the end that the President was speaking from?

A I did, yes.

Q All right. And what'd you hear?

A So, as I was dropping off the note, my memory -- I remember hearing the word "wimp." Either he called him a wimp -- I don't remember if he said "you are a wimp," "you'll be a wimp." "Wimp" is the word I remember. And then something to the effect -- this is -- the wording's wrong -- "I made the wrong decision 4 or 5 years ago."

Q And that, just to be clear, it was the President using the word "wimp" to the Vice President, correct?

A Correct.

Q And when you said "I made the wrong choice 4 or 5 years ago," that was the President saying he made the wrong choice presumably about picking Vice President Pence as his Vice President?

A Presumably, yes, sir.

Q Okay. Did you hear anything else that the President said?

A No, sir, not that I recall.

Q It's been reported that he also said -- "he" being the President -- also said something to the effect of, "You don't have the courage to do the right thing."

Do you remember hearing the President say anything like that?

A I don't recall hearing that, sir, no.

Q Could you hear the other end of the conversation?

A No, sir, I could not.

Q Did anybody in the room who was there for this phone call say anything

about what was happening on the phone, then or afterwards?

A Not that I recall, sir. Not to me, or not that I overheard.

Q Do you remember any other words, just to put a fine point on that conversation, any of the other words that the President said to the Vice President in that call on the morning of January the 6th?

A No, sir, not that I recall. Nope. That was it.

Q Do you remember the President asking to talk to the Vice President earlier that morning? Did he ask you to connect a call, for example, before this one?

A I don't specifically recall, sir, but I -- looking at that call sheet, there was a pending call from the Vice President. So I don't know if that would then be, you know, I would know that he wants to speak to the Vice President or not or if he had told me to connect the Vice President or get the White House Situation Room to get the Vice President on the line.

Q Okay.

[redacted] And, Mr. Raskin, I see you turned on your camera.

Mr. Raskin. Yeah.

[redacted] Did you have a question for Mr. Luna?

Mr. Raskin. Oh. My question was just, when -- Mr. Luna, when you heard the then-President call the Vice President "wimp," what was the tone of voice or his general state of demeanor at that point?

The Witness. Oh. Congressman, I don't specifically recall, but it was not -- I couldn't really characterize it to you. I don't remember.

Mr. Raskin. Okay.

I yield back. Thanks.

The Witness. Thank you.

[redacted] Thank you, Mr. Raskin.

BY [redacted]

Q If we could pull up exhibit No. 19.

And before we get to that, had you ever used -- excuse me. Had you ever heard the President call the Vice President a wimp before that phone call?

A No, sir, I had not.

Q Had you ever heard him use that word at all, even if not about the Vice President, that you can recall?

A I couldn't recall, sir, no.

Q Okay.

All right. So exhibit No. 19, this is a note on the White House cardstock. It looks to me like it's the same thing we looked at earlier. It says, "They are ready for you when you are."

Do you recognize this?

A Yes, sir, I do.

Q All right. What's this?

A So this is a note that I would write and hand to the President when it was time to leave.

Q Do you remember writing this note to give to the President that morning, on January 6th, when you went in for the -- to the Oval Office?

A I honestly don't remember specifically writing this note.

Q Is that your handwriting?

A Yes, it is.

Q All right.

If we can go back to exhibit No. 18.

Did you accompany the President to the rally on the Ellipse?

A I did, sir.

Q All right.

Did you talk to anybody else in the White House, other than the President, about what was going to happen at the rally that day?

A Yes, sir.

Q Who did you talk to and what?

A So I had conversation with -- in order to be briefed fully on the logistics, with Mr. Miller, Max Miller, to understand the flow of the events, the run of show, any other peculiar details that have to do with the specific event.

And then I -- then, also, that same conversation potentially with Will Russell, who was the trip director at the time. Those would be my points of contact to run down the logistics of that event.

Q And were you aware of any concerns of violence that could take place on January 6th? And that includes any reports that surfaced in the days leading up to the 6th.

A I was not aware of any, no, sir.

Q Had you heard at all that the Secret Service or other law enforcement agencies were tracking various events that were going on around Washington that day?

A I don't recall any instances of being told about that, no, sir.

Q Okay.

So you went with the President. Did you ride in the limo with the President to the Ellipse?

A No, sir, I did not.

Q Where were you? Did you walk there?

A No, sir. I rode in my typical seat in the motorcade package, which is in the lead limo.

Q What was the President's demeanor just in the -- before he gave the speech on the 6th, the best you could tell, either in the White House or before at the rally?

A I honestly don't recall, sir. I mean, I don't remember what it was. I mean --

Q Did you go into the tent with the President before he delivered his remarks on stage?

A Yes, sir, I did.

Q Okay. What happened in the tent, if anything?

A So my recollection is, is that he took pictures with individuals. I don't remember how many or what the composition of those individuals were.

And then he had a meeting with Ms. Pierson and -- not a meeting; I shouldn't say that. They were greeters per se -- and I thought her name was Amy Kremer, but Mrs. Kremer. I don't know if it's the Kremer that you showed that tweet about. I don't know if they're different people or what, but I thought her name was Amy Kremer. And the President, either before or after the photos, took a moment to meet with those two.

Q It sounded, based on your description of what you heard on that phone call between the President and the Vice President in the Oval Office, that the President wasn't necessarily pleased with the Vice President.

Did he make any comments about the Vice President or the joint session when you were in the tent with him before the rally?

A Not that I overheard, sir, no.

Q Did he seem upset at all before he went on stage?

A I can't say that -- I mean, I couldn't -- my recollection doesn't characterize it

as that, no, sir.

Q Okay.

Did the President say anything in that moment -- or not in that moment, but in the period while he was at the tent before the speech about marching to the Capitol after his speech?

A I don't recall it being at that moment, sir, no.

Q All right.

If we could pull back up exhibit No. 18. If you go to page 3, it shows that the President, right there, at 1:17 p.m. left the rally and returned to the White House at 1:19 p.m.

Do you recall coming back to the White House after the rally?

A I do.

Q Did you come back with the motorcade?

A I did, yes, sir.

Q And was it roughly around 1:20, to the best of your recollection?

A I couldn't begin to tell you what time it was, but, you know, to the -- yes, as far as my recollection is, it was around that time.

[2:20 p.m.]

BY [redacted]

Q Now, this shows that the President met with his valet at 1:21 p.m., and then at 4:03 p.m. went to the Rose Garden.

Do you know why there's no other location, or movement, or conversations that are reflected in that period? Did the President stay in one place?

A As far as I recall, he was in the same place, yes, sir.

Q And where was he when he got back to the White House after the rally?

A He -- he was in his -- it was either the Oval Office or the back dining room.

Q And to your knowledge, the first time he came out of the Oval Office or back dining room, was that to film a video in the Rose Garden around 4 o'clock?

A To -- to my knowledge, that's correct, sir.

Q Do you know what he was doing in the Oval Office or dining room during that period?

A I don't, sir. No.

Q Did you go into the Oval Office or dining room while he was in there that afternoon?

A I -- I don't recall, but I -- I -- in the normal course of my work, I imagine I would have passed a message or gotten a, you know, like a directive or something that would bring me into that back space. Yes.

Q And do you remember seeing the President in the dining room that afternoon?

A Yes.

Q What -- what was he doing?

A I don't know what he was doing.

Q Was he watching TV?

A I know the TV was on. I couldn't say if he was watching it or not.

Q Okay. The TV was on. Do you remember if the TV was showing what was happening at the Capitol that afternoon?

A Yes, sir.

Q It was showing what was happening at the Capitol?

A I -- I don't know what specifically, but I -- I -- there was -- there was -- the -- the -- my memory is that he was watching news, I don't remember what news, of the Capitol or whatever the news stations were.

Q Okay. And I warned you in advance that we were going to have to try to break down like minute by minute. Do you remember --

A Yeah. I'm sorry.

Q No, that's quite all right. Do you remember, as far as the details are concerned, was it FOX News that he was watching in the dining room when you were in there?

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

Q Okay.

A I don't know which -- which news he was watching.

Q Do you remember seeing scenes of what was happening at the Capitol when you went in and saw the President in the dining room?

A Not -- not on his TV, no, sir.

Q Do you remember seeing it on TVs around the White House that afternoon?

A Yes, sir.

Q Did the President make any comments to you about what was happening at

the Capitol?

A He did not, sir. No.

Q Why did you have to go in there? Were you going to deliver a message?

A Yeah. Well, if he -- if he wanted to, for instance, get Josh Hawley on the phone, I would deliver the message to him that I was unable to get the Senator on the phone, and that I had, you know, reached out to him through text message. And then he could give any other -- any directive other than that, you know, like, to -- to call this person or to, you know, get lunch, whatever, whatever he needed in the back.

Q What directives did he give to you while he was in the dining room or in the Oval Office that afternoon?

A So the one I told you about is like call Josh Hawley, and I don't specifically remember any other instance about calls. But, again, that was -- that was my normal job was to get -- facilitate any, you know, White House staff or anything like that. But I don't specifically remember being told to do anything beyond the -- the Josh Hawley call.

