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

DEPOSITION OF: EDUARDO (EDWARD) DURFEE

Wednesday, March 23, 2022

Washington, D.C.

The deposition in the above matter was held via Webex, commencing at 10:07 a.m.

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Appearances:

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

[redacted] SENIOR ADMINISTRATIVE ASSISTANT
[redacted], INVESTIGATIVE COUNSEL
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[redacted] INVESTIGATIVE COUNSEL
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For EDUARDO (EDWARD) DURFEE:

ERNESTO CERIMELE

[redacted] Good morning. This is the deposition of Mr. Edward Durfee conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

For the record, I'll ask the witness to please state your full name and then spell your last name for the record.

The Witness. Edward P. Durfee, Jr., delta uniform roger foxtrot echo echo.

[redacted] Thank you.

This is a staff-led deposition, but members may choose to join and also ask questions. I'll make my best effort to announce members as they join the chat, if they do, and let you know if they might possibly be asking you some questions.

My name is [redacted]. I'm an investigative counsel with the select committee. I'll also introduce the other committee staff that are on the call now. We have Mr. [redacted], also investigative counsel, and [redacted], also investigative counsel. And I think that's all that we have right now.

Yes.

There are no members currently on the call.

We will be following the House deposition rules that were provided to your counsel previously. Under the House deposition rules, counsel for other persons or government agencies may not attend, and you are permitted to have an attorney present.

I'd like to note for the record that what has been previously marked as exhibit 1 is the subpoena for Mr. Ed Durfee, which is dated January 10th, 2022. And you are here for this deposition pursuant to that subpoena.

At this time, I'd ask your counsel to state his name for the record.

Mr. Cerimele. Good morning. Ernesto Cerimele of Klingeman Cerimele, Attorneys.

[redacted] Thank you.

Before we begin, I just want to cover a couple of kind of deposition housekeeping rules.

So first, as I mentioned earlier, there is an official reporter that will be taking down everything we say. Because it's hard to transcribe two people when they are talking at the same time, just wait until I ask my question before you start your answer.

And then, along the same lines, the court reporter can only record verbal responses, so a yes or a no. And try to avoid using, like, a head shake or a nod. We all do that sometimes, so I'll just try to remind you if I see that happening.

Does that make sense?

The Witness. Yes.

[redacted] Okay. And then I'll also note for the record that [redacted] has also joined the call. He's another investigative counsel with the select committee.

All we're asking of you today is that you give us complete answers to the best of your recollection. If you don't understand one of my questions, feel to ask me to rephrase it or repeat it. And then, if you just don't know the answer to a question, feel free to say so.

This is a deposition, so you have to answer my questions, unless there's an objection based on a privilege that's recognized by the select committee. If you refuse to answer a question based on a privilege, we might either proceed with the deposition or seek a ruling from the chairman on the objection. If the chairman overrules such an objection, you will be required to answer the question.

Does that make sense?

The Witness. What are the rules?

[redacted] Just a quick summary of that is, basically, unless there's an objection -- your counsel will help you out with that -- you'll have to answer the questions that I ask you.

The Witness. Okay. You said there was some kind of select rules? Or I'm not sure I follow what that meant.

[redacted] I was noting that if there is an objection, we either have the option to just note the objection and continue on with the deposition or we could go to the chairman of the committee and ask for a ruling on the objection.

The Witness. Okay. All right. Because what I was saying, [redacted] was that you were mentioning that we're governed by the rules of the committee. I don't recall receiving any rules or if my counsel had either.

[redacted] The rules were attached to the subpoena that you were served with.

The Witness. Okay. All right. Then I'm familiar with them. Thank you.

[redacted] Yeah. And if any of those become relevant, we can take a break and discuss any of that.

The Witness. Sure. I just wanted to clarify that. Thank you.

[redacted] Yes. Also, I'll remind you, and this is a reminder and a warning that we give all witnesses that we talk to, but it is unlawful to deliberately provide false information to a congressional investigator, like myself and the others that I introduced on this call. So for this interview, providing false information could result in criminal penalties for perjury or false statements.

Do you understand that?

The Witness. Yes, sir.

[redacted] Okay. That being said, to be clear, this is a congressional investigation. It is not a criminal investigation. These proceedings are separate and distinct from any criminal proceedings by the United States Department of Justice. We are not a partner with them and we're not working together.

Do you understand that?

The Witness. Yes, sir.

[redacted] Okay. And then we will be going probably for a little bit of time today. So I'm going to try to take a break about every hour, take a 5-minute break. But if I forget do that, feel free to remind me, or if any other time you need a break, just let me know. Okay?

The Witness. Sure.

[redacted] And then lastly, as I mentioned before, I'll be asking most of the questions today, but other folks might pop in to ask some follow-up questions.

And so with that, because this is a deposition, you will be sworn in. So can you raise your right hand to be sworn?

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.

EXAMINATION

BY [redacted]

Q Great. And I'd like to start just with a little bit of background information about you, Mr. Durfee.

Can you tell me where you currently live?

A [redacted] Northvale, New Jersey.

Q And are you currently employed?

A Yes, sir.

Q And what do you do for a living?

A I'm an IT contractor.

Q And how long have you been doing that?

A Around 40 years.

Q Do you have any other sources of income, other than that employment as an IT contractor?

A Just a military benefit for my disability. I haven't taken my Social Security yet.

Q Understood. And can you tell me about that prior military service? When did you serve in the military?

A Marine Corps '71 to '73, 2nd Battalion, 2nd Tanks.

Q And what was your job in the Marines? What did you do?

A I was a motor transport operator, headquarters and supply.

Q And then do -- we'll talk a little bit more about your involvement with the Oath Keepers -- but do you receive any income from your work with the Oath Keepers?

A No. It's all voluntary, sir.

Q And then how about, like, reimbursements for expenses or any sort of payments to you from the Oath Keepers?

A I've always heard of that, but I've never taken any.

Q Okay. Let's talk a little bit about how you first came to find out about the Oath Keepers and then how you joined them. If you can just take me through that.

How did you first hear about the Oath Keepers?

A I heard about the Oath Keepers from a friend of mine who attended the

muster in Lexington and Concord in 2009 -- supposably brought me back a T-shirt, which I have not yet received.

And then from, you know, I looked up the Oath Keepers. I listened to the initial presentation by Mr. Rhodes on the green. And from that perspective I decided I wanted to be involved with anything that was involving teaching the Constitution to others and ensuring the rights of our citizens.

Q And I apologize, you were talking to a blank screen. I thought that my video was on. So I've turned that on now. You should be able to see me.

Okay. And then when was that, that you actually joined the Oath Keepers?

A I want to say 2010, I guess, when I officially joined. I would have to see if I can -- I don't have my card with me that would have the date on it.

Q And that's fine today throughout. I know a lot of these events and things I'm asking about will have happened a long time ago. So if you're ballparking a date range, just feel free to let me know. That's fine.

A Sure. Sure.

Q Can you tell me a little bit about -- I know you mentioned that you were interested in joining an organization that was teaching folks about the Constitution and their commitments through that document. Can you tell me a little bit more, just expand upon a little more about why you joined the Oath Keepers?

A Well, I joined the Oath Keepers because it was an interest of mine, was teaching the Constitution. I'm involved politically.

In 2008, our local group attempted to help Ron Paul get elected. And we formed a Liberty group where I was with Campaign for Liberty early on. And through that process I learned a lot more about the Constitution. And when I saw this group that was being formed I thought it was a perfect fit.

Q And what sorts of activities did you expect to be engaging in with the Oath Keepers when you joined?

A Just meetings and informational about understanding the Constitution.

Q So I know obviously you've been -- have you been a member since 2010 consistently?

A I would say yes.

Q Okay. Can you take my through any positions or titles that you've held with the organization?

A Titles. Well, I got involved locally in New Jersey, put together a website for them. And through that process, I gave myself the title secretary and also a regional director, really self-imposed titles.

I mean, we didn't really -- there wasn't any -- on the local level it was very loosely knit as well, even on the national level for that matter. But the national level at least had a board of directors.

Jersey, yeah, self-imposed titles. We did have a president and a vice president at one time. But that was -- those positions were dissolved by Stewart, because he didn't -- he wanted to move away from that model.

So beyond that -- and then when I got involved nationally I was working, I like to say, like customer service. I was maintaining the website for the membership, customer service, answering emails, some guys calling, things of that nature.

Q And you mentioned Stewart. I take it that's Stewart Rhodes?

A Stewart Rhodes. Yes, sir.

Q Okay. And why did he want to move away from the president, vice president structural organization -- or structural?

A He felt that he -- I'm really surmising what he actually felt, because I don't

really know. But I got the feeling that he just felt that it gave an impression of superiority within the chapter, where it was really just you have a chapter leader and that should be enough. You don't need presidents, vice presidents and treasurers and all that kind of stuff, because all the membership was handled through national.

Q So he --

A The physical moneys and things of that nature, membership cards and packages, et cetera.

Q So at the local chapter level there was just a President.

Can you explain the structure at the national level?

A Can I explain the structure of the national level?

Q The leadership structure, if there is one.

A Board of directors, and that's it really, just it was board of directors. It was Stewart and some of the --- -- gee, I can't even -- board of directors. They had a couple sheriffs. If that's what you mean by explain the structure.

Q Sure.

A The sheriffs that were at the top with Stewart and other gentlemen that stepped up, I guess, to be in position of guiding the organization, I guess.

I don't know. I never really attended any board meetings, so I couldn't tell you what the actual structure was, only what we knew of, which was the board of directors.

[redacted] I think [redacted] might have a question for you.

[redacted]. Sure. Thanks, [redacted].

Hi, Mr. Durfee. Thanks for being here today.

Just wanted to kind of get a sense of Mr. Rhodes' involvement with the local chapters. It sounds like things were pretty centralized in the national chapter. And I'm curious if you could tell us more about how involved he would be in the day-to-day

activities.

The Witness. None. No, Stewart was not involved with anything really locally. When he came into our local jurisdiction, of course he got the presence of being the founder.

But that was it. I mean, if there was any shenanigans and stuff going on, of course he got involved with that, I presume. I don't -- you know, I say that like I have some knowledge of shenanigans. I really don't.

I just know that when he came to New Jersey there was a disagreement between him and our sitting president, and he dissolved that whole president, vice president thing. So I don't even know if that's across all States. I can only really speak for New Jersey.

[redacted] Got it. Yeah. I was asking because you mentioned that all the membership was handled through the national chapter, all the money, the membership cards. Was that kind of the extent of the centralization in the national chapter?

The Witness. I would say yes, and the programs that he was trying to put together for the membership to follow, the CPT, the community preparedness training, things like that, disaster training, and things of that nature that we tried to put together on local levels, to keep the camaraderie for the local levels.

Because you join something, you want to have something to do. So a lot of us were CPT, community preparedness trained already. So when he brought in that whole CPT thing, it was easy for us to see that.

[redacted]. Got it. That's helpful.

Back to you [redacted]

BY [redacted]

Q Yeah. So you mentioned that the kind of national leadership structure consisted of a board of directors and some sheriffs. Is that right?

A The board of directors, and I know a couple of them were sheriffs, yes.

Q Okay. Is sheriffs a title within the Oath Keepers. Is that what you mean?

A No, no. Actual sheriffs.

Q Okay.

A Constitutionally -- constitutional sheriffs, people that were elected to office.

Q But then, focusing on the board of directors and around the time of late 2020 and early 2021, do you recall who was on the board of directors?

A Stewart. There was a gentleman in Montana. I don't -- you know, I really -- I can't say that I do.

Q That's fine. So it sounds like you didn't have too much interaction with the board.

A No, sir. My main point of contact was Stewart, concerned about the website and the membership, et cetera, et cetera.

Q And then you had also mentioned that at some point you were either a self-appointed kind of regional director or something similar to that. What was the region that you're referring to?

A North Jersey.

Q And let's --

A I just want to turn my phone off here so it doesn't keep bothering me.

Q Sure.

A Go ahead. Sorry.

Q Let's talk a little bit about your responsibilities maintaining the website and I think some other kind of documents or lists.

Can you just run me through one more time what it was as far as documents and, like, the website that you maintained for the Oath Keepers?

A There was no maintenance. It was on our server and we had a WordPress site that maintained our communication with our membership.

Q And what sorts of materials were on the server?

A Mostly blogs that people wrote or that Stewart wrote and others added to. In fact, I posted a few myself. CPT documents, code of conduct. What was the other thing, the main things we had there?

We were very precise about the people that we wanted to join our membership and the people that we didn't want to have in our membership. We didn't want the fringe people. We wanted just people that were serious minded, that were straight shooters, that weren't going to be troublemakers.

Stewart was very concerned about getting these -- making sure that we didn't have some of the things that the ADL and the Southern Poverty Law Center were trying to accuse us of being. So we were very concerned about that in our vetting and understanding of who was coming aboard as a member.

Anybody could sign up to read the blog. But that was -- and the other things that were on there were -- there were some things that were membership only, if you didn't have a membership number that you couldn't -- you weren't able to read the -- you couldn't go into the members chat area, so to speak.

Q All right. We'll return to that topic of vetting in a moment. But I wanted to keep on the issue of documents maintained on the server.

Did you also maintain a membership list?

A Well, yeah. The membership list would be the members. When you bought a membership you would go on to the table.

Q Okay.

A So that's where membership processing would go.

Q And when you say table, was that like an Excel document? Or what was that?

A No, the internal database table for WordPress, internal WordPress table. WordPress was the driver, I suppose you could say, for the website. It was WordPress based.

Q And is that still how membership lists are maintained or how are they maintained today?

A Right now I couldn't tell you because I haven't been involved with it. You know, after all this -- after you guys are contacting me and your brothers in the DOJ, I just figured it's better to focus on my other, you know, on my paying business versus my volunteerism.

Q How about at the end of 2020 and beginning of 2021, how were membership lists maintained at that time?

A Well, when we lost our server. I don't think there's even a membership list around anymore, unfortunately. We weren't in a position to have any offline backups and things of that nature. So the members -- whatever membership lists are out there, if our membership director has a list or something.

But we were encouraged not to remove things from the website because Stewart was worried that people would steal his names and go after his people. You know, we got doxxed a few times, as you know, over the years as well.

Q And then for Oath Keeper emails, can you explain to me how that email hosting worked or where the emails were maintained?

A They were on another -- on the same server -- well, actually when they were at Liquid Web. I think we had it on two different servers. And then when we went to the other guy, I think we had a -- yeah, they were on -- they were always together, on the

same URL, but not necessarily on the same server. But when we lost our servers, we lost everything and we had to rebuild it and get it back.