Q What was your understanding as to why the President wanted to speak with Senator Hawley during that afternoon on the 6th?

A I -- I had no -- I -- I don't know, sir.

Q Who else do you recall being in the dining room with the President that afternoon?

A Throughout the whole afternoon? It was -- there was a -- I mean, I guess we can just list them. Is that easier for you?

Q Sure, that'd be great.

A Again, to keep with your timeline, I don't -- I don't recall the -- I mean, between these -- the period of time or even the whole day after we got back, I don't -- I don't know.

I know that Pat Cipollone, Pat Philbin, Dan Scavino, Eric Herschmann, Keith Kellogg, Mark Meadows, and Ivanka Trump.

Q They all went in and saw the President at some point in the afternoon?

A Correct. That's not an exhaustive list. Those are the ones that I recall.

Q Was there anybody who stayed for a majority of the time that afternoon when the President was in the dining room? Like, was Mark Meadows there for a large part of the afternoon with the President?

A I -- honestly, I don't recall, sir. I -- I don't remember there being one person who was always back there. It was pretty -- and then again, I -- I -- I wasn't always at my -- my little spot in my -- in my office, so --

Q Okay. All right. If we can pull up exhibit 29, please.

All right. Can you see exhibit 29 there, Mr. Luna?

A I can, sir.

Q These are text messages that you provided to us last week. And this is dated January the 6th, 2021. Your name is at the top there. Who are these messages with?

A This is a message with Molly Michael.

Q And how did you get a copy of these messages?

A She had -- she had sent them to me.

Q Why?

A She -- we were being exhaustive in our, you know, search of relevant documents, and this is something that she found that she sent to me.

Q And she sent it to you for the select committee, the purpose that you got subpoenaed and requested documents?

A Correct, sir.

Q Did she send you anything else like this?

A No, sir.

Q Do you still have these messages on your phone?

A I was unable to find this message on my phone. No, sir.

Q Do you have any messages with her from the period of November through January on your phone?

A The ones -- no, sir, not on my phone right now. No.

Q Do you know why? Do you delete messages?

A I -- I do not know why, sir, no.

Q All right.

Mr. Ramsey. This is Bill Ramsey speaking. I have his phone. Actually, I've got the image of his phone from iCloud, and I'm having forensic guys look through the whole image to see if there's anything further in there. They're having a little bit of trouble with the software that's now used to analyze iPhones, I guess, because of the new restrictions that Apple has placed on these types of items. But we're still waiting on the report back to see if there's anything further we can find.

[redacted] Okay.

Mr. Ramsey. But the forensics guys at Frontline are -- for some reason or another are having trouble with the software that's used to access iCloud backups on an iPhone. But given the issues that -- just what you identified, I decided the best thing to do would be to use, you know, the iCloud backup to -- which Apple iPhones constantly do, to look at the backup, see what we could find.

[redacted] Okay. And I'll follow up with you about that, Mr. Ramsey. I appreciate it.

BY [redacted]

Q And, Mr. Luna, so just to follow up on that, though. Aside from the Apple iCloud backup that exists somewhere on a server, did you look in your actual phone that you used to produce messages and documents to the select committee?

A I did, sir. Yes, sir.

Q And this was not in there?

A I -- I don't recall if it was in there or not. I mean --

Q Okay. All right. This message January 6th at 12:27 p.m., looks like Ms. Michael in this instance is writing to you. "Is he really going to the Capitol? Thanks for" talking -- or "taking the morning." Excuse me. "I actually don't feel well, but I'm definitely coming in later to relieve you." You say, "Lol he's not."

Why did you say "Lol he's not" to Ms. Molly -- Ms. Michael's question?

A I don't remember specifically. I mean, I -- I think the idea of him, like, going to the Capitol had been discussed, not by me, but by like others. I don't know why she knew that. But, to me, it would be any President. President Biden couldn't just decide to walk, you know, to the Capitol at any point. So I thought it was a preposterous kind of, you know, assertion that he would walk unannounced or unplanned or anywhere, to be honest with you.

Q She mentioned potential discussions with others about this. Do you -- are you aware of actual discussions with others about this?

A No, I'm not.

Q Ms. Michael then asked you, "Did he come back to the Oval?" And then you said, "Yes. Only come in if you just." And then corrected yourself to "must." If you scroll down, that was at 1:28 p.m.

Why did you say, only come in if you must? This was about 10 minutes after returning from the Ellipse.

A Sure. I mean, coming into work that day, there was -- there was -- I don't even know how many people, if it was a million, if it was 500,000. If it was 10,000, the logistics around the complex were on, you know, high alert and all that stuff. And so I didn't want her as a, you know -- as a lone person to try to navigate that. And we didn't know what was going around the property or anything like that. So that's why I said only if -- only if she must come in should she.

Q So that -- that's a reference to coming in to the White House, not going into the Oval Office to see the President?

A Oh, correct. Yes. Yes, sir. That's right.

Q Understood. That's helpful. Thank you.

And then at 2:05 p.m., if I can see that correctly, it says -- you say, "Okay. It's a miserable place, but you're more than welcome to join the party." And then, "You should be okay as well." The crowd moved to the Capitol.

Why did you say, Mr. Luna, that it was a miserable place at the White House at 2:05 p.m.?

A I don't believe it was a particularly good day in general. And my sentiments at the time obviously are reflected and my -- my belief was that it was a miserable place.

Q So what was happening, I guess, when you wrote that text message that was making it miserable?

A I don't recall specifically. But, I mean, I -- I couldn't tell you if there was a specific instance.

Q Did this message and being miserable place have anything do with the activity that was going on at the Capitol?

A I -- I mean, I -- I don't -- I don't recall. I mean, I -- I don't remember.

Q Do you remember anything about why it was miserable, as you put it, at

roughly 2 o'clock on the 6th?

A I don't specifically know of an instance or a thing that was going on that would make me say that, no.

Q Okay. Well, I'll tell you that at roughly 1:49 that afternoon, Capitol Police Chief Sund requested assistance from National Guard for what was going on at the Capitol. At 1:50, the Metro Police declared a riot, based on what was happening at the Capitol. At 1:59, Capitol Police received reports that rioters were trying to get to the Capitol doors and windows and trying to get in.

I mean, this is kind of what was happening in the background at the time. This was being shown on -- on the news, I'll represent that to you. So did those activities that was happening and being shown on the news have anything to do with why you said it's miserable at the White House?

A I don't -- I don't know if that was why. I mean -- I don't remember if that had anything to do with it and the timeline or whether or not I was watching the TV at that time.

Q So I understand that Mr. Meadows, you mentioned that he had been in with the President in the dining room at least part of the afternoon on the 6th.

A Correct.

Q That he went in to see the President. Do you know why Mr. Meadows went in to see the President that afternoon?

A I do not, sir. No.

Q Did you see him going in to see the President?

A The -- the -- I don't recall a specific instance. But, yes, since I gave you that name, then I saw him at some point go in. Yes, sir.

Q We understand he went in right around the 2 o'clock mark, maybe a few

minutes after. Do you remember Mr. Meadows ever trying to get the President to issue a statement or tell the rioters to go home on January the 6th?

A Not specifically with the President, no.

Q All right. Well, what do you remember otherwise?

A So he had -- he had asked me to, as part of my job, to prepare a potential statement or video recording and to give him options on the best way to execute that.

Q And did you do that?

A I did, sir.

Q Did you draft up potential video remarks?

A I did not, sir.

Q So when Mr. Meadows asked you to prepare a statement, what did he mean? What did you understand that to mean?

A I apologize if I wasn't clear. I would -- I would be responsible for the physical appearance of a -- of a statement, whether that's a Rose Garden speech or a -- and not the content of the delivered message, but literally the TV shot, if you will, like what it looks like on TV, and coordinating the press around that, and making sure that, if there were press, that they had everything they needed to plug in and do all that kind of stuff, like an advance person.

Q Approximately how long before the President went out to actually film the video statement that he released were you asked to make these preparations?

A I don't specifically remember, but I know it was -- it was -- it was more than an hour.

Q Okay. And did you work with anybody on the remarks?

A I did not work on the remarks, sir, no.

Q Did you coordinate with anybody about the draft remarks that the President

might give?

A I did -- I did not coordinate with anybody about the remarks, no, sir.

Q Did anybody use your computer to make -- or Ms. Michael's computer or Austin's computer to make any edits to the draft remarks that the President might give that day?

A I do not recall, but potentially that was something that happened in the past, yes.

Q Happened in the past, meaning not on January the 6th?

A Correct, sir. Yes.

Q Now, in this period that afternoon while the President was in the dining room or in the Oval Office, I know you mentioned Senator Hawley, but were you asked to connect any calls for the President?

A I don't recall specifically any calls beyond this Hawley one.

Q I understand that the President made a call to Senator Tuberville or Senator Lee that afternoon. I believe he was looking for Senator Tuberville and called Senator Lee, or something to that effect. Do you remember anything about a call to either Senator Tuberville or Senator Lee that afternoon?

A No, sir, I don't.

Q I also understand that the President spoke with Leader Kevin McCarthy. Do you remember anything about a call that the President made to Representative McCarthy?

A No, sir, I do not.

Q Do you know why the diary and phone logs don't reflect call -- those calls?

A I do not, sir. No, I don't have any knowledge about how the diary's compiled.

Q Do you remember hearing afterwards that the President spoke to Leader McCarthy?

A In press --

Q I'm sorry, go ahead.

A No, sir. I just -- I mean, I remember it being in press reports.

Q Have you ever talked to the President about the call that he had with Representative McCarthy that day on the 6th?

A No, sir.

Q Did you ever go into the dining room to speak to the President about what was happening at the Capitol?

A Just to let him know what was going on at the Capitol?

Q Correct.

A Yes.

Q What did you tell him?

A At one point I became aware of, I don't know why I knew this, but they had moved Mr. Pence to a secure location.

Q And was that shortly after Mr. -- Mr. Pence was moved, to the best of your knowledge?

A I -- I don't know.

Q How did you learn about that?

A I don't recall.

Q And what exactly did you tell the President?

A I said they had moved Vice President Pence to a secure location.

Q What did he say?

A I don't recall what he said in response to that, no.

Q Did you call Mr. Pence or anybody on his team?

A No, sir, I did not.

Q Did the President ask you to call Mr. Pence or anybody on his team?

A At this -- during this period of time? I don't -- in the morning, I don't recall if he asked me to set up the original phone call or not. I don't remember during this time if he had asked to speak to Mr. Pence, no.

Q Yeah, during this time. After you told the President that Vice President Pence had been moved to a secure location, did the President ask you to get in touch with the Vice President or his team?

A I don't recall, no, sir.

Q Do you know whether the President actually spoke with the Vice President or his team after he had been moved to a secure location?

A His team being --

Q Marc Short.

A -- the Vice President?

Q Yeah. So whether the President, Mr. Trump, spoke with Vice President Pence or anybody on Vice President Pence's team, meaning Greg Jacob, Marc Short, or anybody else?

A I was not aware of that, sir. No.

Q When you went in to tell the President that the Vice President had been moved to a secure location, was the President still watching TV at that point, the news, that you can recall?

A I don't recall what he was doing, sir.

Q Did he say anything at all about that?

A I don't recall what his response was to it.

Q Who else was in the room when you told the President that Vice President Pence had been moved?

A I do not recall, sir.

Q I'll just ask one name in particular. Was Mr. Meadows in there, that you can remember?

A Not that I remember, sir, no.

Q Earlier, you mentioned that Mr. Cipollone and Mr. Philbin went in to speak with the President, along with Mr. Herschmann, maybe at different points. Do you know what they went in to talk to the President about?

A I was -- I was not aware, no, sir.

Q Did they tell you anything about the interactions they had with the President the afternoon of January the 6th?

A I don't recall them saying anything. No, sir.

Q You also mentioned that General Keith Kellogg went in and spoke with the President at some point. Do you know why?

A I do not know, sir.

Q Did General Kellogg ever tell you anything about his interactions with the President on the afternoon of January the 6th?

A Not that I recall, no.

Q You also mentioned that Ivanka Trump, President Trump's daughter, went in to speak with him the afternoon of January the 6th. Do you know what she went in to speak with the President about?

A I do not know, sir, no.

Q Did you ever talk to her about her interactions with the President on the 6th?

A No, sir, I did not.

Q Did you ever hear about Ms. Ivanka Trump's interactions with the President on January the 6th, other than public reporting?

A No, sir, I did not.

Q I understand that General Kellogg may have spoken with Ms. McEnany near your desk in the Outer Oval about the potential for having the President send out a message related to the events at the Capitol and the rioting. Do you remember any discussion near your desk between General Kellogg and Ms. McEnany?

A I do not, sir. No.

Q Do you remember anybody talking about the need for the President to issue a statement about the events at the Capitol that afternoon of January the 6th?

A Yes.

Q Tell me about that. Who was involved and what did they think?

A So this is the reason that I was looking for locations to deliver a statement was because of that desire for Mr. Meadows, where the instruction came from to me, to give him options. I also received a phone call from Kellyanne Conway.

Q Tell us about that.

A The call was short, and she had said to me, you know, something to the effect of something needs to happen, something needs to be put out. This -- you know, something needs to be done.

Q Meaning the President needs to put out a statement about the violence at the Capitol?

A Correct, sir, far as I could understand.

Q Do you remember Ms. Conway calling you about that before you went in to tell the President that the Vice President had been moved or after?

A I -- I don't know, sir. I don't know the timeline of the phone call.

Q Okay. And just to use another event, do you remember Ms. Conway calling you to express that to you before or after Mr. Meadows asked to find a location for a video statement?

A If my memory is correct, it was -- it was after that had already been started.

Q Did Ms. Conway make any specific suggestions, meaning video versus a press conference, versus a tweet, or something else?

A Not that I recall, no, sir.

Q Did she say why the President needed to put something out?

A I don't remember that she provided that, no, sir.

Q And when Mr. Meadows asked you to find a spot for a video statement, did he express the same feeling, that the President needed to put out a message about what was happening at the Capitol?

A I don't remember him adding that on to my directive, if you will, sir.

Q Did you get the sense that Mr. Meadows was expressing his opinion that this needed to happen or was he acting on a directive from the President, or do you know?

A I couldn't answer that question, sir, so sorry.

Q Did anybody else in the White House or outside the White House reach out to you or anybody else about the President making a statement about what was happening at the Capitol on the afternoon of January 6th?

A No, sir, not to me. No, no.

Q Do you remember there being any debate within the White House among advisers about the message that the President needed to send out?

A I -- I -- I don't specifically remember any conversation pertaining to a particular statement or a -- or a -- or a script.

Q Do you remember if anybody discussed differing versions of what the President might say?

A I don't specifically. I remember Eric Herschmann being involved in the drafting of this document. And by you asking the question, I don't know if -- if they were in my office at that time drafting it up, or I don't recall that. But, again, it wouldn't be out of the ordinary for them to use someone's computer.

Q What was your understanding of what Mr. Herschmann wanted the President to say that afternoon?

A I couldn't answer that question. I don't know what his -- what his intentions were.

Q Understood. And I'm not asking you for his intentions necessarily, just what you saw and witnessed about what he wanted the President to say.

A From my understanding, I believe there was -- again, I mean, I'm -- what do I -- you know, but -- there was -- the -- the goal of any sort of statement was from -- my understanding of Mr. Herschmann to -- to have whatever was going on at the Capitol stop and that the people to leave.

Q Do you know when that approximately happened? Meaning, when Mr. Herschmann was working on a potential statement for the President to give, was that before or after Mr. Meadows asked you to help find a location for a video statement?

A I believe that the one I'm talking to you about, my knowledge of him drafting any sort of statement, would come -- would have been after that, but I don't know if there was any discussion beforehand.

Q Just to follow up on one thing about Ms. Conway too. How did she reach you? Which phone did you use to receive the call from Ms. Conway?

A I believe that was my government phone, my WHCA phone.

Q Is that a cell phone or your desk phone?

A Correct. It's a cell phone.

Q We understand that some of the proposals or at least one of the proposals -- I should be clear -- circulating is that the President say something about antifa in his message about the activities at the Capitol and the riot at the Capitol that afternoon. Are you aware of any discussions about whether to include or not include references to antifa in the President's remarks?

A I was not aware of anything about antifa in the remarks, no, sir.

Q If you could pull up exhibit No. 20, please.

So exhibit No. 20 is a tweet that the President put out at 2:24 p.m. on January the 6th. And it said: Mike Pence didn't have the courage to do what should have been done to protect our country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth.

Do you recall this tweet coming out?

A I do not, sir, no.

Q Did you have any role in drafting this tweet?

A No, sir, I did not.

Q Do you know if anybody other than the President had a role in drafting this tweet?

A I do not, sir, no.

Q Do you remember what the reaction was among people within the White House to this tweet when it came out?

A No, sir. I do not remember the reaction of this tweet.

Q So this came out at 2:24 p.m., like I said. Is it your understanding that the

President was in the dining room at that point?

A It was my understanding. Yes, sir, that's right.

Q And do you remember -- let me back up.

I understand that around 2:13, Vice President Pence was removed from the Senate Chamber, and the Senate was gaveled into recess. About a minute later, Ms. Pelosi was removed from the House Chamber.

Do you remember telling the President that the Vice President had been moved to a secure location before this tweet came out?

A I don't -- I don't remember the timeline of that, sir.

Q One of the calls I mentioned earlier was about Senator Tuberville and Senator Lee. We understand that that occurred around 2:26, meaning the President called Senator Tuberville on Senator Lee's phone. Did you hear any of the conversation that the President had with Senator Tuberville?

A No, sir, I did not.