Q Can you explain that process to me? How did you lose the server? And then where did you move documents to after that?

A Evidently, Liquid Web accused us of being in violation of their terms of service, TOS, and shut us down.

Q And did they allow you to collect documents that were being hosted at that time or did they give them to you?

A No, sir.

Q Okay. And then what did you do after Liquid Web stopped providing services?

A We found another provider.

Q Which was what provider?

A I believe that was Epik, E-p-i-k. And then Epik got hacked and they doxxed all our stuff.

Q And when was that hacked, if you recall?

A Sometime in January, I think. I don't recall. I don't recall the real date. It was around -- see, I guess Liquid Web happened in -- I don't remember if it was post or pre the Save the Republic rally or the Save the -- Stop the Steal rally. I don't recall if it was post or pre.

Q When you're referring to the Stop the Steal rally, are you talking about January 6th?

A Yes, sir.

Q All right. So then after Epik was hacked, what did you do with any kind of organizational documents? Or were there any at that point?

A Organizational documents?

Q Like the membership lists we talked about or emails that are associated with the organization.

A Well, the emails went away. You know, the emails were gone. Once we lost the two servers, the emails were gone.

There was an attempt to rebuild it, but I don't really know where that went, because I was out of the loop at that point. I wasn't being, how you say, consulted at that point.

Q So at one point when I was working with your attorney, Mr. Cerimele, about collecting documents there was some thought that maybe you still had access to some organizational documents like emails or member lists. And I take it that you did some sort of search to determine that that wasn't the case anymore.

Could you just describe the document search that you did or how you went out and tried to find those sorts of documents?

A Well, I did find stuff on the web, but not our stuff. I mean, like, documents. Like I was able to go out to the, you know, the -- I forget what they call it where you go on the negative, whatever it is called. I don't remember the name of it.

But I was able to find, like, our terms of service and our code of conduct and stuff like that. I was able to rebuild that. But nothing related to names and addresses of people or payments or anything of that nature.

Q Okay.

A You know, we were, you know, my, how you say -- I can't think of the word right now, when you make an agreement with somebody -- that I'd made with Stewart was that I would not remove anything from the website, that I would only do all the work on the website. I forget what we call that, but I should remember, because I do that

with other clients as well. I just can't think of the word right at this moment. It'll come to me.

Q That's fine. Yeah, if it comes to you, just let me know.

A Sure.

Q I want to ask about some folks you might have worked with over your years in the Oath Keepers.

Do you know Jason Van Tatenhove?

A I know the name. I don't think I've ever met Jason. I believe Jason passed, if I remember correctly.

Q I don't think he has. But --

A Okay.

Q So having not -- I know a lot of the communications between Oath Keepers happen online or through messaging systems. If you haven't met Jason in person, did you ever communicate with him or do you recall communicating with him over emails or messaging?

A I can't say I have. I wouldn't swear to it, let's put it that way. I believe he was one of the writers, right, if I recall, he was one the bloggers, if I recall correctly. I'm not positive.

Q Let's talk a little bit more about that vetting process that you mentioned earlier. Just take me through what you would do if a new member or a potential new member approached you and wanted to join the organization?

A I would just pass the name up to Stewart, and then he would use whatever resources he had to check their credentials.

Q And was it --

A Whether it was -- depending on the vetting, when we did vetting for, like,

when we were out doing, you know, personal security details and things like that, then they would ask for, like, a CCW or something to prove who you were, something that they could use to do one of those online things to see -- to make sure you didn't have any criminal background, things of that nature.

I don't really have the inner workings of exactly what they did and how they did it.

Q It sounds like it was mostly Mr. Rhodes, though, that did the vetting himself?

A Yeah, or else -- or whomever he passed it to.

Q And you mentioned CCW. What is that?

A Concealed carry.

Q Okay. So you had also said that when you were looking at potential new members and vetting them that you wanted to avoid fringe people or people that were on the fringe. Can you just explain to me what that means to you or who would be on the fringe?

A People that have known associations with, like, White supremist groups or other radical groups. I just can't think of any that come to mind. I guess like the White supremists or any of the anti-government groups.

We were cautious to allow just anybody to be in any positions of, quote, unquote, authority, because the real authority -- there really was no authority, but people think because they get involved that they're somebody, if you know what I'm saying, because I'm an Oath Keeper type of thing.

Q What to you -- can you explain the name Oath Keeper to me a little bit? What does that mean?

A Well, Oath Keeper came from the concept that men and women currently and previously serving law enforcement, military, politicians for that matter, anybody that has sworn an oath to defend the Constitution.

You probably took the same oath as yourself. I presume you're an attorney, so you probably took the oath to swear to the Constitution, to uphold the Constitution against all enemies, foreign and domestic. So oath keeper, keeper of the oath.

Q Understood.

Let's talk a little bit about just the logistics of joining. And we'll focus on the timeframe around 2020 and early 2021.

What would happen when a person was vetted and it was determined that they could join the organization?

A The vetting at that level was more for just proving who you were. It wasn't really a vetting in the sense of it was a PSD, as I was referring to earlier, personal security detail, or a security detail where we came into a situation and you were on the ground with other Oath Keepers.

It's a little different than -- if you wanted to join and you had a credit card, you could join. It's just that simple. If you wanted to be in State leadership, there was some other vetting that was going on as far as exactly who you were. I can't describe the process because, again, I wasn't part of it. And I know that they talked about vetting people, that's all I could say.

Q And when you joined, were you joining the national chapter or a local chapter or both?

A No. You would join the national. National was where we had all the -- all the process went through. All the membership was done on the national level.

Even like in New Jersey, we had a New Jersey website, and people could sign up and get information or they could join. But the only way you could become an actual member of Oath Keepers was to join on the national level to get the actual ID card for Oath Keepers.

Q And then how would you join at a local level?

A Perhaps -- well, like we had the New Jersey Oath Keepers site so that it would show that we had a presence in New Jersey. We also had a Facebook page until they decided that we were too radical or something. I don't know. I don't. I can't tell you what was in their mind.

So people would see that there was something, and they would reach out to us, and then they would ask for a local chapter. And we tried to set up chapters in every county. There's 21 counties in New Jersey, so I attempted to get men to have county meetings.

And that's why I ended up creating the regional position, because it was hard -- very hard -- to get people to commit to something on a volunteer basis. So we would try to have regional meetings. Or, like, for instance, Bergen and Passaic and Hudson County and Essex County, we would meet together, the four or five of us, unfortunately. It wasn't like there was hundreds of guys. It wasn't anything like that.

Q Let's -- if we can pull up, Jacob, exhibit 2.

This is a welcome email sent to one of the members or a new member of the Oath Keepers. And I believe it's you that sent this email.

And if we can zoom into that green section of the email?

A Okay. I see my name.

Q Right. So from you, Edward Durfee, this is to a member, his last name is Dockery. And it looks like this is a welcome email, he's newly joined. The subject is "New manual payment on Oath Keepers." And it was sent on November 6th, 2020.

I just wanted to ask you just to sort of provide a basis for our conversation here about new members, a couple things about this email. And if you want to take a second and read that.

A I got it. That's the standard -- that was the standard or cut and paste that I would use for guys that were asking about their --

Q Okay. There's a couple of things mentioned in the email I want to ask you about. The first is you note that this person will be receiving the new annual member kit. Can you tell me what the annual member kit is or was?

A That was -- he signed up as an annual member, so he probably paid $50. And that kit would have had a membership card which showed that he was a member, an annual member, not a -- we had different -- we had, like, a life member, we had a sustaining member, which was a monthly thing.

But this, an annual member, was a one shot. At this point, I think in 2020, it was probably $50. And he would get his membership card. He would get a certificate with his name on it. He would get some patches and he would get some decals. And he would get -- we -- I'm not sure if at this point if we still had the cards, the little palm cards that we used to have. I'm not sure if we had them at this point.

Q So it sounds like you mentioned sort of a couple of different levels of membership. There was the annual member and I think you mentioned a sustaining member?

A Yeah. If you notice on the bottom of the email it shows life number 2116. That's my -- I was a life member. I paid $800 along the way and became a life member to support the organization. But there was lifetime members, there was annual members.

We had what we call Liberty Tree, which I think was $12 a month at that point. And then we also had Liberty Tree sustaining, which was, I think, $100 for the year. It was the accumulation of the 12 months, you got to save a little bit if you wanted to. It was just another -- it was just a membership level, like any club that you join they have

different membership levels.

Q And what -- these memberships were generally paid through a credit card. Is that what you said?

A Yeah. I can't tell from this if it was a credit card or if he sent a check in. More than likely it was a credit card. When we lost our processing with Stripe, we had to go to a new processor. And when we lost that, it broke that connection.

An API, I don't know if you're familiar with an API or not, it's a way for one system to talk to another system. And we lost that connection, so we had to start processing the cards manually. So when the card came in, we were able to capture the charges online, but then they had to be applied manually.

So I'm presuming that's why it says, "New manual payment on Oath Keepers," because I would have gotten an email that there was a new manual payment and then I would respond to that email.

Q And when did you lose access to that payment process?

A The Stripe you're talking about?

Q Stripe or the API. Yeah.

A Yeah. Sheesh. Sometime in 2020, I would say. Not sure if it was fall. Maybe it was late in 2020.

Q And do you know why that was?

A Terms of service again.

Q Okay. Related, was there any kind of specific statement about what it was that violated the terms of service?

A Nope, just terms of service. That's the catchall that they use when they want to drop you.

Q What did you understand or -- yeah, what did you understand dues were

for?

A Maintain the organization, the website and the membership card processing, printing of the certificates.

Q And you maintained the website, right?

A I was -- -- yeah. I guess you could say I maintained it, yeah.

Q And how much did that website cost to maintain, like, on a yearly basis?

A Well, you mean the annual payments for -- we actually had them on monthly payments. The servers were actually like $600 or $700 a month, if I remember correctly.

Q And where did the Oath Keepers bank with or where were the accounts held?

A I believe with Bank of America. I don't have any privy knowledge to that beyond that, only from what I saw in the transfers of payments from Stripe to the bank account. It says Bank of America on there. No account number or anything, just Bank of America, with the last four digits of the account, if I recall.

Q And do you know who had access to that account or controlled that account?

A I would have to say Stewart. I can't imagine it was anybody else. Stewart was pretty, you know, he was pretty adamant about keeping it to himself, because he was concerned that people were trying to move us in a direction that we shouldn't be in, things of that nature.

He was worried about his membership, his guys that he was talking to, with the emails and the blogs and things of that nature, the CPT.

We were trying to build this community of people that would help each other, because, obviously, when law enforcement gets involved in a local thing that's going on in

your town, who's going to look out for the people, who's going to help the people if a tree fell on their house and all the fire people are over here or all the rescue people are over here? So we have our local community groups that would help each other.

So that's what his concern was. And he was very concerned that -- in my opinion. This, of course, this is my opinion, because I can't say that he ever shared that with me. So I probably should end it there. It's just my opinion.

Q You mentioned there were --

A I'm sorry. I guess that's hearsay. I didn't mean to --

Q That's okay. You mentioned that there were some people that were taking the organization in a different direction or that Mr. Rhodes was concerned about the organization going in a different direction. What direction was that?

A Just away from his vision. That's why he had to stop what was going on in New Jersey, for instance. If the guys weren't willing to stand up for what's right, then why are you calling yourself an Oath Keeper? So he cut the top off of our leadership. Again, I can't speak for other States, I can only tell you what happened in New Jersey.

Q What was that -- I'm not familiar with that conflict in New Jersey. What happened that required Mr. Rhodes' attention?

A Well, we were at a Second Amendment rally in Trenton and some conversation came up with our then president, him and Stewart, totally like oil and water over the situation. And Stewart said, "Well, fine, if you can't stand up for the Constitution."

You know, it was something to do with law enforcement having the right to do something. I don't recall all the details. But it was an oil and water type situation, and so that was it. Stewart said, "Well, then you're no longer involved with us. Thank you very much." And that was the end of it.

Q And was it Mr. Rhodes saying law enforcement did have the right to do something? Or if you could just give me a little more detail on that, if you recall.

A You know, I really -- I struggle to recall that because it was a conversation that was with our president. And our president's son was a law enforcement officer. And I don't recall if it was -- you know, I don't really -- I don't -- it's not fair for me to speculate.

Q Sure. If you don't remember, that's fine.

A Yeah.

Q So just returning to -- sorry, we can actually go back to exhibit 2 or I can just read a little bit from that exhibit. Below where you talk about the annual member kit, there's mention of joining secure chats.

A Right. That's when we had Rocket Chat.

Q Okay. So then in '20 -- this is in November 2020 you were using a platform called Rocket Chat?

A Yeah. We had Rocket Chat for our members to be able -- originally we were using BuddyPress, but we couldn't get it to connect properly, so we ended up -- we came up with Rocket Chat to use that for membership only.

Q And what was Rocket Chat? Can you just explain what the platform was?

A It was an online chat process. I don't know, like, Twitter, I guess, or whatever. It was a place for guys to go and talk to each other.

Q And did you use any other forms of communication around that time, any other platforms for messaging?

A No. Outside of -- you mean outside of, like, Signal and stuff like that, that's -- when you say messaging, I mean, you know, I guess guys were using Twitter. Everybody used what they want. As far as on an enterprise level, we had Rocket Chat

and we had the website.

Q Okay. So Rocket Chat and the website were kind of the official platforms, but you mentioned Signal. Was that a pretty common way for members to communicate with each other?

A I used it.

Q Did lots of other members use it?

A I had chats with other members, sure.

Q We were talking about dues for a second and you mentioned the national dues. We went through those a little bit. Were there dues for local chapters?

A Not that I'm aware of. When we met in Jersey when we had our meetup, or whatever you want to call it, we usually met in, like, a restaurant. And the dues were you had to buy something to eat in order to support the restaurant. There wasn't any dues per se.

Q So you mentioned meetups for the local chapter. Did you have -- what were the occasions that you got to meet people outside of your local chapter, other Oath Keepers I mean?

A You mean outside New Jersey?

Q Yeah, outside New Jersey. Were there national events that you went to? Or how did you meet people from outside your chapter?

A Well, we encouraged State-to-State communication. For instance, we had New York State was right nearby, or Pennsylvania. Well, Pennsylvania was not really that organized.

But, yeah, like, I met the New York Oath Keepers. We went on a couple security details together. And we built camaraderie that way. Long Island chapter. And then we had the Jersey chapter. We went to a couple rallies down on the green in D.C. for

various functions, provided sometimes security, sometimes just to have us present.

The key -- this whole security thing came out of people seeming to get jumped by antifa and the bad guys, you know, when they were coming off of rallies. And so Stewart saw a need and then he started promoting that. And that's what we started doing at the end there.