Q And I think I asked you this before, so forgive me, but did you help connect that call in any way?

A I don't recall if I did or not, sir.

Q Pull up exhibit 21, please.

This is an another tweet from the President at 2:38 p.m. on January the 6th. And in this tweet, about 14 minutes after the one we just looked at, says: Please support our Capitol Police and law enforcement. They are truly on the side of our country. Stay peaceful.

Do you know why the President issued this so closely after his tweet about Vice President Pence?

A I do not know, sir.

Q Did you have any role in creating this tweet?

A No, sir.

Q Did the President ever tell you why he issued this tweet?

A No, sir, he did not.

Q Before the President issued a video statement around 4 o'clock that afternoon from the Rose Garden, did he ever come out and talk to you or say anything in your presence about why he wanted to put out a statement?

A No, sir, not -- go ahead if you'd like to clarify something.

Q I didn't. No.

A Okay. No. No, sir, he didn't.

Q We understand that Mr. Matt Pottinger -- I'll start there. Do you know who that is?

A I do, sir.

Q Who's that?

A That was the Deputy National Security Advisor.

Q We understand that he had a call in the Outer Oval, maybe at your desk or maybe a nearby desk, about the situation at the Capitol and responding to it. Do you remember that?

A I do not recall him doing that, no, sir.

Q Do you remember anybody calling the National Guard about what was happening at the Capitol?

A No, sir, I do not.

Q Did the President ever ask you to connect him to the National Guard about what was happening at the Capitol?

A No, sir, he did not, that I recall. No.

Q Did the President ever ask you to connect him to the Department of Defense about what was happening at the Capitol?

A I don't recall him asking me to connect to the DOD, no, sir.

Q Did the President ever ask you to connect him to anybody at the FBI or Department of Homeland Security about what was happening at the Capitol that afternoon?

A I don't recall him asking me to do that, no, sir.

Q How about Secret Service? Did the President ever ask you to connect him to anybody at the Secret Service about what was happening the afternoon of January 6th?

A I don't recall him asking me that, no, sir.

Q How about Mayor Bowser? Did he ever ask you to connect him to Mayor Bowser that afternoon?

A I do not recall him doing that, sir, no.

Q And what about Capitol Police? Did he ever ask you to connect to Capitol Hill about the situation at the Capitol on January the 6th?

A I do not recall him asking me to reach out to the Capitol Police, no.

Q Do you know if he asked anybody to reach out to any of those that we just listed off -- National Guard, DOD, FBI, Homeland Security, Secret Service, Mayor Bowser, or the Capitol Police -- about the situation at the Capitol?

A I am not aware of any of those requests, no, sir.

Q And I know we briefly mentioned this before, but my understanding is that the President spoke with Representative McCarthy over the phone at some point between 2:25 and 3 o'clock. And, again, forgive me, but were you asked to connect that call between the President and Mr. McCarthy?

A I don't recall if I was or not, sir.

Q Did you hear anything that the President said to Kevin McCarthy on the afternoon of January 6th?

A No. I don't -- I don't recall hearing that conversation.

Q One of the things that's been reported that he said is that the President said to Mr. McCarthy, well, Kevin, I guess these people are more upset about the election than you are.

Do you remember hearing the President say that to Speaker McCarthy at any point?

A I don't recall him -- I don't recall hearing that, no.

Q Did the President, in any conversation between then and now, tell you that that's what he told Representative McCarthy or something like that?

A No, sir. Not that I remember. No.

Q Do you know what the President's views were during that afternoon of January 6th about whether the joint session and certification of the election should continue, despite what was happening at the Capitol?

A I -- I don't recall anything about that, sir, no.

Q Around 2:45 that afternoon, I understand that Ms. Ashli Babbitt was shot and killed. Do you remember that?

A I don't recall that at the moment realizing, one, who it was or -- no, I don't recall being made aware of that.

Q When was the first time, thinking back to that day, that you heard that somebody had been killed in the Capitol?

A I don't -- my knowledge, I don't recall there being me knowing that until the day after someone was shot.

Q Do you remember the President saying anything about somebody being shot in the Capitol on January the 6th?

A No, sir, I do not.

Q All right. If we can go to exhibit No. 22, please.

This is another White House card stock. It says: 1x civilian gunshot wound to chest at door of House Chamber.

Do you recognize the handwriting there?

A I do not, sir.

Q Do you know who -- who passed a note to the President about there being a civilian shot at the Capitol that afternoon?

A I do not, sir.

Q Will you pull up exhibit No. 23, please.

I'll just pause there too for a moment to see if anybody on the Webex has any questions for Mr. Luna.

Okay. [redacted]

All right. So in exhibit 23, this is a tweet at 3:13 p.m. that the President put out. It says: I'm asking for everyone at the U.S. Capitol to remain peaceful. No violence. Remember, we are the party of law and order. Respect the law and our great men and women in blue. Thank you.

Do you remember this tweet coming out?

A I don't remember this tweet coming out, no, sir.

Q And do you remember any discussions at the White House about the need for the President to comment on anything referenced in this tweet, including the Republicans being the party of law an order and respecting law enforcement?

A No, sir. I do not recall.

Q Was there anybody in particular in the White House on the 6th who thought the President needed to come out strongly in support of law enforcement?

A I don't recall that sticking out in my head, no, sir. I don't know of anyone.

Q Was there anybody in particular at the White House on the afternoon of January 6th who thought the President needed to come out and strongly denounce the violence at the Capitol that day?

A Yes.

Q Who, other than Ms. Conway?

A Mr. Herschmann.

Q Anybody else?

A Mr. Cipollone was a part of any -- was part of the discussion to set up a statement. And it was my understanding at the time that he was interested in having a forceful statement that put an end to the day's events.

Q How did you learn about Mr. Cipollone's perspective?

A So that was -- again, it was a -- it was a -- I guess it was a transitory thing as he was going into the back about -- I don't remember specifically -- about basically, you know, do we have a -- a location to do this, to get this out, like, you know, we need -- it needs to get -- be ready to get done.

Q And other than just the kind of urgency, the need to do that, did he, Mr. Cipollone, say why he thought the President needed to come out forcefully against the violence?

A I don't recall if there was a specific reason, no.

Q And is it fair to characterize Mr. Cipollone and Mr. Herschmann's actions as urgent, the word I just used?

A I don't think it's unfair to characterize it as urgent. I don't know if it's -- I

don't know if it was one tick less than urgent. I mean, you try to keep a calm head regardless if it's the White -- you know, it's the White House. I don't know if urgent is the right level. But purposeful, I suppose.

Q Okay. Do you remember anybody suggesting that the President should not issue a statement about the violence at the Capitol?

A No, sir, I do not recall anyone saying that.

Q Do you know why it took about 3 hours before the President did come out and say or issue that video message with respect to the violence at the Capitol, asking people to go home?

A I do not, sir. I do not know why.

Q Do you know if the President was reluctant to make a statement telling the people at the Capitol to go home?

A I was not aware of anything that the President said that would lead me to believe that, no.

Q Are you aware of anything that anybody said, you know, when they're talking about what was happening at the White House that suggested the President was reluctant or wanted to wait before telling the people at the Capitol to go home?

A I don't recall anything that someone -- that anyone said or I ever heard that would lead me to believe that, no.

Q Bear with me just a moment.

A No problem.

Q It -- it's been I think fairly widely reported that Ivanka Trump had a role in asking the President to issue a statement about the rioters and telling them to go home. Do you have any information about Ms. Trump's efforts with respect to her father and issuing a statement about what was happening at the Capitol?

A I do not have anything beyond what I -- what I said in terms of I know she was in and out of the Oval Office.

Q How many times -- oh, I'm sorry. Go ahead.

A And the back dining room.

Q How many times do you remember seeing Ms. Trump go into the dining room to see her father?

A I -- I couldn't recall. I -- I don't recall how many times.

Q Was it more --

A But also -- I'm sorry. Go ahead.

Q Go ahead. I'm sorry. You're about to say but also.

A It's -- I -- I -- the -- there is two ways to get to the dining room. It was through the Oval Office and then through a side door, which led into the rest of the offices. So that's why I don't -- I don't know how many times, if -- if it was more -- I know it was one. I don't know if it was more than one.

Q Okay. So you're saying that she could have gone either by your desk or another way directly into the dining room?

A That's correct.

Q Understood.

Mr. Ramsey. [redacted] would this be a good time to take a break?

[redacted] Yes, of course. Yep. How long would you like?

Mr. Ramsey. Ten minutes.

The Witness. Ten minutes.

[redacted] Okay. Ten minutes sounds good. We'll go off the record, see you back in about 10 minutes.

The Witness. All right. Thank you.

[Recess.]

[3:18 p.m.]

[redacted] At this point, let's go back on the record. It's 3:18 eastern, and we are resuming the deposition of Mr. Nick Luna.

BY [redacted]

Q So we've been talking a little bit around the edges on the video that the former President filmed in the Rose Garden and released around 4 o'clock or 4:15 on the afternoon of the 6th.

Whose idea, to your knowledge, was it for the President to record a video statement that afternoon?

A To my knowledge, it was Mark Meadows who made that decision.

Q And do you know what the President's initial reaction to Mr. Meadows' suggestion was?

A I do not know, sir, no.

Q You mentioned Mr. Herschmann potentially working on remarks that the President would give. Is he the only person that you're aware of that worked on remarks that the President might give in his video statement on the 6th?

A That I'm aware of, yes, sir, but not to say that there isn't -- there isn't a possibility of more. But that's all I'm aware of.

Q Of course. Okay. You only know what you know here.

So let's pull up exhibit 25.

All right. Do you see exhibit 25 there, Mr. Luna?

A I do, sir.

Q Very good. And that's titled "Remarks." And I'll just read it. It's relatively short.

It says, "I urge all of my supporters to do exactly as 99.9% of them have already been doing -- express their passions and opinions PEACEFULLY.

"My supporters have a right to have their voices heard, but make no mistake -- NO ONE should be using violence or threats of violence to express themselves. Especially at the U.S. Capitol. Let's respect our institutions. Let's all do better.

"I am asking you to leave the Capitol Hill region NOW and go home in a peaceful way."

To the best of your knowledge, are these the remarks that Mr. Herschmann worked on for the President's video address?

A To the -- yes, sir, to the best of my knowledge.

Q Had you seen these remarks before we sent them to you as a part of this deposition?

A I don't specifically recall seeing them, but that's not to say that I didn't print them out or, you know -- but I don't remember reading them or going through them, no, sir.

Q But is it fair to say that you understood this to be the substance of what Mr. Herschmann was drafting for the President's speech?

A Correct, sir, yes.

Q Now, you mentioned you may have printed them out. Do you ever recall providing these to the President or anybody else to give to the President before the video?

A I don't recall doing that, no, sir.

Q Do you know if anybody showed them to the President before he filmed the video in the Rose Garden?

A I don't -- I don't recall that, no.

Q Do you remember any reaction that the President had to remarks that his staff had drafted for him for the video statement?

A I don't -- I don't recall him having any, no, sir, that I recall.

Q Do you remember if Mr. Kushner had any role in the President's video statement on the 6th?

A Mr. Kushner?

Q Correct. Jared Kushner.

A Had any input on these remarks?

Q Yes.

A Not that I'm aware of, no, sir.

Q Do you know if Mr. Kushner had any input on the President making a statement at all that afternoon?

A I'm not aware of that, no, sir.

Q Ultimately, these remarks that we're looking at here in exhibit 25 were not the remarks that the President delivered in the Rose Garden. Do you know why the President decided not to use these?

A I don't know, sir, no. I do not know why.

Q Did the President use any written remarks, to your knowledge, or did he just go off the cuff?

A To my knowledge, it was off the cuff, sir.

Q And were you there for the recording of the video that the President made in the Rose Garden that day?

A I was, sir.

Q What was your role once you were in the Rose Garden?

A I -- to quality-control the shot, the recording.

Q What does that mean?

A So to make sure that the lighting looks good, that the, you know, the principal, the person in the shot, is centered, the audio is audible, and that, you know, there's no hair out of place or a tie that's misstrewn or whatever.

Q How many takes did the President do of those remarks?

A I recall more than one, so at a minimum two. But I don't recall if it was three, four -- if it was two, three, four, or five.

Q Do you remember what changed between the first take and the second take?

A I don't specifically recall what changed, no, sir.

Q Were there two completed takes, meaning that the President could choose between the versions that he wanted?

A I believe so. If my memory serves me, there was a completed take, the first one, yes.

Q And was there also a completed take, the second one, if you recall?

A My recollection is, yes, that's correct.

Q Did the President use a teleprompter at all during -- or to give his remarks?

A No, sir, not in this instance.

Q So the equipment that would be required for this would be, what, video camera, maybe a microphone?

A Correct, sir. It'd be a video camera and a boom mike. And I don't know if they put a lavalier mike on him. And no lighting since it was the Rose Garden and outside. So, correct.

Q How long did it actually, you know, functionally take to get that together? Once you say "go," how long does it take to set up the video and get all the equipment

that you need?

A In the Rose Garden, it's a function of how quickly -- who is on staff, the videographer's office. Once Secret Service gives us the go-ahead that a location can be used, you know, i.e., the Rose Garden, the Ellipse, whatever it is, it could be as quick as 20 minutes.

Q Do you remember how long it took in this case, once it was decided that the President needed a statement, how long it actually took to get, you know, the video folks and Secret Service approvals?

A I don't -- I don't recall how long it took once the decision was made to have it be in the Rose Garden.

Q Do you remember thinking that this is taking, like, an unusually long time to make this happen?

A To make -- just to be clear, to make happen the setup?

Q Yeah, to get ready to the point where the President could come out and deliver his remarks to the camera.

A I don't recall that being a thought that I had, no, sir.

Q Do you remember, either before the video was filmed or after, the President choosing not to say or wanting not to say that people should leave the Capitol?

A I don't recall that, that him saying that.

Q I guess a better way of asking the question is, did the President resist making statements that would encourage people to leave the Capitol on the 6th, to your knowledge?

A Not to my knowledge, not characterized like that. I mean, I don't think he -- I don't recall a statement saying, like, I don't want to do this or I shouldn't do this, if that's what you're asking, just to be clear.

Q Okay.

In this period -- you know, now we're at roughly 4 o'clock in the afternoon; the attack on the Capitol has been going on since roughly 1:45ish -- did the President express his views on whether the objections to certifying the electoral college vote should proceed or not proceed?

A I don't recall him -- I don't recall hearing that.

Q Do you remember him saying anything about the joint session of Congress at this point?

A I don't recall him -- no, sir, not at this point, no.

Q Are you aware of any efforts to reach out to Members during the afternoon of the 6th? And, to be clear, Members of Congress.

A Yes. The -- Josh Hawley was an example. I don't recall any other specific ones that I took the step to send a text message to, because either the call was connected or I didn't follow up with the person.

Q Okay.

After this video was filmed, were there any discussions about releasing a second video?

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

Q Do you know when the President first learned the demonstrators, rioters, were leaving the Capitol on the afternoon of the 6th, or evening of the 6th?

A I do not, sir.

Q If we can go to exhibit 26, please.

Actually, before we get to that, [redacted] has a couple questions about the video.

BY [redacted]

Q Or really just one question that hopefully you can clear up for me.

So I believe earlier you stated that the first, sort of, request to arrange a video location and logistics for the President was around or maybe more than an hour before it actually happened.

And then you also stated that you couldn't recall exactly how long it took in this instance to set it up. It could've been as fast as 20 minutes, but in this particular instance you're not sure.

Do you have a rough sense of how much time there was between -- you know, between the time that everything was ready for the video and when the President actually went out to deliver the statement?

A I don't recall specifically. I really couldn't answer that question. I don't remember. From the time that the setup was complete, I don't know when the President was told that it was ready to go out. And then I don't remember the timeline for him to -- when he then proceeded outside. I don't -- I don't recall that.

Q Okay.

So my understanding, based on the schedule at least, is that the President went out to the Rose Garden around 4:03. Do you have a sense of how long before that everything was ready to go?

A I don't. I don't have a specific marker that would tell me what time that the Rose Garden was set up compared to when he came out, unfortunately. No.

Q That's all right. Thank you.

A All right.

BY [redacted]

Q Just to follow up on that, did you tell the President that it was time to go out for the Rose Garden filming?

A I don't recall telling him that. No, sir.

Q Do you know how he found out that everything was set up and ready to go?

A I don't, no, sir.

Q All right.

If we could go to exhibit No. 26, please.

This is a tweet at 6:01 p.m. from the President that said "these are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!"

Do you remember anything about this tweet?

A Yes.

Q What do you remember about this?

A I remember that I was asked about this tweet before it was sent.

Q Who asked you about this tweet before it was sent?

A The President.

Q Tell us about that conversation, everything that you said and he said, to the best of your recollection.

A Sure.

So he said, "What do you think of this?" And I believe I saw the text message -- or the -- on his phone.

And I remember saying to him, the wording on the first sentence -- I guess we're in the wrong sentence -- but the wording on the first sentence would lead some to believe that potentially he had something to do with the events that happened at the Capitol.

Q And what did he say?

A I don't recall him saying anything in response to that. I believe that was the end of the conversation.

Q Did he change anything in light of your comments?

A No, sir, he did not.

Q Why did he ask you about it?

A I don't know, sir. I don't -- I couldn't tell you.

Q Where were you when he asked you about it?

A So this was in the back dining room.

Q Did he go back to the back dining room after filming the video, to the best of your knowledge?

A To the best of my knowledge, that's correct, sir.

Q And did he stay there until he went up to the residence later that evening?

A As I recall, that was where he was, yes, sir.

Q So he called you in specifically to ask you about this?