That's how we probably -- the whole reason we got involved with the Stop the Steal rally originally, it's because of that, and then the Jericho Walk the month before.

Q So you -- when -- sure.

[Reporter asked for clarification.]

The Witness. The Jericho -- there was a Jericho Walk around the Supreme Court. I think it was called the Jericho Walk or something like that.

BY [redacted]

Q When -- around when did you start that, the security details or private security services?

A Well, private security makes it sound like it was a pay-for thing. This is just all -- this is all volunteer stuff.

When? Oh, boy. I remember being in New York City at a rally for -- ACT for America had a rally and they were concerned that antifa and all these radical left groups were going to show up. So they asked for some people. They contacted the New York chapter and I ended up working with them.

That's how I got to meet a lot of those guys, was at that time. I don't remember exactly where it was in New York, but it was at Bryant Park, I think, or maybe it was one of the other parks. And sure enough, the bad guys showed up. You know, we were there and they didn't try to run us over, let's put it that way.

So I guess that was probably in 2009 maybe. Maybe that's back too far. No, I

mean 2019. Probably '19, yeah.

Q 2019? Was it --

A Probably 2019.

Q Sometimes it's helpful to think of things as either pre or post pandemic. Do you remember if it was before?

A Oh. No, it wasn't during the pandemic. It was -- yeah, it was definitely. The pandemic was just last year, right? So 2 years ago, 2 years ago now, right?

Q Right. Around March 2020. So it sounds like 2019 is when that activity started, the personal security?

A Oh, yeah, right. It was after the inauguration we had the pandemic, right? Or was it before the inauguration?

Q Before. Correct. Yes. So the pandemic -- well, if we're just placing things, around March 2020.

A I don't remember worrying about the pandemic when I went down to D.C. That's interesting. Wasn't that in '21?

Q Correct, yeah. It was January 6th, 2021.

A I don't remember seeing people in masks and everything. That's weird. Wow. Maybe I just missed it.

Q Yeah. It's been a long time. So we all acclimate, obviously.

Okay. Let's talk a little bit about your -- how well you know Stewart Rhodes or how would you describe your relationship with him.

How would you describe your relationship with him?

A I don't know if anybody really knows Stewart. I got to know Stewart just, you know, when he came to Jersey. I went with him to Long Island. I went to him to a couple -- I went to an event up in Newburgh with him. I went to an event with -- I met

him in D.C. at an event.

And I guess, you know, when I -- once I offered to work with the membership to try to help him get his membership caught up, I got a little bit more of an inside track to him, I suppose you could say.

But we were just -- it was really business. It wasn't -- I didn't really feel like -- I wouldn't say he's not a friend, let's put it that way. But it's just another Oath Keeper, I guess, you know.

To me, time will tell, you know. And it seems like I got to know Stewart over the years. I saw him a couple times before at the New York State. We had the New York State award ceremonies, he spoke up there, and I got to hobnob with him a little up there.

So we got to know each other, how do you say, fairly well, I guess. Like a college buddy, so to speak. You know, you go to college with somebody for 4 years and whether you continue with them or not, it's just the way it goes, you know.

Q You mentioned you're not sure anybody really knows Stewart Rhodes. What did you mean by that?

A Well, I often hear comments from other guys that you don't hear from him for a long time and things like that. He was pretty -- I would say he's pretty private, to be honest with you. I mean, we didn't talk -- we just talked about business stuff, you know, website, membership.

Especially when we had all these problems with the credit card, he was calling me every day, it seemed like. Every other day he had another reason, another way to try to get the credit cards going and things like that.

So beyond that, it was mostly just business I would say. And we became -- I wouldn't throw him under the bus and say he's not a good guy. I mean, in that sense

he's a gentle man that I met and that I got to know. But beyond that, I can't tell you much more about him, only what I know about him.

Q What was the concern about the credit cards that you were just mentioning? Is that when -- are you talking about when you lost access to the Stripe payment system?

A Yeah. Originally they lost -- originally PayPal canceled them. And I think Stripe was still going at that point and then eventually Stripe cancelled and then we had another processor. And then, what did you call it, Worldpay decided to cancel us.

Q Do you know if Mr. Rhodes took a salary for his position?

A I've heard that in the newspaper. That's all I can tell you. I don't know. I don't think so. I think he -- you know, I'm sure he took expenses, because like you had asked me earlier if I got any expenses. I heard guys that got expenses, but I never took any. You know, I felt like if I went to a rally with him in D.C. that was on me.

Q Other than Stewart Rhodes, were there any sort of either national leaders or just influential members that you knew of, folks that people in the Oath Keepers kind of looked to?

A At one time they were trying to set up these regional pockets, because it just -- it was too much. When we started getting -- we started getting an influx of people on there for whatever reason I guess in 2019, 2020.

So we tried to set up, like, regional -- I remember him trying to set up regional. I think I remember making even emails for like, you know, northeast or southeast and things of that nature. But I don't know how far that got.

Q But you can't recall any specific individuals that were sort of leaders in the group?

A I wouldn't call them leaders, but there was -- I know, like, when we had that -- when we had that Zoom meeting that Unicorn Riot hacked, there was some guy,

Mike Adams. I don't know if he was considered a leader. And I know -- like, what's his name from Pennsylvania that I had some talks with, Don, I think his name was.

Q Is that Don Siekerman (ph)?

A Yeah, I think that -- yeah, Don Siekerman (ph), yeah. That he was -- he had reached out to me a few times during -- to try to coordinate people coming into D.C. And I'm trying to think of the other guy's -- there was a guy in the southeast. I just can't think of his name right this minute.

Q I'm going to just throw out a couple names for you of folks in some different regions and tell me if you knew them.

How about Doug Smith around North Carolina?

A Doug Smith? I think I might have met a Doug Smith. I can't say I know him, but I think I -- in fact, I think I met him in D.C. that day. So I met him.

Q And then -- so you mentioned Mike Adams. Was he -- he was from Florida, I think, is that right?

A I believe so, yeah. I believe he was with the Florida group. But then he went away for some reason. I don't know what happened.

Q And do you know when he left to kind of started leading the Florida group?

A I don't know if he -- I presume he was leading the Florida group, yeah.

Q After Mike --

A I don't know where he went after. He's like -- he just, like, left. All of a sudden he was gone. I don't know what happened.

Q Did you know, sort of also in the Florida region, did you know Kelly Meggs?

A I know the name. I think I -- obviously he's one of the guys that are in trouble.

[11:04 a.m.]

BY [redacted]

Q Do you remember Mr. Meggs from, like, some of the Signal chats that we had talked about?

A Well, as Gator One, you mean?

Q Right, Gator One.

A Yeah.

Q Okay.

A That's all -- that's how I, you know -- and I find -- and I met him in D.C. that day.

Q Okay. We'll get to that. We'll save the actual 6th for a little bit later. How about any folks, did Texas have a pretty large Oath Keeper presence?

A I don't remember Texas being -- I do not recall Texas as being big -- I know that's where Stewart ended up for some reason, but I don't remember that they had a big presence in -- in any of the events that we did.

Q Okay. Do you remember any members from Texas?

A Just the gentleman that he was living with. Gosh, what's his name? It will come to me. I just can't think of his name right now.

Q Okay.

A I mean, I -- I only know these guys because of emails and -- and chatting on the phone, that's it, or Signal, not -- beyond that, I don't know any of them.

Q Okay.

A I can't think of the name. I can't believe I can't think of his name.

Q If it comes to you, maybe when we take a break and you have a few minutes

to think to yourself.

A I can look through my phone and find his name. I'm sure I have him in my phone.

Q Okay. Let's do that on the -- let's do that when we take a break in a little bit.

A Yeah.

Q So you've mentioned a few times, I think it was, CPT, the Community -- does that stand for Community Preparedness Training?

A Yes, sir.

Q Okay. Can you just describe that to me a little bit?

A Are you familiar with CERT?

Q CERT?

A Yeah, Community Emergency Response Teams.

Q I'm not.

A They're -- it's a FEMA -- it's a FEMA-sponsored program for local communities. So it follows pretty much along those lines.

Q Okay. But it's not --

A Say again.

Q So CPT is modeled off of CERT, is that what you're saying?

A I would say so, yeah. If you look at -- if you looked at the two side by side, you'd wonder how much difference there was.

Q And what were you preparing for, or just give me a little bit more detail about what CPT was?

A Well, for instance, if there was a flood and your town got flooded out, you know, for instance, or if there was a major thunderstorm or hailstorm or whatever and

there was a lot of damage. Like I said, your town only has so many resources so we have to resort to using our own wits to -- to, you know, to take care of each other and our communities.

It didn't fly with us up in the Northeast because, you know, we're so -- we're so reliant on our -- on our services. You know, I mean, I think it was -- but I took a CERT course up here in Bergen County, so, you know, from -- from the actual county. The county provided that service, because they wanted people that understood, you know, basic first aid, basic command -- incident command understanding so that, you know -- you know, if there's -- if there's a fire and you got a whole bunch of units responding to the fire, and there's nobody, you know, to direct traffic, they can rely on you to be able to take direction and direct traffic, for instance, you know. Not that I have been called on for that, but that's the whole idea of -- of being able to protect the neighborhoods from natural disasters mostly.

Q So then that -- so mostly, disaster relief-type work then?

A Yeah, yeah. I mean, like we've done in the past, you know, with the hurricanes and the tornadoes and the -- and the major floodings in the Northeast -- or Southeast.

Q How about other trainings or -- yeah, training programs that you participated in as an Oath Keeper, anything else other than those CPT programs?

A Yeah. CPT was really not even training. It was just reading more of -- reading the -- you know, and hoping to get your group -- the whole idea was -- here's the -- here's the outline. Now identify the members within your group that could take these positions and -- and, you know, use their -- their previous training to train others.

For instance, you have medics, a lot of guys that were medics in the military. They would be able to teach basic first aid to people that didn't know it, you know, so

rather than take the CERT course, we would -- like I said, it was modeled, I would say, right alongside CERT, probably like, you know, almost could've been -- I wouldn't say it was embellished from FEMA, but it was the same idea as FEMA.

Q I know you've discussed some of the security detail work that you did, or volunteer work. Did you ever do any trainings or prepare for that in any way?

A Nah, not more than just miking up a radio. That's about it.

Q Okay.

A You know, a hand-held radio.

Q Right. How about trainings related to, like, firearms trainings?

A None personally.

Q And then let's -- it sounds like you went to a lot of different --

A That name you were asking me about was Chad. Chad somebody. Just came to me.

Q Chad? Okay. Do you recall a last name?

A I'm just -- just Chad just came to me, so I'm sure it was him. He was the gentleman that Stewart was living with when he got arrested, so.

Q Okay. Great. If you do have the last name, like, somewhere in your phone or something, on the break if you can look at that, that would be -- that would be helpful.

A Yeah, yeah, I'll see if I have his last name. I don't really -- I just -- yeah, okay, copy that.

Q So it sounds like you went to a lot of different Oath Keeper events over the years, but I want to focus a little bit on 2020. So around the summer of some of the social justice protests related to the deaths of George Floyd and folks like that, what events or -- yeah, what events did you go to that summer related to the Oath Keepers?

Or do you recall any?

A I don't think I went to any.

Q Okay. How about, like, political rallies, like, either Trump rallies or any campaign rallies?

A Well, I went to local rallies. I went -- I'm trying to remember. I -- I went as myself. I may have had my Oath Keepers gear on, my hat, or maybe even a shirt for that matter. I went to a Back the Blue rally and confronted BLM, I confronted BLM in another rally, and all these are in New Jersey.

Q And for those rallies where you confronted BLM, were you there with other Oath Keepers, or was it just you?

A No, I was just there as other -- as other citizens.

Q Okay.

A And part of the -- you know, we were there to back the blue and support the blue because there was this whole thing about, you know -- well, you know the story. I don't have to get into it. So it's -- and then the BLM showed up to disrupt the rally, and, you know, those of us that had it in us, you know, just stood up to them, or whatever.

We had the RDF there anyway, the Rapid Deployment Force from the local sheriffs, so. It wasn't -- it wasn't like we had to stand up to them and, you know, get, you know, fisticuffs or anything like that. We were just there as a presence.

Q And when were those Back the Blue events that you're referencing?

A I'm going to say -- I would have to check the dates, but it would have to be summertime maybe, because I didn't have a coat on at the one in Fair Lawn. And the one in Englewood Cliffs, I would say it was before the election, so that's probably, was September, October. I would have to check the dates. If you really need the dates, I could get back to you.

Q No, that's fine. Those ballpark dates are fine.

And then when you say that you confronted BLM, can you just give me a little bit more detail on what confronting them looks like or means?

A Not my streets. My streets, not your streets. Their big -- their big chant's always Our streets, you know, and I said, No, my streets, not your streets, that type of thing. Confronting them with, you know, verbal -- verbal, you know, just yelling back at them. When they yelled at us, we yelled back at them. That's all. There wasn't any -- there wasn't any, you know, poking with flags or anything like that. It was --

Q Okay.

A -- like I said, the IDF was there in Fair Lawn.

In Englewood Cliffs, it was just myself and another couple people that felt that it wasn't right that they were just marching in the streets, chanting, you know, Our streets, whatever they were chanting. So we just chanted back at them and confronted them, you know. Just back and forth, just banter. Nothing, you know, no -- you know, no fighting or anything. Just verbal banter.

Q Understood. So it sounds like you didn't -- so it sounds like you didn't observe any violence in those instances?

A No, sir.

Q And we'll get to it, like I said, in a little bit.

Was January 6th the first time that you observed violence at one of those sorts of rallies?

A Yeah. I -- I didn't really observe any violent -- unfortunately, from my point of view, I saw the violence on the television the day after, because where I was, there wasn't really any violence, what seemed to be on the other side of the Capitol from where I was.

I did see, you know, the banging on the -- on the Capitol building, but I didn't see any violence where there was fighting with the police or anything of that nature.

Q Okay. Then --

A I did see -- I did see the police coming, you know, coming down the stairs and stuff like that. And there was police on the -- on the side of the Capitol, but I didn't -- I didn't see anybody fighting the police.

Q Okay. Well, just, you know, just sort of understanding that violence did occur on --

A Oh, yeah, definitely, I -- yeah, definitely violence occurred unfortunately. That was -- yeah.

Q So just wondering if you can recall any other rallies or events that you went to where violence also occurred, whether or not you saw it or later learned about it.