A No, sir. I don't -- I don't specifically remember, but I -- it -- I don't specifically remember why I was in there. It could've been something that -- I was, you know, wanting to see if he wanted dinner. It was in the afternoon. Or if I was relaying a message again about a phone call going through or not going through or if he needed anything.

But I don't recall him calling me in to look at this. It was, like, in passing, "What do you think of this?"

Q I see.

Who else was in the room with the President when he asked you about this tweet?

A I don't recall if anyone else was in the room.

Q I guess one in particular that comes to mind is potentially Dan Scavino. Do you remember if he was in the room?

A Again, I don't -- I don't recall, but that's someone who I potentially thought of as being there during this time. But I don't remember specifically.

Q And this is just roughly an hour and a half or so, maybe a little bit more, after the President released the video statement where he talked about the violence at the Capitol. Do you know why he felt the need to issue this tweet not long after the video statement?

A No, sir, I do not.

Q And what about this made you think that someone might perceive the President having a role in the violence at the Capitol?

A It was my interpretation of the words. I mean, I'm not a -- you know, I don't write speeches or anything. But the phrase "these are the things that happen," to me, sounded as if culpability was associated with it, to me, you know, wherever I was in that moment. That was just my honest opinion.

Q In the tweet, the President says, "Remember this day forever!" Do you know what he meant or what he wanted to convey when he said, "Remember this day forever!"?

A I do not, sir, no.

Q What time did you leave the White House that day, Mr. Luna?

A I don't recall specifically when I left. I truly -- obviously, having -- trying -- going through this, I don't recall when I left the White House that day.

Q Do you remember it being dark out when you left?

A I don't remember whether it was light or dark.

Q And I understand that Mr. Meadows sent around a message around 5:30 or

so that evening asking or instructing people to leave. Do you remember being at the White House when that message or instruction was going around?

A I don't recall that, no, sir.

Q Where did you go after you left the White House that day?

A I don't remem- -- I mean, I don't remember specifically, but I went home, I assume.

Q Do you think you might've gone somewhere else?

A No. There was very little chance of that, but I don't with certainty recall.

Q If we could pull up exhibit No. 18 again, and this is that daily diary.

Do you remember staying at the White House until the President went up to the residence?

A Correct. Yes, sir.

Q All right. So you left after he went up to the residence. Is that --

A Correct, sir.

Q -- right?

A That'd be a fair -- yes, sir.

Q And how did you learn that the President was going up to the residence? Did he tell you about it?

A So he would have to walk by my office.

Q Did he say anything when he walked by?

A I don't recall him saying anything to me.

Q According to the daily diary -- this is page 3 of exhibit No. 18, the last entry on that page -- the President went up to the residence around 6:27 p.m.

And then there were a number of calls, and we're just going to walk through them, that evening, to see if you're familiar with any of them.

At 6:54, the President asked to speak with Dan Scavino. Do you know why the President spoke with Dan Scavino?

A I do not, sir.

Q Did you ever learn what they spoke about?

A No, sir, I did not.

Q Okay.

At 7 o'clock -- 7:01, rather, the President spoke with Mr. Pat Cipollone. Did you ever learn what they spoke about?

A No, sir, I did not.

Q At 7:17, the President spoke with Kurt Olson. Do you know who that is?

A I am aware, yes, sir.

Q Who is Kurt Olson?

A My understanding is that he's a lawyer from Georgia.

Q Did you ever meet with Kurt Olson or speak to Kurt Olson?

A No, sir, I -- not other than potentially have connected a phone call.

Q Do you know why the President spoke with Mr. Olson that evening?

A I do not know why.

Q Did you ever learn what was said?

A No, sir.

Q All right.

The President at 7:30 also spoke with Mark Martin. Do you know who that is?

A I do not know who that is, no.

Q Did you ever learn what the President spoke to Mr. Martin about?

A No, sir.

Q At 7:53, it looks like the President spoke with Cleta Mitchell. Do you know

what the President -- or did you ever learn what the President spoke with Ms. Mitchell about?

A No, sir.

Q At 8:39, the President had roughly a 9-minute call with Mr. Giuliani. Do you know or did you ever learn what the President spoke to Mr. Giuliani about?

A No, sir, I do not.

Q At 9:23, the President spoke with Mr. Jason Miller. Do you know what the President spoke with Mr. Miller about?

A No, sir, I do not.

Q It looks like the President spoke again with Mr. Scavino maybe a couple other times during the evening. Do you have any knowledge about what the President spoke to Mr. Scavino about throughout that evening?

A No, sir, I do not.

Q I understand that the President at that point may have been kicked off of Twitter or at least temporarily suspended?

A I don't recall --

Q Do you --

A I'm sorry. Go ahead, [redacted].

Q Okay. I was just going to ask you if you know whether any of these communications were to make public statements about either the election or the events of January 6th from other platforms?

A I was not -- I wasn't aware of that, no.

Q Okay.

At 10:50, the President spoke with Eric Herschmann. This is now on page 5 of exhibit 18. It's a 5-minute call. Did you ever learn what the President and Eric

Herschmann discussed that evening?

A No, sir.

Q Then the President spoke about, let's see, 8 minutes with Sean Hannity that evening at 11:08. Do you know what the President spoke with Mr. Hannity about?

A No, sir, I do not.

Q And then it looks like at 11:23 to 11:41 the President had a call with John McEntee. Did you ever learn what the President and Mr. McEntee spoke about that evening on January 6th?

A No, sir, I did not.

Q Did you ever talk to Mr. McEntee about his communications with the President that day?

A No, sir, I did not.

Q All right.

If we can pull up exhibit 27, please.

All right. So can you see exhibit 27, Mr. Luna?

A Yes, sir, I can.

Q This is called the "Joint White House Switchboard Shift Change Checklist." Have you ever seen, maybe not this document, but documents like this before?

A No, sir.

Q Okay. Is this one of the documents that you received in the daily call log?

A No, sir.

Q It says here at the bottom, in item number 12, "Miscellaneous: 4 Pending POTUS Calls - Pastor Darrell Scott, Mr. Dan Scavino, Leader Mitch McConnell, Sen. Josh Hawley" and then "2 Pending VPOTUS Calls: Senator Josh Hawley and Senator Doug Mastriano."

Do you know whether a pending call refers to a call that the President wants to make versus a call that somebody is placing to the President?

A To the best of my knowledge, that doesn't distinguish -- this isn't -- they never distinguish either incoming or outgoing call requests.

Q Okay. So, just from looking at this, you don't know whether these are incoming or outgoing call requests?

A Correct, sir.

Q Do you know whether the President was trying to reach Pastor Darrell Scott, Leader McConnell, or Senator Josh Hawley that day, other than Josh Hawley as we've already discussed?

A I do not know, sir, no.

Q Do you know whether the President ever spoke with Mitch McConnell on January 6th?

A I don't recall whether or not he spoke to him. I don't have a recollection of them speaking when he was in the office.

Q Do you remember whether -- and I'm sorry if we've covered this, Mr. Luna, but do you remember whether the President actually spoke with Senator Hawley after returning from the rally on the Ellipse on January the 6th?

A I don't know that he spoke with him. My time in the office, he did not speak with him, far as I remember, after I reached out to Senator Hawley to let him know the President was looking for him.

Q And forgive me again, but do you remember why the President wanted to speak with Senator Hawley that afternoon?

A I do not know, sir, no.

Q Did you show up at the White House the next day, on January the 7th?

A I believe so, yes, sir.

Q And did you speak to the President at all that day, on the 7th, about what had happened at the Capitol on January the 6th?

A I don't recall any specific conversations about the 6th with the President, no, sir.

Q Do you remember any general conversations?

A I didn't mean to say "specific" in that there was -- I mean, there was -- I remember -- my memory is, there was a statement that needed to be put together, and a statement was produced. That would fall into my purview of setting it up and executing that statement.

Q In your experience at the White House, did the President ever acknowledge any responsibility for what had happened on the 6th?

A Not that I'm aware, sir.

Q Did he or anybody else in the White House express concern, other than the one you mentioned about the tweet, that somehow the President's actions might be seen as a cause of what happened at the Capitol on January the 6th?

A I don't recall any conversation like you're describing, no.

Q Do you remember ever hearing about -- or hearing that certain people had those views? Maybe, like, Eric Herschmann or Mr. Cipollone or Mr. Philbin?

A I don't know that I could say that that was the sentiment, that it was ever conveyed to me that there were -- that he would be blamed for it. I don't recall that.

Q What about Mr. Meadows? Do you know if he was ever concerned that Mr. Trump might be blamed for what had happened at the Capitol?

A Again, I don't recall anything that would lead me to believe that.

Q What about at that point -- well, let me back up. So, late into the night on

the 6th, or maybe it was early morning on the 7th, Congress did complete their function as part of the joint session and certified now-President Biden as the winner of the election.

Were there any discussions about acknowledging President-elect Biden's victory?

A Not that I'm aware of.

Q Are you aware of any reluctance to do so in the days after January the 6th?

A Yes.

Q By whom?

A Well, I remember there was a discussion about whether he was going to attend the inauguration.