A I did -- I do recall one. We did that thing in New York, that there was some people that were engaging the antifa, or whoever they were, that showed up, that weren't associated with us, you know, a couple blocks away, I had heard. But nothing that I observed. So I mean, it's -- it's not uncommon to -- to hear these things, but if you don't see them, how do you know they really happened?

Q We've mentioned both BLM and antifa, can you just describe to me your understanding of those two groups and how they relate to each other, if they do?

A You're asking my opinion now? I mean, I'm not sure I follow what the question --

Q Yeah. Just how you, in your view, and what you've learned, just from the news media or conversations with friends or other Oath Keepers, what do you understand antifa is? We'll start with just antifa.

A Adversarial.

Q Adversarial to what or --

A To use any means to -- to get their point across, you know, to -- to disrupt. I mean, there's, you know -- there's just, yeah, just -- to me, they're radical lefts. I mean, worse than anything I grew up with in the '60s. You know, I grew up in the '60s with, you know, the radicals, you know, that used to spit on the Marines and the -- and the people coming back from -- from Vietnam.

You know, gratefully I wasn't boots on the ground in Vietnam, but, you know, I saw -- you know, I heard the stories of, you know, but nothing compared to that. I mean, you know. I mean, look at even Kent State, if you remember Kent State. I mean, I don't know how old you are, sir. So I mean, Kent State was, you know, was like one of the, you know, the things of my time, so to speak, that was, you know, pretty off the chart, you know.

But there was not what you saw in Washington, in Oregon, and some of these other -- other locations over the summer, or even at inauguration when these people were just going there, breaking windows and starting cars on fire and disrupting, you know, like -- almost like children, you know, banging their -- their rattle on the ground until they get what they want.

And unfortunately, you know, they -- they -- a lot of people got hurt. I lot of police officers got harmed and things of that nature, far more than January 6th. And I know you -- well, I -- I stand back. I don't want to -- I don't want to give you any -- I don't mean to go onto my soap box as my counsel says.

Q No, that's okay. I don't have a personal recollection of Kent State, but I'm familiar with the event.

A Yeah. I mean, you know, even back then, I mean, the -- you know, the -- an old, you know -- even Martin Luther King, you know, with, you know, the marches and

things like that, this new breed of insanity. I mean, you know, look at the guys in Louisville that showed up fully armed in formation, and that Black group, NFA or NCF, or whatever they were called, you know.

But, you know, it's -- it's -- this is -- it seems to just be the -- the more radical you are, the more attention you get. And the -- and the -- you know, I don't know. I don't know. That's what I mean, it's like how do you -- how do you describe it? You know, to me, it's -- it's insanity.

Q And then how about BLM, like, does it relate to antifa at all, or what's your understanding of BLM?

A Well, I don't, you know, I -- I think that personally, all lives matter to me. Okay? I get the gist, I get the gist, Black lives matter. That's where, you know, the chant came from because it seemed like a lot of Black people were being harmed by police. But there's more Black-on-Black crime than there is White-on-Black or even police officers on Blacks.

So you know, they -- they -- it's just the way things roll, you know, they -- they find a -- they find a rant, and then they keep it going and -- and they get funded and -- and you know, they -- whatever, you know. I could only wish that I could come up with something to get as much money as these folks did, but I'm not -- I'm not -- that's not my intent, so. I guess that's why I wouldn't find myself in that spot, so.

But what does it mean? It means -- to me, it was, I don't know, a cause that got corrupted. What can I tell you? I don't know.

Q Okay. I want to ask you --

A I know BLM means Black Lives Matter. That's all I can say.

Q I want to you ask a little bit about any other groups that you're affiliated with. So there's the Oath Keepers. Are you part of any other sort of similar

organizations either focusing on disaster relief or any of kind of the other sort of tenets of the Oath Keepers?

A No. Closest it would be fourth degree Knights of Columbus, more patriotic degree.

Q Are you familiar with any militia groups in your area?

A I know of them, but they're not -- you know, I don't associate with them if that's what you mean by "familiar."

Q Okay. So not a member of any --

A I've heard of Three Percenters. I've heard of the White Foot. I've heard of, you know, all these, but nobody that I'm associated with.

Q Okay. So not a member of any of those groups?

A No.

Q Would it be a problem to be a member of groups like that, like Three Percenters or a militia if you also wanted to be a member of the Oath Keepers?

A Don't know. You know, it's all about how you handle yourself, I suppose. I mean, it's -- I don't know.

Q But there's no -- you know, several organizations have rules about, you know, you can't be a member of X, Y, Z groups if you want to be a member of our group. It sounds like that rule doesn't exist for the Oath Keepers?

A Like I said, anybody can -- anybody can pony up the 50 bucks and get a membership. Anybody can be a member, but once, if you want to, I guess, lend your leadership qualities to your local chapters, then you would have to get vetted, and if you have anything in your past that -- you know, if you're a sex offender, or if you're, you know, an ex-con or if you're involved with White supremacists, then, yeah, I would say that that would probably be a black mark.

As far as being a Three Percenter, I don't know that the Three Percenters are bad, you know. Militias are in the Constitution. It's pretty broad, you know, it's a pretty broad term to say, you know, all to that, so I, you know, I hope I clarified it.

Q You did. And I understand that. And also I'll just say kind of as we go forward, my questions aren't meant to, you know, cast any dispersions on particular groups. I'm mostly just curious about the interaction between -- about certain groups. So it's not to imply that a militia is necessarily bad, or is bad.

We haven't talked about one other group that's sort of involved in the story obviously, and that's the Proud Boys. Are you familiar with the Proud Boys?

A I know who they are. I mean, I know they exist, if that's what you're saying. I saw them in D.C. --

Q Yeah.

A -- you know, on a number of occasions, not just on January 6th.

Q Right. And do you know any particular Proud Boys, like, are you -- do you personally know any Proud Boys?

A No.

Q Just from -- just from your knowledge and what you know of them, who are the Proud Boys or what are they?

A Proud Boys. I don't know. I really don't know, [redacted] I really couldn't tell you.

Q That's fine. Thanks. Okay. We're going to start kind of talking about specific time frames, or specific events, and the first thing I want to ask you about -- or actually, you know what, it's 11:27. We've been going for almost an hour and a half now. Why don't we take a quick break, and then we'll move on. So we'll go off the record 11:27, and then we'll come back at 11:35.

A Okay.

[redacted] So you feel free to turn off your camera, unmute your mic if you want to, and then if you don't mind and if you're able to, if you can look up Chad's last name, I'd appreciate that.

The Witness. Okay.

[redacted] Okay. Great. We'll see you all at 11:35.

[Recess.]

[11:35 a.m.]

[redacted] Then we're back on the record at 11:35.

BY [redacted]

Q So I wanted to ask you about your experience of and opinions on Election Day. Did you participate in any activities around specifically Election Day or voting, either early voting or voting on that day, like, either attended, went to a polling place, like, to be a poll watcher or anything like that?

A '21? '20? When are we talking about? '22?

Q Yeah, sorry, we're talking about November of 2020.

A November 2020.

Q So the Presidential election.

A I'm trying to think, was I running then? Actually, I was running for council in 2020, local council.

Q Okay. Did you also run the next year, in 2021?

A Yes, as -- for State assembly.

Q Okay. How about, so focusing not on your race but on the Presidential election, did you do any poll-watching related to voting in the Presidential election?

A Yeah. I was there for my own -- for my own purpose. I was -- I was in the polling place as --

Q Okay.

A As a candidate in New Jersey, we're allowed to be present in the polling area.

Q And how about on any other days or instances, did you go as an Oath Keeper, with Oath Keepers, not associated with your personal race?

A On other days?

Q If there was early voting or anything like that?

A No.

Q Okay.

A No.

Q Okay. And then let's talk about the Presidential election, November 2020. What were your feelings about how the election unfolded?

A You mean, as far as --

Q I can ask you more --

A I mean, I attended a Stop the Steal rally, so I mean, I think that says it all.

Q We've certainly spoken to some people who attended Stop the Steal rallies, but didn't actually think that the election had been stolen. So --

A Sorry.

Q -- so then I take it, you thought the election was stolen?

A I stand corrected then. Yeah, I -- -- I don't know so much if I -- there was -- yes, okay. It is what it is. I was there to -- to, you know, to be part of the rally and then also to be on that security detail that I was there for.

Q Okay. Again, just focusing on kind of your opinions of the election. So, I think you said you did think that the election was stolen. Can you tell me how you think it was stolen or what the issue was?

A Can I ask for a clarification of what that has to do with why I'm here today?

Q Sure. So we're trying to understand just the facts and circumstances that led to January 6th and, you know, individual attendees, and also, folks associated with groups that participated in the activity, their opinions on how the election went and what brought them to January 6th on that day, are kind of part of the circumstances that we're

trying to understand.

And then that will help us inform some of the recommendations that are made about how to prevent January 6th from happening again in the future.

And so we've talked to a lot of different folks, you know, we've talked to over 700 witnesses. Pretty common question that we ask, just to understand what was your motivation for attending the January 6th events?

So just, again, I'll just ask, you know, how did you think the election was stolen, or what did you see as the issues around the election integrity?

A IT.

Q IT?

A Yes.

Q Can you expand on that a little bit?

A Just seemed like there was a concerted time and space when all of a sudden everything -- all of a sudden, votes came in for Mr. Biden, our current President, and suddenly the chart was skewed.

Q Okay. And so, it sounds like it was probably the speed at which the apparent winner changed that gave you concern?

A Yes.

Q And, again, I just want to provide sort of the explanation that our questions are not meant to disparage your opinions or to cast doubt on them. It's really just -- what I'm saying is to understand your motivations for attending January 6th. And it looks like --

A Again, I went to January 6th to, you know, attend the rally and also to be part of the security detail for the Spanish group -- or the Hispanics, or whatever it was, Asians or Hispanics. I don't recall which group it was.

Q Okay. There was a particular group, it sounds like, that you were providing security for?

A Yes.

Q Okay. And you don't recall which group that was?

A It was either -- they were either Hispanics for Trump or Asians for Trump. I don't recall, to be honest.

Q Was it Latinos for Trump?

A It might even have been Latinos for Trump, that's right.

[redacted] Okay. Great. Looks like [redacted] has some questions for you.

The Witness. Sure.

BY [redacted]

Q So just building off of what [redacted] was asking before, are there particular parts of the country where the election results had you concerned?

A I, you know, I just saw -- we saw the same thing happen in New Jersey with mail-in ballots. So all I know is that I saw a spike. I don't recall what part of the country it was, whether it was -- I just remember seeing a spike on one of the broadcasts at 3 a.m., where all of a sudden, all the -- all the charts went off the -- went off the mark, you know, for lack of a better word.

Q And you said you saw the same thing happen in New Jersey?

A Well, in New Jersey, we -- we went to sleep on election evening, knowing that we were winning, and then we woke up in the morning, Oh, by the way, we didn't count the mail-in ballots, so.

Q Were you surprised that a Democrat won in New Jersey?

A No. No.

Q So why would that indicate that there was fraud in New Jersey?

A I didn't say there was fraud in New Jersey. I just indicated that, you know, we went to bed winning and woke up losing, and there was the mail-in ballots that came in.

So the Democrats in New Jersey, don't get me started on it, all right, I'm -- been involved with the politics here in New Jersey for some time, and they've -- they've run roughshod over the Republicans for many years. We're just not waking up.

Q Got it. So it's not that you were concerned about fraud in New Jersey, it was just that living in New Jersey, you saw fraud happen in other places?

A Yes, sir.

Q Got it. Okay.

[redacted] [redacted]

BY [redacted]:

Q Can we -- so, I know you went to D.C. on a couple different occasions, and we've discussed the Stop the Steal rally on January 6th. Did you attend any of the earlier rallies? So there was one on November 14th. There was also one of December 12th. Were you at either of those?

A No.

Q Were there any other Stop the Steal rallies or similar kind of messaged rallies that you attended after the election and before January 6th?

A No.

Q Okay. So after the election actually happened, January 6th was kind of the first big Stop the Steal event that you attended?

A It was the only, yeah. Yeah. I really wasn't even planning to go. I had -- I had volunteered originally and then told Stewart I couldn't make it. And then a

friend of mine said, Hey, let's go, so we went. I was able to get off work and I went.

Q Okay. I want to talk a little bit about some of the -- some of the ways that you communicated with other Oath Keepers leading up to January 6th. And we talked about Signal, and I know you produced some of those Signal chats to us. We'll talk about those. Were there any other ways that you frequently communicated with other Oath Keepers?

A Signal and -- and email.

And Rogers was the last name. Chad's last name was Rogers.

Q Chad Rogers? Okay.

A Yeah.

Q Was he on any of the Signal chats, or do you know -- was -- actually, first of all, sorry. Is Chad -- Chad is an Oath Keeper?

A I'm not even sure. I think he was just a friend of Stewart's that was trying to help him get credit card processing.

Q Okay. So you're not sure if he was an Oath Keeper?

A Yeah, I don't even think he was ever an Oath Keeper. I'm not positive. In fact, I couldn't say yea or nay for that matter.

Q And did you know if he was on any of the Signal chats that you produced to us?

A I don't believe so. I think Chad was post 1/6.

Q Okay. So we talked about Signal. Did you ever use Telegram with other Oath Keepers?

A I've used Telegram with other Oath Keepers? No. I would say no. I did use Telegram with Jim Breheny, but he's not an Oath Keeper, so.

Q Sorry. Who is that?

A Jim Breheny, he was the one -- the gentleman that I went down with that got into some trouble.

Q Who --

A But not related -- not related to 1/6 or anything. We just happened to have Telegram.

Q Just happened to what?

A We just happened to use Telegram.

Q Okay. Sorry, I was just a little bit confused. You said Jim, you traveled down to January 6th with Jim, and then you said he got into some trouble?

A Yeah. He -- he was -- he got himself into some trouble and -- and got caught up with DOJ, so.

Q Okay. He was one of the folks that entered the Capitol then? Is that --

A Yes, sir.

Q Okay. Do you know if Jim was -- Jim was not an Oath Keeper, you said, right?

A Well, he was at one point, but then he -- he went away from it, he got away from it. He was disillusioned by it. Whatever.

Q Okay. Did he --

A He decided not to be involved with us.

Q So then I take it he wasn't attending January 6th as an Oath Keeper?

A No, sir.

Q Okay. Was he associated with any other groups?

A He had some kind of communications group as far as I know. I don't -- I can't speak for him.

Q Okay. What do you mean by communications group?

A He's a radio guy. You know, he's a radio guy. In fact, I think he runs our net up in the county.

Q Okay. And what did he tell you about this communications group that he was involved with?

A We would just check in on the net, and there wasn't anything really to talk about. We're just ham radio guys.

Q Do you mean on January 6th?