Q Tell us about that discussion. When did it happen, and who was there for it?

A So it wasn't -- it wasn't a conversation -- it was a conversation with, I believe, Mr. Ornato. Again, logistics of the President going to attend the inauguration.

I don't remember the specific date. But, obviously, if the President were to attend, it would change the -- it would be the current President attending an event, so it changes the whole specter of it, as opposed to not.

I don't remember specifically what we discussed, but whether or not he would go I think was a question.

Q Was the President a part of that conversation with Mr. Ornato?

A No, sir.

Q Did anybody follow up with the President about that, to your knowledge?

A I -- to my knowledge, I don't know if they did or not.

Q Did you ever follow up with the President about that?

A No, sir, not directly.

Q If we could pull up exhibit No. 28.

I think this may be something that you were referring to earlier. But you mentioned, I believe, discussions about a speech that the President would give the following day.

And exhibit No. 28 is titled "Remarks on National Healing," and there are various edits handwritten in, or appear to be handwritten in.

Do you recognize this document?

A I don't recognize the document, no.

Q Do you know what this is, these remarks on national healing?

A I do, yes, sir.

Q All right. What are these, generally?

A So, generally, these are -- this would've been the speech that was given to the President to deliver the day after January 6th.

Q Who, to your knowledge, was responsible for drafting these remarks?

A To my knowledge, it was speechwriting team. And I believe Eric Herschmann also had input on the composition of this speech.

Q Do you remember who on the speechwriting team -- Mr. Miller, Mr. Worthington, Mr. Haley, anybody else -- who may have taken the pen on this?

A That was an exhaustive list, as far as I know. I don't know, specifically with this document, the composition of those three.

Q Okay. So you don't know which one of the three led the effort?

A Correct, sir. I wouldn't know.

Q Okay.

Now, on this is a black lining-out as well as some handwritten notes. And I guess I'd direct your attention to that fourth paragraph with the handwriting "will pay." Do

you recognize that handwriting?

A I do. I'm -- I do.

Q Whose is it?

A If I was to say my opinion, it would be the President's handwriting.

Q And when the President would receive draft remarks like this, was it common for him to line out things he didn't want and add in things he did want like this?

A Yes, sir, very common.

Q In this, the remarks in the third paragraph are lined out, and I'm going to read the lined-out portion.

It says, "I am directing the Department of Justice to ensure all lawbreakers are prosecuted to the fullest extent of the law. We must send a clear message -- not with mercy but with JUSTICE. Legal consequences must be swift and firm."

Do you know of any reason why the President didn't want to make those remarks about the Department of Justice prosecuting the Capitol rioters to the fullest extent of the law?

A I do not, sir, no. I don't know.

Q Are you aware of any concerns that the President had about saying something like that?

A I'm not aware of any direct concern with regard to this statement, no.

Q What, if anything, is your understanding about why the President wouldn't give remarks like that?

A I think -- I mean, again, this is -- I mean, I don't know beyond my own opinion. I mean, I don't know his actual -- it's not, like, a conversation or a thing that happened. It's just my opinion.

Q Okay.

And I think in this instance, you know, you're uniquely situated. Not a lot of people are so closely aligned to the President of the United States and work so closely with him, or potentially her, on a daily basis.

So why, in your experience, did you think the President wouldn't want to give remarks like this?

A Would not want to give remarks like that?

Q Correct.

A Well, I mean, my job was to be in proximity to the President. It was not to be with the President at all times. I just want to make that clear.

But --

Q Sure.

A -- I think that the same reason that the video needed two takes, or it was done with two takes, his hesitation was also there, the same thing as here.

Q And what was that hesitation that you think existed?

A Well, I mean, again, this is -- I don't know if I should say my opinion about it, but -- I mean, I don't know anything. That's the -- nothing was ever conveyed to me. So, I mean, I don't know if it's worth anything to you all, what my, you know, like, opinion is.

Q I mean, it would just be helpful. I assume it's based on your close working experience with the President. So, you know, what was it that was happening at the time that, based on your experience, you thought the President --

A Look -- and just to get through it, I suppose, is that, in the video, you know, if there was any hesitation about, you know, being forceful with people, as I understood it, the President thought that there were some people, or most people, according to him, in the crowd per se that were supporters of his, and that he was always, regardless of the

day, always conscientious about his supporters.

So my guess, my opinion, about why that would be crossed out would be something, you know, to that effect -- I don't know -- that his supporters would take it a negative way.

Q Okay. That's helpful, Mr. Luna. Thank you for that.

A Okay.

[redacted] I'll stop there to see if anybody has any questions about what we've gone over.

BY [redacted]

Q Okay. I do want to go back just to clarify one thing we chatted about earlier, Mr. Luna, but we are reaching the end here. The end is in sight.

A Thank you, sir.

Q So -- and I'll just ask you this about several people.

But when you saw Ivanka Trump going into the Oval on January 6th, did you hear her say anything that we haven't already discussed?

A My recollection was that she went to the Oval dining room, to be clear.

Q Okay.

A And, no, there's nothing that I heard her say that I recollect.

Q And do you remember her saying anything throughout the day on January 6th about the events at the Capitol that we haven't already discussed?

A No, sir, I don't recall her statements or conversations. No.

Q What about Mr. Herschmann? When he was going into the dining room or Oval Office, did you hear him say anything that we haven't already discussed?

A No, sir, not that I recall.

Q And same question about the day more generally. Do you remember him

saying anything about the events at the Capitol on January 6th that we haven't gone over?

A Mr. Herschmann?

Q Yes.

A I don't recall a specific -- we obviously were -- we were together, you know, throughout the day and -- by him coordinating the content of the speech; I was also -- I was coordinating the logistics of the speech.

I don't recall what happened in that time, but I, you know -- I don't -- I can't recall anything specific, other than what we've already discussed.

Q What about Mr. Cipollone? When he was going in or out of the Oval or Oval dining room, did he say anything that we haven't discussed?

A No, sir, not that I recall.

Q What about in other times during the day? Do you remember him saying anything about the events at the Capitol on January 6th that we haven't gone over?

A I do not recall, sir, no.

Q All right.

And same questions for Mr. Philbin. Anything that we haven't gone over that he said about the events at the Capitol on January the 6th?

A No, sir. I don't recall anything he said, no.

Q What about Mr. Kellogg, or General Kellogg? Excuse me. Did he say anything that you recall about the events at the Capitol that we haven't gone over already?

A I don't recall anything that he said, no, sir.

Q Same questions for Mr. Meadows. Anything else he said about the events of that day that we haven't gone over?

A I do not recall any other statements that we've discussed, no, sir.

Q Okay.

And did he ever mention anything about the outreach he was getting? I know you got a call from Kellyanne Conway, but we understand that he was receiving outreach from people in the Capitol, Members, members of the President's family, really expressing the idea that the President needed to do something to address the violence at the Capitol. Do you remember him talking about that?

A No, sir. I don't remember him discussing that, no.

Q And what about the President? Is there anything else that he said to you or that you heard him say about the events at the Capitol on January the 6th that we haven't already gone over?

A I remember, in the middle of the video shoot, that Mr. Herschmann offered correction from the first take of the video, and the President remarked that "these people are in pain," or something about them being in pain, as a rebuke to whatever Mr. Herschmann said -- I don't remember what he said -- before he did the second video. That was another -- that was another statement that he made.

Q What did you understand the President to mean when he said "these people"? You're talking about the people -- the rioters at the Capitol?

A I would understand it to believe that his -- his law-abiding supporters. But, again, I don't -- I don't know.

Q Okay. But the purpose of that video, right, was to tell the people at the Capitol to go home, right?

A That's correct, yes, sir.

Q And in response to whatever Mr. Herschmann said, the President said something to the effect of "these people are in pain"? Is that correct?

A Correct, sir.

Q Do you remember at all, even if not the specific words that Mr. Herschmann used, but, generally, what message Mr. Herschmann was trying to convey to the President?

A In general, it was that, regardless of what the President said, there needs to be a more direct statement than the first take of the video.

Q A more direct statement to tell them to go home, the rioters at the Capitol?

A Correct.

Q And do you remember if the President actually adjusted his remarks to reflect Mr. Herschmann's comment about the first take?

A I do not recall if he -- what was in the first one compared to the second one, no.

Q Is there anything else that the President said that day related to the Capitol or the events at the Capitol that we haven't gone over?

A No, sir. That was it that I recall.

Q Do you know whether President Trump ended up using the first or the second take or another take, as far as you know?

A As far as I know, the first -- it was not the first take.

Q Okay. Do you remember what happened with that first take? Meaning, was it saved anywhere? Was it deleted?

A It's my understanding that those tapes belong to the National Archives.

Q So you're not aware of anybody who said, we don't need this one, go ahead and delete it, for example?

A No, sir. I don't believe that was the protocol, to delete anything.

Q All right.

And did you, Mr. Luna, see or hear from Jared Kushner on January the 6th about what was happening at the Capitol?

A No, sir, I don't recall speaking with or receiving any communications from him.