A No. No, no.

Q Okay. Was he using or helping people communicate by radio on January 6th?

A Not that I'm aware of.

Q And then how about just phone calls or texts, were you -- did you call or text other Oath Keepers?

A I'd have to say yes, you know, it was --

Q Are there any in particular that you remember talking on the phone with or texting about January 6th with?

A Maybe in particular, I probably talked to Stewart that day. I mean, I don't -- you know, I -- none comes to mind about -- that I spoke to on that day. Outside of Stewart, getting in touch with Stewart when I arrived in D.C., just checking in to let him know I was there. He wasn't expecting me. I told him the day before that I might be coming down, so.

Q There's a gentleman, last name Donaldson, that's on some of the chats. I think it's either Jim or maybe Ed Donaldson.

A Okay.

Q Do you know who that is?

A I believe he's Mississippi, I think.

Q Would it be Missouri? Is it a possibility it's Missouri?

A It could be Missouri. I'm not really sure.

Q How do you know -- is it Jim or Ed Donaldson?

A I think it's Jim.

Q Okay.

A I think it's Jim, yeah.

Q And what --

A I think Jim was actually supposed to be in D.C., but [redacted] or something and he didn't get there.

Q Okay. And do you recall what you would've been talking to Jim about?

A On -- on 1/6, I was probably -- if I called him on 1/6, it was probably to say Where are you? I thought you were going to be here. But that would be about it --

Q Okay.

A -- going to meeting him because we had -- you know, we chatted over, you know, time, you know. He's one of those guys he likes -- he likes to talk a lot. You know, he's one -- some guys on the chat like to talk, you know.

Q You said you chatted over AIM, A-i-m? Is that what you mean?

A No, no. We chatted a lot over time.

Q Oh, over time. Sorry, I misunderstood you.

A No problem.

Q And then just kind of focusing on the Signal chats a little bit, I know some people use their names as their username on Signal, and some folks used handles. Is that right? So like we talked about, you know --

A Yeah.

Q -- Kelly Meggs using Gator 1.

A Yes, yes.

Q Is there anywhere that either you or anybody would've recorded or matched up actual names to Signal names or handles?

A I don't know.

Q Is that the sort of record that you might've kept in membership lists?

A I think that whoever was on the -- whoever was added -- people just added people to those chats because they thought they were going to be there as far as I know, like, the -- like that D.C. Ops chat, I think is -- or is that what it was called, D.C. Ops, or something like that? People were just being added into that because they were there or something, or they were supposed to be there. But as far as knowing who's who in there by their handles, I would think that whoever put them in there would know who they were. That's all.

And we -- we relied on each other for the -- to know that it was a real person. I mean, I always used my name. I, you know, I guess I'm just dumb. I don't know.

Q Did you -- were you just a participant in these chats, or did you create any of these chats?

A No, no. I just got added to them. Like that Florida chat, I just got added to that. I got -- so I was -- I knew a lot of the -- a lot of the people knew me because I was the IT guy for, you know, the membership. If they had a problem with their guy and -- you know, they would get in touch with me and ask me to check into it and see why the guy can't log on to the chat. That's when we had the chat going.

So that's how I got -- most of the people got to know my name, because I was the membership coordinator or, you know, I like to say customer -- I would say customer service. If you had a problem with your membership, you called me or you emailed me.

Q You produced two separate chats, and you just mentioned them both. One was the DC Op January 6, '21 chat, and then the other was the OK FL DC Op January 6th. So one was just generally D.C., and then one sounded like it was specific to Florida, FL OK.

A Uh-huh.

Q Were you a part of any other Signal chats that were related to January 6th?

A Not that I'm aware of.

Q And then just kind of a little bit more technical aspect, how did you go about preserving those so that you could produce them to us? Were those just screenshots of those chats that you took?

A Yeah. That was the only way I could get them off my phone. I had to -- I have to take -- I just did a screenshot on it.

Q That's what most folks have done, so that's fine. Just checking.

A Well, I can't figure out any other way to get them off. I mean, I guess that's the, quote/unquote, beauty of it.

Q Okay. We'll talk about some of those specific chats in a little bit and look at some of those, but I want to talk a little bit about your decision to attend the January 6th event, and then also particularly as it relates to providing -- doing that security detail work that we talked about.

A Sure.

Q So when did you first think about starting to -- start thinking about coming to D.C. for the 6th?

A When I first heard about it, I said that I would be available for security, but I wasn't -- I was having trouble getting off of work, I think it was and -- I don't remember why -- why my decision changed. I mean, I was -- I wanted to go, and so I said I would be there, I'd be available.

And then I wasn't going to go. And then a friend of mine asked me, I'm going down, and I just said, Well, okay, I'll go with you. I went with them.

Q And that friend was Jim?

A Yes.

Q When did you first hear about January 6th, do you remember?

A I guess from -- I guess from the blog that Stewart did, that first blog. I would say then, yeah, it would probably be when -- when he did the call to action to support the President.

Q Okay. Can we, if we can pull up, I just want to see if we can identify which one that was, because there are a few different blog posts.

A Okay.

Q If we can pull up exhibit 12. And so this is a post on December 14th, and it's an open letter to President Trump, You Must Use Insurrection Act to Stop the Steal and Defeat the Coup. And unfortunately this doesn't print very well, so we can scroll down a little bit if you want to read it -- or is that -- was it the December 14th blog post that you're talking about?

A I don't remember the exact date it was, [redacted] but the -- it would've probably been, yeah, around this time, you know, I started hearing about that, you know, January 6th was the day for the certification.

Then they, you know, they came up with this. I think there were some other Stop the Steals going on, but I would say this was -- it was either this one or the -- or the -- I don't know if this was the first one or the second one.

Q There was a second one also on December 23rd, and that's this one, exhibit 13.

A Okay.

[redacted] But it looks like [redacted] might have a question for you.

The Witness. Sure.

[redacted] Thanks.

BY [redacted]

Q I wanted to ask about the previous exhibit. I think that was exhibit 12. Mr. Durfee, had you heard Stewart Rhodes call for President Trump to use the Insurrection Act before?

A Did I hear him call? I may have -- I may have heard him talking about it. Not to me specifically. I may have been in a chat or -- I would -- that would be the extent of it, sir. I don't -- you know. He didn't call me up and say, I'm going to tell the President to do this, what do you think --

Q Fair enough.

A -- you know. But I mean, he might've had it in his chat. He might've been chatting about it or something like that, but -- so I don't want to -- I don't want to say yea or nay to that and then have it come back at me. You know what I'm saying? Did I hear it before this? I don't know. You know, possibly. You know, it's not -- I'm trying to, you know, be as frank as I can about it, so.

Q I understand. And I know it's hard to remember conversations that happened several years ago. But have you seen this open letter, this blog post from the website?

A Sure.

Q Did you agree that President Trump should use the Insurrection Act?

A Did I agree? Really no opinion on it.

Q And were you the one publishing these blog posts online?

A No. This was Stewart. Stewart wrote this out. He put this out.

Q Got it. So, you know, as a member of the Oath Keepers at the time, you know, did it -- calling for the President to invoke the Insurrection Act is a pretty significant thing. Did you have any opinions at the time of how Stewart Rhodes was calling for President Trump to invoke this law?

A We thought it was a pretty bold statement, you know. We, meaning, my, you know -- I shouldn't say "we." I should say I thought it was a pretty bold statement, you know.

Q Can you expand on that?

A Well, you know, it's, you know, to call for the Insurrection Act is to try to stop the certification. It was -- it was, you know, it was -- it was, how do you say, it was a tactic that, you know, I guess some legal thing.

I mean, Stewart was an attorney. So to me, it didn't -- it didn't make sense because it's a really -- Insurrection Act, as I know it, was for the -- I guess they used that in the '30s, if I remember correctly, with -- when they tried to stop some printing or something like that if I recall. When I looked it up, I don't, so. Not much to expand on. Yeah, I just thought it was pretty, you know, I don't know, what's the word for it -- pretty arrogant on his part to say that, to write that, put that out.

Q Got it.

A I didn't really have any -- any problem with it. I just, you know, people can say what they want. It's freedom of speech, right? It's our First Amendment.

Q Sure. People can absolutely say what they want, but you know --

A It's not like he was yelling fire in a -- in a -- right? It's not like he was yelling fire in a theater or something.

Q Sure. You know, people can absolutely exercise their First Amendment rights. Given that Rhodes was the head of the Oath Keepers and he was putting this

message out as the head of the Oath Keepers, I was asking you what you thought as a member. But I think you've answered the question, and I appreciate that.

A I tried to, anyway. I don't know.

Q What do you think the goal was? You know, what would be -- if President Trump invoked the Insurrection Act, what would happen after that, with regard to the Oath Keepers?

A I don't know. I wouldn't know what to say to that. How would the Oath Keepers have anything to do with the Insurrection Act? I mean --

Q Well, the Insurrection Act gives the President powers to call up militias, potentially to quell unrest in the country.

A Okay.

Q I confess I'm not an expert on what the Insurrection Act says, but from my understanding was that people might want the Insurrection Act to be invoked in order to enable militias to quell unrest in the country. Is that something that you had heard?

A Yes.

Q And would that involve the Oath Keepers?

A I don't know that we were -- I guess. I wouldn't think we were that, well, how you say, organized to be able to say, okay, we're calling on the Oath Keepers, they're going to save the day. I don't -- I don't see that as really potentially an outcome.

Q Sure. I guess the question I'm asking is, as members of the Oath Keepers who saw and heard Stewart Rhodes put out this message that Trump should invoke the Insurrection Act, potentially to then have the Oath Keepers called up as a militia to quell unrest in the country, was there any discussion of what that would mean for members of the Oath Keepers and the obligations that you all would have to undertake in a situation like that?

A None I'm aware of.

Q Got it. Okay.

[redacted] Back to you, [redacted]

The Witness. And it's the Wayback Machine. I see it now on your exhibit there. That's what I was referring to earlier. Remember I couldn't remember where we got -- where I got the code of conduct from? It was the Wayback Machine.

[redacted] Oh, I understand. Yes, I recall.

BY [redacted]

Q You can -- we can take this exhibit down. Do you use Twitter at all?

A I used to.

Q Okay. When did you -- were you using Twitter around the end of 2020 and beginning of 2021, around the January 6th event?

A I think I got knocked off of Twitter probably when we -- around the time we lost Stripe, I guess, whatever reason that was. I don't know why they went after us.

But I got kicked off of Facebook on that first purge that Facebook did. They took down my account, they took down my Facebook page for New Jersey Oath Keepers. So whenever that first purge was, they took all of our stuff down. Still getting -- I'm still getting Dox from my phone number on certain things like -- you know.

Q So you might not have been on Twitter, but did you follow President Trump's tweets at all, you know, online, or did you check his tweets?

A Not really.

Q Okay. Do you recall -- so I just want to pull up and show you, this is exhibit 4, if we can pull that up. It was a December 19th tweet from President Trump about January 6th. If we can zoom in just to the text at the top.

He makes some statements about fraud related to the election, and then at the

end, he says, "big protest in D.C. on January 6th, be there, will be wild." Do you recall that tweet at all?

A No.

Q Okay. We can pull this down.

What were your -- did you have any kind of initial conversations with other Oath Keepers about January 6th and what you all expected for that day?

A Not really. Just to come. We had that -- we had that one Webex that Adams put up, and that was about it, you know, where people were talking about January 6th and going down and -- that was about it.

Q Okay. Can we talk a little bit about that Webex, do you recall when that was?

A Not the date, no. I would say it was probably in December, though. It had to be before January 6th because we were talking about getting together on January 6th. I think we were going over security details and stuff like that.

Q That was Mike Adams that put that together?

A Yeah, I believe so. The one that Unicorn whatever hacked. Unicorn Riot, I think, hacked it and they put it out.

Q Okay. I just want to make sure we're talking -- that we've identified the right time frame or the right chat. Was it -- or Webex meeting. Was it right before January 6th, like pretty close in time to January 6th?

A It may have been after Christmas. I'm not sure.

Q Okay. We've had some folks tell us about a meeting, a virtual meeting, that was on the 30th. Does that sound right?

A It could've been.

Q Okay. And what was that meeting about? Can you tell me about it?

A It was -- if it was the one that I'm referring to, it was just about, you know, rally points and things of that nature, when you get into D.C., going over things that you could and could not bring into D.C., you know.

Q Okay.

A Behave- -- on behavior and things of that -- of that, you know, just the regular things that we would talk about before any regular detail. It was just on a larger scale because a lot of people wanted to come, to be involved.

Q Okay. Let's talk about a few of those things. So first you mentioned rally points. What were the purpose of the rally points, and do you recall where those were?

A Well, the one that I was going to when I first arrived in D.C. was out by the Supreme Court, back of what I call the front of the Capitol. And when we got there, nobody was there, you know, so.

It's typical, you know. Volunteers, nobody shows up where they're supposed to be, so.

Q Okay. And then you noted that you discussed some things to bring or not to bring.

A Yeah. There was -- there was mention of, you know, you can't bring large flagpoles, metal flagpoles, I think, if I remember, and silly things, like, no swords, you know, no long knives. Obviously no firearms are allowed into D.C. Basically that was it. I think we were talking about -- yeah, that's about it. Just the things that you couldn't bring. I think there was talk of, you know, wanting to -- you know, like, you couldn't bring weapons with you of any kind, basically, because it wasn't -- you know, it's -- you don't want to get in trouble because they would be looking for that.

Q What were the sorts of things that you were told that you should bring?

A That we should bring?

Q Uh-huh. Yes.

A Well, if you're -- you could bring a helmet in case we got in trouble with the bad guys again, which happens in the past. Maybe goggles; first aid kit; radio; you know, backup battery.

Q Did you bring a radio?

A Yes.

Q What sort of radio did you bring?

A I brought my -- my Baofeng, hand-held.

Q And did you use that on January 6th?

[12:13 p.m.]

The Witness. Yes.

BY [redacted]

Q What did you use it for?

A I used it to stay in communication with the other men that were around the Latinos for Trump.

Q And do you recall who else you were communicating with on the radio?

A Some guy from South Carolina. I'm not sure what his name was, though. It was a gentlemen that gave me the correct cell (ph) for the radio and the arm band. He gave me the tape on my arm when I came to the detail.

Q Was his name -- was it Frank Marchisella. Does that ring a bell?

A Geez. I don't -- I wouldn't swear to it.

Q All right. His Signal user name or his name on the chats is padimasterdiver. Does that ring a bell?

A No. No.

Q Okay. So the gentleman from South Carolina. Anybody else you remember communicating with on the radio?

A There was a gentleman that was in his detail. I don't -- you know, I really -- I can see him, but I don't recall his name. I don't recall having a name.

You know, once you get on the radio, the voice is all you need. You don't need to -- you know, if you're on the channel and then if you don't recognize a voice, then you would ask somebody to identify themselves.

But no, no. I mean, I did not have communication like saying, "Hey, [redacted] this is Edward, what's your location?" or anything.

I did try to get the radio -- I did reach out on the radio to see if anybody that knew where Stewart was, but that was about it. That's when we were looking for our detour, because, you know, we went to the rally point and nobody was there. And then once I got back and got the radio hooked in, then I wanted to try to speak to Stewart. I think most of the comm with Stewart was on the phone early on or on the Signal chat.

Q Okay. How did -- was there -- the frequency that you were talking, that you were using on the radio, was that just Oath Keepers or were there other people using the same frequency?

A I would hope it was only Oath Keepers. I mean, it's an open channel. Anybody could have -- anybody who could have gotten the clicks or whatever could be on there.

Q How did you know which frequency to use?

A I gave the guy my radio and he programmed it in.

Q And that's the guy from South Carolina?

A I believe he was South Carolina. Yes, sir.

Q Was there -- was it like a meeting? Or where did he program your radio?

A No. He was there at the event with the Latinos for Trump. He was there.

Q Okay. So just on the day of when you arrived --

A Right.

Q -- then he programmed your radio and then you were set for the day?

A Yes, sir.

Q And that was on the 6th, right?

A Yes, the morning of the 6th.

Q I know you don't recall the specific people that were on the radio, but when you had the gentleman from South Carolina program your radio were there other Oath

Keepers around or do you have any idea how many other people he programmed radios for?

A No, sir.

Q It was just you when he did that?

A Yeah. I think I might have given it to Jim at that point. I don't recall if I did or not.

Q When you say --

A [Inaudible] also.

Q Sorry. Could you repeat that?

A I said my friend Jim had his radio also. So I don't recall if I gave him the channel or if the other guy programmed it for him.

Q Was Jim also helping with the security for Latinos for Trump?

A No.

Q Then I'm just curious. It sounded like at first that radio frequency was for people providing security for Latinos for Trump. I'm just curious why Jim would be on the same frequency.

A I don't recall if he got the same frequency or not. But I know he had a radio with him.

Q Okay.

A And if anything, I would think I would have given him the coordinates so he could be in touch with me, so we wouldn't lose track of each other.

Q Okay. And then just back to that late December meeting that you said, I think, Mike Adams set up. Did Mr. Rhodes participate in that meeting?

A I think Stewart made that meeting towards the end, if I recall.

Q Do you recall anybody else specifically that was on that meeting?

A Nobody that stands out. Let me think about that a second.

Mike, obviously. Nothing -- nobody that jumps out at me.

Q Do you remember Mr. Meggs, Kelly Meggs, on that meeting?

A Again, I don't recall if Meggs was on there or not. He would have been on there as Gator 1, I'm sure. But he probably may or may not have been. I don't know. If I saw the screen I could tell you if I know any of the people on there, but I don't recall. I don't recall anybody that jumps out, like I said.

Q Okay. There was -- actually, if we can pull up exhibit 3, and then go to page 29 of exhibit 3.

So this is one of those Signal chats that you produced to us. This one is the "OK FL DC OP January 6th."

A Okay.

Q And we're looking at -- the Bates number on this document that Mr. Cerimele applied is DURFEE_00227. And then let's scroll -- actually, let's scroll down to 229, it's page 31 of the PDF.

Okay. So this one -- this was a planning call you can see. And we can actually zoom out a little bit. This is a GoToMeeting that's posted in the OK FL DC OP January 6th chat. And this one is on January 2nd. It's on a Saturday. And it looks like it is from 6:45 to 7:45 p.m.

Do you know if that's the meeting that you were referring to?

A Couldn't tell you.

Q Okay. Okay. Let's pull -- we can pull that exhibit down.

I want to ask you about a couple other topics, and just let me know if you recall them being discussed during that meeting.

A All right.

Q Was there any discussion about quick reaction forces or QRFs?

A The topic came up, but that was it. Just, you know, not a discussion about it. But there were -- because they -- the men couldn't bring their firearms into the town so they just -- they had some spots that they wanted to keep them so. I think they were referring to that as a QRF.

Q Okay. So the purpose of the QRF was for everybody to drop off firearms?

A Yeah. Because a lot of law enforcement guys, you know, they had carry permits. But if you didn't -- if you weren't hooked into D.C. you couldn't bring firearms in, so --

Q And then what's your understanding of what a quick reaction force is or what it was supposed to do?

A I can only tell you what I learned since then. I don't have any prior knowledge of it.

Q Okay. What have you learned since then? Or just explain that.

A Well, just what I've read over, you know, from following this January 6th stuff, that there was talk of they were going to have it as a place to go back to in case, I guess, you know, everything fell apart.

Q Okay. Did you have any conversations with other Oath Keepers about the QRF or what it was going to be used for?

A No, sir.

Q Okay. Did you bring any firearms when you traveled down to D.C.?

A No, sir.

Q And then did you know any of the folks that were at the QRF?

A No, not that I'm aware of. Again, we don't really know each other. It's just, to me, they were just names because it was just people on the membership.

Q On the Zoom -- or the Webex call that we're talking about, you know, we just talked about the Insurrection Act blog post. Do you remember anybody mentioning the Insurrection Act on -- during that call?

A No. I don't really remember much about that call.

Q Okay.

A I do know that there was a -- there was something that was said that prompted me to say, you know, "Easy does it. We're not supposed to be going there to make trouble, you know." I remember saying that. In fact, a reporter had sent that to me and asked if that was me and in fact I agreed that it was.

Q I did want to -- so --

A If that's the same chat we're talking about. Sorry.

Q I was going to -- I was just going to say there might be a little bit of confusion about which video call we're talking about. All right. The reporter that you're talking about, is it the New York Times reporter?

A Yes, sir.

Q Okay. And we can pull up -- just for clarity, let's pull up exhibit 10.

And exhibit 10 is just that New York Times article that's about you and your election and also to some extent about your attendance at the January 6th events.

And if we can go to page 5 of exhibit 10. And that second paragraph on the page, it begins with "Mr. Durfee." We can zoom in on that a little bit.

A Okay. So that was only 10 days after. Sorry. I thought it was the same one.

Q Okay. So I just want to make sure. So that's a different --

A Must be a different one, yeah. This one is before Christmas.

Q Right. So this one's -- it looks like it's in probably November 13th or around

then. But the one that we're talking about that's related to planning for the 6th is sometime after Christmas, end of December timeframe?

A Uh-huh.

Q Or early January. Okay.

Let's pull down that exhibit then. I just wanted to make sure we were clear about which one.

You said that Mr. Rhodes joined the chat near the end as far as you remember. Do you remember what he talked about when he did join?

A No, really don't. I don't remember much of anything that was talked about, to be quite honest with you. Most of the time I was just there as a presence.

Q How long --

A I really had no intent of going down and then I ended up going down.

Q How long did that call last?

A Maybe an hour, maybe less. I don't know.

Q All right. So you mentioned you didn't intend to go down at first. And then at some point you kind of decided, I think because you said Jim was going down, and you decided you'd go with him?

A Yeah.

Q When did that decision happen?

A Probably January 5th, the night before. Maybe the morning of the 4th. I don't know. There was nothing significant to make the decision. It just happened. It was purely platonic.

Q Once you realized you had a ride, it seemed easy enough to go?

A Yeah. I wouldn't say it wasn't, just going. You know, we've really been done with doing these rallies and all this nonsense, you know. It was, like, going

nowhere. So it was really like the last shot to go into D.C., I guess. Been down to D.C. on a few things. But, you know, it's just -- you know, it gets old after a while.

Q When you say last shot, I just want to understand what you mean. You mean last shot for you to go to D.C. or last shot --

A Yeah. Yeah. Yeah. The last, you know, the last, this is the last thing I'm going to. I'm done with this. You know, I'm not going anymore. That was the thinking beforehand. And then I -- anyway.

Q Did you also see it as sort of the last shot to have an effect on the election or potentially stop the steal?

A No. That's not what I meant.

Q Okay.

A I just meant I was done with all this showing up and standing up and rallies.

Q Why was that? Why had -- why were you done with that?

A Well, we went to a few rallies up here in New Jersey and, like, we went to the 2A rally. And you stand around, you rah, rah, rah and you waste your day. And it's like, whatever came out of it? Nothing, you know.

So I focused my attention more on trying to change the process by getting involved in it, and running for office, and attempting to inject the -- my views into politics.

Q What did you -- what was your understanding of what was going to happen on January 6th? Like, why January 6th of all days?

A My understanding was that we had -- they thought that there was a good chance that Vice President Pence would not certify the election because of the improprieties that were being presented.

Q And I just want to understand a little bit about kind of where you heard that or where you learned that that was what was happening on January 6th. Was it other

Oath Keepers that told you that or was that information from some other source?

A Well, no. January 6th was the certification of the electors, okay? That was a known factor. And there was talk that there was enough evidence that Mr. Pence or Vice President Pence was going to not allow the certification to occur until those improprieties were investigated.

Did I hear that from other Oath Keepers? I would just say no. I probably more picked that up off the newswires, whether -- or maybe it was something that Stewart wrote. Don't really know.

Q What were, just speaking of the newswires, what were your, around that time, sort of your primary sources of news?

A Oh, I don't know. I read a lot on the internet, so it could have been News With Views, it could have been -- it could have been FOX. No, I don't usually -- FOX was just on the television. Nothing specific. I just get emails and I read emails. It could have been -- oh, man. It could have been CNBC for all I know, because I usually have that on in the background. So I don't know specifically, to be quite honest with you.

Q Are there any particular kind of like email listservs that are related to news or politics that you receive or that you remember receiving around that time?

A I get a lot of emails from Epoch Times. I get a lot of emails from CNN. I get a lot of emails from -- what is it? Oh, I said News With Views already. I can't think of the other one right now. Those are the only two that come to mind.

Q Were you receiving Trump campaign emails, do you recall?

A Most of those I just delete. I still get them. It's like, are you kidding me?

Q It's very hard to get off those. Once you're on those listservs you're on them for a while.

A I know. It's ridiculous.

Q Do you remember reading any Trump campaign emails about January 6th?

A No. I was really -- when I get those campaign emails, they're just asking for money, in my mind. I don't even read them. I just see them and I delete them.

I'm trying to think of who that other email that I always get that I actually read. It will come to me, will come to me.

Q So it sounds like you, for the 6th, you were set up with Latinos for Trump to provide some security for that group. Were there any other groups that you recall providing security for or discussions about providing security for?

A Say that again?

Q Sorry. I'll reword the question. That was unclear.

Other than Latinos for Trump, were you planning to provide security for any other groups?

A Well, like I said, I had mentioned to Stewart that I would volunteer to be on his detail. But then when I -- I didn't go. So then when I told him I was coming, he says, "Well, good, you can hang out by the Latinos. You could help them at the Latinos."

Q When you say that you were going to be on Mr. Rhodes' detail, you mean his, like, personal security?

A No. He was trying to put together some men for the -- inside the Ellipse there, you know, with the dignitaries. And I wasn't able to -- I couldn't commit to it. So I told him, I said I would, you know, I shouldn't -- I'm not going to commit to it. Originally I was going to do it, so it's possible that I might have been on that deal.

Q Separate -- so January 6th, obviously, to some extent focused on the actual certification itself, but I think you just mentioned the rallies at the Ellipse -- or the rally at the Ellipse.

Were you familiar with different rallies that were going on or different groups that

were organizing rallies for the 6th or also the 5th?

A No. As far as I know, there was just the one Stop the Steal rally. That's the only one I was aware of. And then, of course, the Latinos for Trump that had a -- they had a setup there with tables. I don't even know what their purpose was. They were just there. Probably just fundraising. Who knows?

Q So one of the groups that was organizing the rally and the group that organized the Ellipse rally is called Women for America First. Does that mean anything to you?

A No.

Q But you mentioned the organization Stop the Steal -- or actually I want to clarify that. Some people consider Stop the Steal sort of a movement or a hashtag. There's also an organization called Stop the Steal. What were you referring to when you talk about Stop the Steal?

A I thought that's who was doing the rally, Stop the Steal.

Q And do you know -- are you familiar with Ali Alexander?

A I know he looks like one of those early entertainers, I just can't remember his name. But I know who he is. I don't know him. In fact, I think he was at the other rally at the -- the Jericho rally. The Jericho March or whatever it was called. I think he may have been there also.

Q Is that the December 12th march that you're referring to?

A Yeah. I believe it was December 12th.

Q Okay. But you did not attend the December 12th march, right?

A No. No, sir.

Q So it sounds like you were familiar with what Mr. Alexander looked like. Did you have any views or opinions of Mr. Alexander and Stop the Steal the organization?

A No.

Q And in either the Signal chats that you were a part of or conversations with other Oath Keepers leading up to the 6th, did you hear about Oath Keepers providing protection to anyone else? I know you were just focused on Latinos for Trump, but how about other Oath Keepers?

A Well, I don't remember where I heard it, but I know that they were doing security for Roger Stone, and I thought Giuliani, and I thought this guy Ali Alexander or whatever his name is. And I'm not sure who else. Obviously, the President didn't need it. He has his own detail.

Q Did you hear mention of Oath Keepers providing security for any elected officials?

A No. Were there even elected officials there?

Q There were some, yes.

Okay. And then when you were -- at some point when we were talking about the community preparedness training you kind of talked about different roles that people could play or maybe different expertise that somebody might have.

Was there anything in particular that you did when you were providing security? Did you have a specific role that you were assigned?

A Eyes.

Q Eyes. Okay. And just expand on that a little bit. What did that entail?

A Well, if we saw any massing of bad guys, whatever, or of -- "bad guys" is probably too broad -- but any massing of people that potentially looked like they were coming to disrupt the -- whatever it was that we were oversight on.

Q And how did you --

A Like Latinos for Trump. If we saw a bunch of activists seemed like they

were marching towards the event, we would let the people at the event know. And then also contact our LEO liaison who would contact the local -- I guess Capitol Police at that point.

Q And did you have LEO liaison for the 6th?

A We always have that whenever we do anything. We always connect with law enforcement.

Q Okay. Maybe I'm misunderstanding. I thought maybe you meant the Oath Keepers had somebody that was an Oath Keeper that was liaising with law enforcement.

A That's what I meant.

Q Okay. And who was the LEO liaison for the 6th for Oath Keepers?