Q Did you speak with Don Jr., the President's son, about what was happening at the Capitol?

A No, sir, I don't recall speaking to him.

Q Did you speak with anybody else from the President's family?

A No, sir, I did not.

Q What about Mr. Navarro? Did you talk to him or anybody in his staff about what was happening at the Capitol on January 6th?

A I do not recall speaking to either Mr. Navarro or anyone from his staff on January 6th, no.

Q Did you speak to Mr. Bannon on January 6th or even the day before January 6th about events at the Capitol?

A No, sir, I have not spoken to Mr. Bannon. No, sir.

Q Ever spoken to Mr. Bannon?

A Never spoken to Mr. Bannon, sir.

Q How about Roger Stone or Alex Jones? Did you talk to any of them, either before or after the events on January 6th, about the joint session of Congress?

A I have never -- I have not spoken to either one of those individuals.

Q I'll pause here for just a moment, Mr. Luna.

A Okay.

[Discussion off the record.]

BY [redacted]

Q All right. Forgive me, but who else was out in the Rose Garden for the taping of the videos that the President -- I won't say "drafted" -- created?

A Mr. Scavino was there. There was, I believe, two members of the videographer crew, the head of the videography department, myself, and Mr. Herschmann.

Q Do you know what Mr. Scavino's perspective was about the message that the President should deliver in that video?

A I was not aware of his perspective, no, sir.

Q Did he make any comments to the President or to the others who were present in the Rose Garden about the various takes of the video?

A I don't recall him saying anything, no, sir.

Q Do you remember him reacting at all to Mr. Herschmann's suggestion about being more forceful in asking the rioters to go home?

A No, sir, I don't recall him saying anything to Mr. Herschmann.

Q Mr. Luna, from your perspective and where you worked and what you saw on the days leading up to and including January the 6th, is there anybody else we should talk to to get a perspective on some of the things, for example, that you didn't know about or didn't recall?

A You know, [redacted] I -- I don't know who you all are talking to.

I think that Mr. Herschmann is a very good individual to talk to, as he knows the legal side of all of this.

I couldn't come up with any -- I don't know what else -- what other things you're looking for and at.

Q Sure.

And a related question is: Is there anything else that you -- I mean, we sent the

subpoena a long time ago. I'm sure you've thought about this day for some time. And I don't want you to get into conversations that you had with your attorneys about today. But is there anything that you think we haven't covered that would be helpful for the select committee to know?

A I mean, I think that -- I think that we've covered the day, and I think you've done a nice job of going through the second-by-second of it.

Q Yeah. I'll leave you with this. I'll say that, if there is something you think about based on what we've discussed here, you know, if you remember something that we asked about that you didn't in the moment you were sitting there remember or if there's something else that you think would be important based on, kind of, the trajectory of our questions, I would certainly appreciate if you'd get in touch with Mr. Ramsey, and Mr. Ramsey and I could have some followup there.

Because we are looking, really, for any of the answers to the questions that we were asking today and things that you think might be helpful, in your perspective from within the White House and working so closely with others in the White House, including the President.

A Okay.

Q And my last set of questions is --

A [Inaudible.]

Q Okay. I appreciate that. Thank you, Mr. Luna.

In preparing for today -- again, don't want to get any content of conversations you had with your attorneys, but did you speak to the former President about the testimony you would give before the select committee?

A Yes.

Q Okay. And what were those conversations like?

A My conversation was, he had asked me how I was doing, and I said, you know, well, this -- the January 6th stuff, you know, is -- I've never been in a deposition in my life, it's kind of difficult for me, I'm having trouble -- you know, anyway, just as a personal thing. He said, oh, you know, don't worry about it, you know.

Q Did he say to -- or did he tell you to say or not say anything in particular?

A No, sir, he did not.

Q Were there any topics that he suggested you stay away from?

A No, sir, there were not.

Q Did he ever suggest to you that, you know, if you just say I can't remember something, that it would make it all go away, so to speak?

A No, sir, he did not.

Q Okay.

Did the former President have any input on the documents that you were going to provide to the select committee?

A The -- like, in his phone call or just in general?

Q No, anything at all. Like, the documents that, you know, would be responsive to the subpoena that you have in your custody or control.

A No. I know that at one point there was a letter from his lawyers to Mr. Ramsey. But, obviously, we produced everything that, to my knowledge, is germane to this.

Q Okay.

And it sounds like you've at least had some conversations with Ms. Michael about your appearance before the select committee. Tell us about any conversations you had with respect to your testimony first.

A None in relation to my testimony.

Q Okay. What about with respect to documents?

A With respect to documents, in an attempt to make sure that we were as forward as possible, that -- since the first batch of, you know, the text messages that I had included her, just to make sure that she was aware of it as well, so that she was, you know, producing the documents as necessary. And she did the same to me with this last letter.

Q Okay. Are there any documents that you guys exchanged that have not been produced to the select committee, to your knowledge?

A No, sir, not to my knowledge.

Q What about Mark Meadows? Have you talked to him about your appearance before the committee with respect to either testimony or documents?

A I have not, sir, no.

Q And have you talked to Mr. McEntee about your appearance before the select committee with respect to testimony or documents?

A I have not.

Q How about Stephen Miller? Have you talked to him?

A I have spoken to him, but not specifically about testimony or documents, no, sir.

Q Did you talk to him about anything with respect to you being subpoenaed by the January 6th select committee?

A I mean, I think, in general, it was not about January 6th and the testimony and things, about, like, the subpoena. I just -- I mean, the nature of those conversations would be, like, I've never been in a deposition in my life, and so, you know, just what people think about it and that kind of stuff. It's not in necessarily coordination, but more of, like, a personal -- I mean, you know --

Q Sure.

A -- that was my conversation with him about it.

Q Did he have any suggestions about depositions generally?

A No, sir, he didn't. He didn't give any advice or direction, no, sir.

Q All right.

What about anybody else? Anybody who worked in the administration or the campaign that we haven't already discussed, have you talked to him or her about your subpoena and your deposition or documents for the select committee?

A Mr. Herschmann has been -- yes.

Q Talk to us about that.

A So, before the subpoena came out, he was still, I suppose -- I don't know what his official role was, but, you know, with the President in the post-Presidency. So I got advice from him, I suppose, on, like, what is a subpoena? What does this mean? What is it like? Are they going to subpoena me? Are they going to subpoena Ms. Michael?

And he kind of walked me through what that would look like. Advised me, once -- you know, once the subpoena did come in, to get an attorney. And that's -- that was our conversation.

Q Okay.

And don't answer this if at any point, you know, he was acting as your attorney, but did he make any suggestions about how you were to provide testimony to the select committee or any document production to the select committee?

A No, sir, he did not.

Q Okay.

[redacted] Okay. At this point, I think we have covered what we need to

cover. I certainly appreciate your time here today, as well as your attorney's time here today.

At this point, unless there's anything, Mr. Ramsey, that you'd like to put on the record, I think we'll conclude.

Mr. Ramsey. Well, the one thing we probably ought to put on the record is, we did receive -- and I think you and I discussed it on the phone. It was a very unusual letter. And I'm trying to remember -- I'd have to look at what the letterhead was, but it seemed to me to be unusual, requesting us to assert executive privilege or something about that.

And I think you were familiar with those types of letters. I can't remember now the guy's name, and I have to look it up. But it was -- it was on -- it was on some sort of manufactured letterhead, like --

[redacted] Elections LLC.

Mr. Ramsey. Elections LLC. That's right.

[redacted] I believe that was a letter from Mr. Clark to you, Justin Clark. Does that sound familiar, Mr. Ramsey?

Mr. Ramsey. Yes. Yes.

[redacted] Okay.

Mr. Ramsey. And, you know -- and we were commanded to assert the privilege. But you and I discussed it, and it's my understanding that -- or, at least, counsel for the President said, well, we're waiving the attorney-client privilege for this young man.

So I really never responded back to LLC about this particular issue. Just so -- I think you're aware of that, but --

[redacted] Yeah. I am aware of the letter that you received from Mr. Clark. I appreciate you putting that -- we did make the letter from the current President,

President Biden, part of the record. We're happy to make that letter as part of the record, too, if you'd like, Mr. Ramsey.

Mr. Ramsey. Nah, we don't need to.

[redacted] Okay.

Mr. Ramsey. I just wanted to point out I ignored a letter from some lawyer, so --

[redacted] Understood. Appreciate that. Well, I shouldn't say I appreciate it, as if ignoring that -- but, ultimately, your decision --

Mr. Ramsey. I won't ignore what you --

[redacted] -- what to do with that record. Very good.

Well, with that, then, unless there's anything else -- anything else, Mr. Ramsey, on your end?

Mr. Ramsey. That's it. If you need us, you know, give us a call, but --

[redacted] Okay. Then we will go off the record, and the deposition is closed.

[Whereupon, at 4:12 p.m., the deposition was concluded.]

Certificate of Deponent/Interviewee

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

_____

Witness Name

_____

Date