A I believe it was -- we were supposed to -- somebody was supposed to do it and then they dropped off. I forget who it was. I think it was -- I only know him as Whip. I believe it was Whip was our LEO liaison.

Not that I had contact with him. I mean, I would -- you know, we would just go on radio, and then they would pick it up, then he would make the call on.

Q Okay. And then do you know a Stephen Brown? Does that name mean anything to you?

A Stephen Brown. No. It doesn't ring a bell.

Q Let's look at exhibit 5, if we can pull that up. I'll pull it up myself so that I can -- so Stephen Brown works with or for a group called the Resource Group.

And if you can zoom in to that top part, [redacted]. Yep.

So this is an email from Stephen Brown to Ali Alexander and another individual named Nathan Martin. It's on January 4th. And he said, "This is a list of the PSD" -- personal security detail -- "we have working with us and their names/nicknames

from Signal."

And then the first one that he gives is Kelly Meggs. And he says, "This is the leader on this team."

So Stephen Brown is with this event planning group called Resource Group. You've never heard of him?

A No, sir.

Q Okay. And then if we can scroll down a little bit to the list of names and Signal -- Signal names.

You can see here they've provided a list of Oath Keepers and their Signal names.

A Okay.

Q And you're one of the individuals on this list.

If we scroll down a little bit more. There you go. We can stop there.

So nobody had consulted you about being placed on this list or you weren't aware that you were put on this list?

A No, sir.

Q Okay. All right. Then let's --

A Again, these are all -- I recognize names on the list, but they're not -- no.

Q Right. Okay. Okay. Then let's -- we can take that exhibit down.

A This is vetted to be there, so, I mean, it's possible they threw my name in there.

Q Right.

A People knew me. It doesn't look like they spelled my name right, but that's another story.

Q All right. Was this role for the Oath Keepers in providing personal security, I know you said it kind of developed in 2019, but did that become more and more

common over the course of 2020?

A Yeah. We had more and more calls to action for it.

Q Were there -- we can look at an example on one of chats, but there -- or actually why don't we just do that? Let's look at exhibit 6.

And as we're pulling that up, I'll just ask you, were there some individuals in the Oath Keepers that weren't happy about that or didn't think it was consistent with what kind of the Oath Keepers were founded for or meant to do?

A I heard some rumblings like that. I don't recall from where. But, yeah, I heard rumblings like that.

Q Let's go to page 41 of this chat.

Do you know, does the handle name Marlin ring a bell to you?

A No.

Q Okay. So you don't know who Marlin is?

A No.

Q Okay.

A That's -- no. No, I'm not familiar with Marlin.

Q Okay. So here it looks like on the Signal chat he's raising concerns about -- he says, "Is this" -- Marlin says, "Is this the new mission of OKs to be a voluntary PSD agency? Are the principals paying or making donations? When did this happen? So many questions now."

Did you have any kind of similar concerns? Did you think this personal security activity was taking over the Oath Keepers or becoming too common of an activity?

A Did I personally feel that way?

Q Did you, yeah.

A I felt it was a distraction, but it was good for, you know, from the standpoint

of good will. It got our name out there. It showed that we were, you know, we weren't the bad guys, we weren't the -- you know, we got thrown under the bus early on by the SPLC. And so that -- it was a way for Stewart to get our name into the mix and doing good things, you know, beyond just disaster repair and disaster resources and stuff like that.

Q Right. We can take this exhibit down.

I guess, you know, I had asked earlier if you received any training related to providing or doing this sort of security. Did it concern you that you were providing security but didn't have any training to do that?

A No. Like I said, the security was -- it was just a presence. It was just eyes. It was just -- beyond my own, you know, ability to protect myself, I mean, I didn't have -- what was I going to worry about?

It's funny, my bride asked me the same thing, "Weren't you worried?" And I said, "No, not really." We were just there for eyes. We were just, you know -- it was just -- it was just an oversight, that's all it was, it was an overwatch, so to speak.

Q What did you think -- what would you have done or what did you think would happen if there was violent activity in the area that you were providing security for?

A We were told that not to engage.

Q How did the folks -- so were there individuals of -- individual members of Latinos for Trump that you were protecting or was it like an area that you were securing?

A It was an area that was just -- it was in between the Capitol and Union Station, that little square there.

Q Okay. And so then -- so you're the eyes. Tell me what you would have done if you had seen or what the plan was to do if you had seen something violent

occurring?

A Violent occurring? I would have miked on the mike and said there's something going down, you know, somebody take a look at the nonfriendlies.

Q Did you -- we talked about the radio. Did you bring any other equipment with you for the 6th? Like, I know some people wore vests.

A Just -- I just -- no. I only had -- I had -- I did bring a backpack and I had goggles in there.

Q And what were the goggles for?

A Well, in the past, we've always been attacked by the nonfriendlies with sprays and throwing things at us, you know, liquids, whether they be -- who knows what they were. So it was just to protect the eyes.

Q And then when -- so --

A I also had a compass, I had a compass with me in case I got disoriented.

Q Okay. And then, so if you saw either nonfriendlies or something threatening happening, how would you have gone about contacting law enforcement?

A I would have reported it on the radio, and then the radio overwatch, whoever that was, would have gotten it to Whip, and Whip would have contacted LEOs at that point. I presume that's how it would have went. That's how it would go in theory, let's put it that way.

Q We'll get into a little bit more detail about the 6th in a minute. But do you recall any Oath Keepers reporting those sorts of things on the 6th when violent activity did start happening?

A The only thing I heard that was out of the ordinary was that they heard that shots were fired. And then I also had heard earlier, before that, that antifa was attacking the Capitol.

Q And did anybody report over the radio about any other violence, engagement with the police, or about where people were around the Capitol?

A No.

Q Okay. How about during the time that people were actually entering the Capitol, was anybody commenting on the radio about that sort of activity?

A No. The chatter on the radio started getting interrupted. So it was, you know, I presume something was going on with the airways.

Q What, as in the radio went silent at some point?

A Yeah. You weren't able to communicate, weren't able to use your phone.

Q Do you recall around when that started happening?

A 2:30, maybe 3 o'clock, something like that.

Q Okay. All right. And then just back to preparation for and leading up to providing security on the 6th. Do you recall who asked you to provide security?

A Who would provide security for the Latinos, who asked me?

Q Yeah. Who was the first person to say, hey --

A Stewart said, he said, "If you're going to be here, then you can help out with Latinos for Trump."

Q And was that on a phone call with Mr. Rhodes?

A Either a call or a text. I don't recall. Once I let him know that I was going to be in D.C. in the morning. So it could have been a text. I don't recall. I'd have to go back and see if I have a text or a call. I don't recall.

Q Did it seem like to you that Mr. Rhodes was organizing who was protecting which groups or was there anybody else doing that as well?

A Well, as I mentioned, I was -- my point of contact was supposed to be Jim, and then [redacted] and he never made it, Jim Donaldson. You were asking me about

Donaldson earlier.

Q Okay. Jim Donaldson. Got it.

A Yes, sir. And then after, like, when we got there, there was nobody there.

Q And did -- had you ever met -- sorry. You said you hadn't met Jim Donaldson, right, you had just talked to him?

A Correct.

Q Okay. And then let's look at, again, exhibit 3. This was that OK FL DC OP Jan 6 chat, the Florida Oath Keeper chat that you produced to us and that you were a part of. And let's go to -- it's page 43 of the PDF. And I believe it's DURFEE_00241, is the Bates number.

First, I'll just ask, do you remember keeping up with or reading this Florida Oath Keeper chat?

A No. I know I was added to it, because these guys knew me or whatever. They knew I was -- they heard I was going to be down there, so they added me to it. But I wasn't following it.

Q Okay. But, yeah, that was my next question. I was just a little curious. Obviously, you're not a Florida Oath Keeper. Were you providing some sort of IT support or email support to these people or was it just because you were kind of a known quantity?

A Well, only because everybody knew that I was, like, the customer service guy with the IT. You know, I was able to get things done. And so that was that.

Q Okay. Then let's --

A So that's how I -- everybody knew my name.

Q Right.

A Well, not everybody, but people that had communication with me regarding

membership.

Q Do you remember helping any of the Florida Oath Keepers as it relates -- around this time? Like, did anybody reach out to you for any sort of customer service type requests?

A Not on January 6th. But, you know, probably before that.

Q Yeah. Let's talk about just kind of the period shortly before, like a few weeks, maybe mid-December up until January 6th. Did you have any specific conversations with any Florida Oath Keepers?

A Not specific conversations, but I, again, I don't know the timeline, [redacted] as far as when it occurred. But I do recall that there was some issue with a credit card not being charged or it got disconnected somehow or something like that. And at this point, we were doing everything manually, so it's -- I just don't recall the exact timeline.

Q Okay. And then, as far as you know, were you -- so that -- we looked at that Stephen Brown email and it said Meggs, Kelly Meggs, was leading that group, and then you were one of the names listed on that email.

A Uh-huh.

Q When you were going to D.C. for the 6th, did you understand if you were going to be part of that Florida group or the group with Mr. Meggs?

A No.

Q Okay. Okay. You were not going to be part of that group. Is that what you mean?

A Yes.

Q Okay. Let's scroll down a little bit on this exhibit, just to the large message that's on there. Okay. Yeah, right there.

So OK Gator 1 is Kelly Meggs, we've discussed. And right here he says, "Okay,

gentlemen and ladies, we have the detail. I just have to get someone else for Stone." I take that as Roger Stone. And then he says, "We are PSD for eight Congressmen and we will be inside the wire for Trump's speech working outside near the wire while security [sic] service has the inside."

Do you remember any other conversations about these eight Congressmen that Mr. Meggs and his group were going to be providing security for?

A No.

Q Okay.

A Do you know what time that was? Can you scroll up a little bit? Oh, that was the night before, I guess, 18:14? It had to be the night before, I guess.

Q I think that was around 6.

A Yeah, that had to be the night before. No, I don't recall that. Again, like I said, obviously I was in the chat because I provided it, but I wasn't following it.

Q Okay. I think [redacted] has some questions for you.

A Sure.

BY [redacted]:

Q Hi, Mr. Durfee.

I wanted to ask about a January 3rd meeting in Quarryville, Pennsylvania. Are you familiar with that meeting?

A I've heard about it, yes.

Q What have you heard about it?

A I heard that there was a meeting.

Q A meeting of Oath Keepers?

A No. They were supposedly communication people.

Q I'm sorry. I couldn't hear that.

A Comms people. It was a radio meeting, from my understanding.

Q Okay. A radio meeting with regard to what? I'm not sure I understand.

A With communications, setting up communications for the region I guess. I'm not really -- wasn't there, wasn't invited, so I don't really know.

Q Are you aware that a man named Mr. Breheny has claimed that you asked him to attend the Quarryville meeting?

A I don't know of that. I wasn't aware of that. No, sir.

Q You haven't seen in reporting --

A I know Jim went there, but I certainly didn't ask him to go. Why would I ask him to go?

[redacted] This is Jim that you traveled with?

The Witness. Yeah, Jim Breheny. He's a communications guy. I wouldn't -- he told me about the meeting and I said -- but I didn't, you know, I didn't tell him to go there. I wasn't in charge of Jim.

BY [redacted]

Q Okay. Mr. Breheny's attorney says that you asked him to attend the meeting.

A Well, that's interesting. We'll have to find out what that was supposed to mean.

Q So you're stating that you did not ask him to attend that meeting?

A That's correct.

Q And you did not attend that meeting?

A That's correct.

Q When did you become aware of that meeting?

A I guess before it happened, because I knew about it. Jim told me about it,

that he was going to a meeting. And I think he mentioned he was going to try to invite Stewart or something like that. But, you know.

Q And did you talk to Jim about the meeting afterwards?

A Did I see Jim after? Did we talk about the meeting? Hmm. Don't recall if we talked about it in detail. I know he mentioned they had a meeting and there was no details, that I recall.

Q Okay. Do you know Hons Garrison?

A Garrison? No. The name's not familiar.

Q Okay. He is apparently the State membership director of the Pennsylvania Oath Keepers. Does that help ring a bell?

A No.

Q Okay.

A I know there was two factions in Pennsylvania, I can tell you that. But I don't know that -- if Hons was one of the factions or not.

Q Got it. Well, Mr. Garrison has told the press that he heard that the January 6th -- the January 3rd meeting in Quarryville was a planning meeting for January 6th.

A No.

Q I'm sorry?

A I said, I don't -- if it was, I wasn't aware that it was.

Q Okay. So you didn't have conversations with anybody who attended that meeting and gleaned from those conversations that you understood that they planned for January 6th during that meeting?

A That's correct.

Q Okay. All right.

Back to you, [redacted]

BY [redacted]

Q Just quickly on that. So I know you drove down with Jim. And you said you might have -- I just want to go back and clarify -- you might have given him the radio frequency that you were using with the other Oath Keepers around Latinos for Trump. Is that right?

A I believe so. Yeah.

Q Okay. Did you bring any other --

A To be honest, I'd say I'm not positive I gave it to him or if he got it.

Q Okay. Did Jim bring any other radio equipment with him?

A He had his radio.

Q Okay. What kind of radio did Jim have, if you know?

A A handheld, like I had.

Q Was it also Baofeng?

A I'm not sure if he had the Baofeng or not. I mean, he had a little bit -- he had a beefier radio than I had, that's for sure.

Q And we might have covered this already, but where -- when did you get the Baofeng radio?

A Where did I get it?

Q I said when, but also where. Yeah, when and where?

A I got it online. And I got it -- gee, I got -- I got it when I got my license, when I got my handle. When I got my ham radio license, my operator's license.

Q And when was that?

A '16, '17, maybe '18. I'm not sure. I'd have to look it up.

Q Okay. Do you know was Jim in touch with Mr. Rhodes or were they friends?

A They knew each other. Yeah.

Q Okay. And what was the reason -- I think you said at some point Mr. Breheny split ways with the Oath Keepers. Do you know why that was?

A He was working on his communications, whatever his comm thing was that he was working on.

Q Okay. And what was that?

A I'm sorry?

Q And what was that thing he was working on?

A Some kind of -- he had it on the side of his car. Some kind of communications -- I don't really know. It was a -- he was -- Jim is big into radio. He got himself a general license. And, you know, as I said earlier, he's involved with our net up in Bergen County there.

Q When was it --

A So was on some communications program, or some communications company, or something like that.

Q When was it that he sort of split with the Oath Keepers?

A Probably -- I'd think when's the last time we did anything? We did -- probably, sheesh, I don't know when he split exactly.

I know he -- we had his name on our website for a while. And he -- and he was -- and then he was upset that it was still up there. And I said, well, oh, I didn't -- I overlooked it. I didn't think to take it down.

So I guess maybe a year before. I don't know. I don't know, exactly. There was nothing -- there was no significant date that he ever said to me, "Oh, I'm done with the Oath Keepers."

Q But it was a few -- a few months at least in advance of January 6th?

A Yeah. He wasn't participating that much with us, you know, whenever we did anything with any of the local guys.

Q When you say -- sorry. Just when you said not participating that much, do you mean he still was attending some events?

A No. When -- at the end there, he wasn't -- when we had -- we used to meet in a place in Clifton at a pool hall and he wasn't showing up.

Q We were just looking at the Signal message where Mr. Meggs noted that the plan was to provide security for eight Congressmen. I just want to ask, do you know -- are you familiar with Representative Ronny Jackson from Texas?

A No.

Q Okay. Have you ever heard him mentioned in conversations about January 6th with other Oath Keepers?

A No. I should say I don't recall. I don't want to --

Q No, understood. We're not a game of gotcha here. Just to the best of your recollection.

A Well, I understand. Just, you know, I don't -- sometimes I'm saying no, sometimes I'm saying don't remember, or saying don't recall.

Q Yes.

A But it all means the same thing, because I don't really, you know, whatever.

Q Hard to prove a negative. Yeah. I understand that. Okay.

A Uh-huh.

Q Okay. How early -- on the 6th, how early did you get to the area where the Latinos for Trump organization was?

A How early did I get there? I got there -- well, as I said, we got to the rally point and nobody was there. And that was about 6:45 or so in the morning. So I didn't

see the Latinos for Trump set up yet, so otherwise I would have went right there. But I would say probably between 10 and 12.

Q Okay. Between 10 and 12 is when you met up with the Latinos for Trump group? Is that what you mean?

A Is when I finally saw somebody there and went over to them to let them know I was there.

Q Okay.

A And they recognized my name, I guess.

Q What did you understand as kind of the more general plan for the day and what Oath Keepers were doing as an organization?

A Security for the event.

Q How about were there specific areas that you knew Oath Keepers were going to provide security in?

A Well, outside of Latinos for Trump was the Ellipse, the people on the Ellipse, as far as I know.

Q Okay. Were there plans to prepare for the march from the Ellipse to the Capitol?

A No.

Q Okay.

A Not that I'm aware of, again, you know. I don't think that the march was even planned, was it? I don't know. Maybe that was a spontaneous thing. Who knows?

Q Were you aware of any other areas? So there's the Ellipse, the area sort of near the Capitol Building where the Latinos for Trump were. I mean, did you know that -- were some Oath Keepers going to come from the Ellipse and meet you at the

Latinos for Trump area?

A Nothing -- nothing -- not that I'm aware of. No. No.

Q And what time was the Latinos for Trump event? Do you recall?

A What time was it?

Q Yeah. Like, when were they going to start having speakers?

A I got there and there was just the table set up and they had some speakers talking. And so it was going -- it was ongoing. I don't know what specific time. I didn't get any timeline on what time to be there or what time to leave or anything like that.

So it would have to be between 10 and 12 is when I got there. And I went down to get something to eat and then came back. And that's when we heard the nonsense about antifa attacking the Capitol. And then we got separated from that group because of the police blocked the road.

Q I guess what I'm trying to figure out, so did you -- let me ask it this way. Did you listen to any of the speeches at the Ellipse? I understand you weren't there, but were you listening to them, like, remotely?

A No. No.

Q Okay. Were there speeches going on in the Latino for Trump area at the same time there were speeches at the Ellipse?

A I guess. I don't -- don't know.

Q Okay. Do you remember seeing people speak on the stage near the Latinos for Trump area?

A I don't remember a stage.

Q Okay. Where were people speaking?

A They were on the -- they were just set up in the -- in that little park area

there with tables and had a microphone and a stand, a mike stand.

Q Do you remember any of the specific speakers there?

A No.

Q When you were there providing security for Latinos for Trump, did you meet any other people providing security?

A The gentleman that gave me the radio coordinates, that programmed my radio.

Q Okay. And he was an Oath Keeper?

A I believe he was an Oath Keeper. And there was another gentleman that was there. I don't believe he was an Oath Keeper, because I saw him on -- or I saw him later on in the afternoon with Josh Mockis [sic] for Veterans for Trump.

Q Josh Macias?

A Macias, yeah.

Q Okay. Would you remember the name of the individual that was with Josh Macias?

A No.

Q Or did you meet him and get his name?

A No, I don't -- I don't.

Q Okay.

A I just happened to remember Josh because I have his card.

Q Was the -- do you remember if the guy with Josh Macias was wearing an Israeli flag patch?

A No. I don't. I don't recall that.

Q Okay.

A He looked like he could have been Israeli, though, whatever that means,

right? I mean, he had that Middle Eastern look.

Q There was an individual there, his name was George Meza. Does that ring a bell?

A No. I really wasn't -- you know, it really doesn't. I'm sorry.

Q Do you know if Mr. Macias spoke at the Latinos for Trump area that day?

A I don't believe so. He may have been, but I don't -- you know, again, I was -- I was off really on the perimeter just having eyes, you know, to make sure that they weren't -- the position wasn't going to get overrun. Not that anything happened. But, you know, I didn't see anybody that was going to be of concern.

[1:12 p.m.]

BY [redacted]

Q The individual that was in the Latinos for Trump area with Mr. Macias, that was also providing personal security, George Meza, he's a member of the Proud Boys. Do you remember meeting any members of the Proud Boys?

A No. I don't think.

Q What's that?

A I say it sure fooled me, I didn't even know that.

Q Were you -- so we've looked at some of the Signal chats. Were you looking at these Signal chats on the day of the 6th at all?

A Somewhat, trying to -- trying to -- more in the morning, trying to get in touch with Stewart and -- and sync up with him.

Q Okay.

A But they were already inside the Ellipse, or maybe he wasn't even in the area yet, I don't know. I was probably communicating with the wrong person. But I shouldn't have been, you know, talking to somebody else that was Boots on the Ground.

Q Did you check the chats or read the chats at all later in the day?

A I probably saw them on the way home, yeah.

Q But not -- so between the morning when you mentioned that you were looking for folks at the rally point and then on your way home, during the middle of the day? So, like, when there were folks at the Latinos for Trump area, or during the time that you were closer to the Capitol, do you remember reading the Signal chats?

A I remember trying to use Signal to communicate and not being able to. I remember trying to call a friend of mine that I knew was -- another friend of mine that

was down there and I couldn't get through to him. But not so much -- I don't remember looking at my chats, no.

Q Okay. And you were trying to make that call through the Signal app?

A No. Just regular -- regular telephone.

Q Okay. I thought I had just heard you say, you were trying to use Signal, but it wasn't working. Is that -- did I mishear you?

A Yeah, yeah, regular phone, the regular telephone. I kept getting disconnected. I don't know if there was just too many people on or if it was being jammed or what, who knows.

Q We talked about the Proud Boys. It sounds like you didn't remember meeting any of them. Were there any other groups on that day, on the 6th, that you remember Oath Keepers working with, like other militia groups, or just any other group?

A As far as I know, we were -- we were just -- we were there to do the security. That was it, as -- I don't even remember seeing any Three Percenters or anything. You know, usually they come with their gear on. I don't remember seeing them. I don't remember seeing the Proud Boys. I saw some on the videos later, but I don't remember seeing them, you know, on the ground.

Q Let's -- if we can pull up exhibit 7. So we've discussed Jim Donaldson, who you were in contact with and expected to be there on the 6th. I know he didn't actually come on the 6th, but this is from the D.C. OP January 6, '21 chat that you were on and that you produced to us.

A Okay.

Q If we can zoom out a little bit so that we can read the whole message. There you go.

Can you read that or is that too small?

A No, I'm okay.

Q Okay. I'll give you a second -- I'll give you a second to read that. Just tell me when you're done.

A Okay.

Q So I want to focus on sort of the -- the middle part of that -- if you can scroll up a little, [redacted], to the part that begins with "staying away from the media."

He said he's staying away from the media as much as possible -- and I'm reading from the -- this is the Signal chat from Jim Donaldson.

A Uh-huh.

Q He said, "While focusing on membership, training, and meetings, and as a liaison between a couple of other groups that I have personally worked with on PSD, rally security, and disaster relief/recovery." Do you know which other groups Mr. Donaldson was talking about here?

A Well, I know he worked with those guys, Cajun Navy, I think it is. I know he worked with them a lot in the past for disaster relief.

Q Uh-huh.

A But that's -- that would be the extent of it. I don't know what -- what else he could be referring to. And I see that further down he's talking about Cherokee and Confederate roots. I don't know.

Q Did you ever talk to him about communicating with any other groups related to the 6th?

A No, sir.

Q Let's -- we can pull down this exhibit. Do you remember an individual from the group chats named Texas Horsewhisperer?

A Yes.

Q Okay. You do remember. Do you know who that is?

A No. I think it's a lady. That's all I know.

Q Okay. What do you remember about Texas Horsewhisperer?

A Nothing significant. Just I remember the handle, and that they chatted a lot.

Q And do you know -- do you remember, was she from Texas?

A Oh, I couldn't tell you that. I just -- I believe it was a lady though. For some reason I got the feeling it was a woman.

Q Okay. Let's pull up exhibit 6. I guess one thing I'll ask is, do you have -- you know, I know you could look up Chad Rogers -- do you have any way of identifying who Texas Horsewhisperer is, any Oath Keeper documents or anything like that?

A I could look in my chat and see, if that's what you mean. I mean, I didn't -- we can go on my phone.

Q Yeah. We can do that on a break if you want to do that.

A Okay.

Q Or actually, you know, we've been going for a little bit now, so why don't we take a break now. I'll give you a few minutes to see if you can figure out who Texas Horsewhisperer is, and then we'll come back at 1:25.

A Okay. Is it somebody I'm supposed to know?

Q No. I was just curious about who Texas Horsewhisperer is.

A Okay.

[redacted] So we're off the record at 1:19, and we'll come back at 1:25.

[Recess.]

[redacted] Then we're back on the record at 1:24.

BY [redacted]

Q And I take it that during the recess you were looking for Signal chats or messages with Texas Horsewhisperer. Is that right?

A Yes, sir.

Q Okay. And did you have any?

A I see, it looks like her name is Marcia. That's all I got out of it. I don't know if that's any help.

Q Okay. And are the messages with Texas Horsewhisperer that you're looking at, what are those messages?

A Something about something got hacked. I don't know.

Q Okay. This is after -- this is after the 6th?

A Yeah -- no. This is before the 6th. Something about she was trying to -- trying to make a donation. It appears the account is down or something, so she contacted me. That was it.

Q Okay. Did she --

A Say again?

Q So you were doing some sort of, kind of -- some of this customer service work for --

A Yes, sir.

Q -- the Texas Horsewhisperer?

A Yes.

Q Okay. When she was talking about trying to provide a payment, was there any connection to, like, a specific transaction or any way you could identify who that person is?

A No. No. Just it looks like a name, Marcia, is all I saw.

Q Would you -- do you mind at all just reading me what that message was where she used her name?

The Witness. Is that okay?

Mr. Cerimele. Yeah.

The Witness. Hold on a second. Let's see. Shows radical left -- well, she sent me an image of something. It says, "Radical left. This has included denial of service and other interruptions of our ability to function online." So I guess she's -- she's clicking on something on our website, and she got a 403 forbidden.

And she said, Edward, I was on the OK site, trying to make a donation. Appears the link is down. So then I -- then I said, "Can you check now. Thanks."

BY [redacted]

Q And where --

A I must've -- I must've went in and tweaked something. That was on December 28th.

Q Okay. And that was just a direct message with her, or was that on a group chat?

A Yeah, direct message.

Q Okay. And where did she -- maybe I missed it, where did she use her name, or how did you know her name was Marcia?

A Where did I see her name on here? Let's see. Because I said, "Hi, Marcia, can you check now."

I don't know. Maybe she called me. I don't know.

Q Okay. So it sounds like she must've reached out to you some other way, told you her name was Marcia, and then you checked back in with her on Signal?

A Yeah, I must've, yeah, because she sent me this thing. Oh, it says "missed

audio call." So maybe I called her back, and then she sent me that, then I said, okay, can you check now. That's the only thing I could think. I don't know.

Q And that's -- the audio call was through Signal then?

A I presume so, yeah.

Q Sometimes I get the different encrypted messaging systems mixed up, but can you see somebody's phone number through Signal?

A If they're my friend, yeah.

Q Okay. And is -- can you see Texas Horsewhisperer's phone number?

A No, not here right now. Let me see. Not my friend, so. How did I get her number? Yes.

Q Yes, what's that?

A Yeah, I -- I see a phone number.

Q Oh, okay. Could you provide me that phone number?

A [redacted]

Q Uh-huh.

A [redacted]

Q Okay.

A [redacted]

Q Great. Okay.

A Remember I gave you that now.

Q I got it. And our court reporter got it too, so.

Okay. So one thing I wanted to look at, if we can pull up exhibit 6 -- and on exhibit 6, we'll scroll down to page 101, and actually, we can scroll down to the photo that's at the bottom of this. So this is a message from Texas Horsewhisperer on the D.C. Op January 6 chat. Do you recognize these individuals that are in this photograph?

A No.

Q Okay. These are -- this is Joseph Biggs and Ethan Nordean. They're two of the Proud Boys who were present on January 6th. And if you scroll down -- let's scroll down to the next page of chats -- Texas Horsewhisperer notes, "About 15 PBs noted on east side, concrete side of Capitol." And that's at 11:55, it says. Do you have any idea why she would've let the Signal chat of Oath Keepers know that there were 15 Proud Boys on the East Side of the Capitol?

A Maybe she had a concern. I don't know.

Q Okay. Do you remember any other discussions about kind of where the Proud Boys were on the 6th or what they were doing?

A No, sir.

Q Okay.

A Not even sure, who's Walden WC6a? Somebody said, Roger that.

Q Right. Okay. We can take this down. And then I wanted to ask you about another individual that's on some of these chats -- oh, sorry. I shouldn't have taken down exhibit 6. We're actually going to another page on exhibit 6, page 88.

And then this one is about an individual, it looks like his name is Seamus, or Seamus, assuming Seamus. But it's Mr. Rhodes that sends the message, and he said, "Added Seamus" -- Seamus -- "who is coming in with a team from New Jersey and who also has contacts with several militia leaders coming in." So Seamus is also from New Jersey. Do you know who this is?

A That's Jim's handle.

Q Jim Sandal?

A Jim's handle.

Q Oh.

A Jim Breheny.

Q Okay. That's Jim Breheny. Okay. Do you know who the militia leaders that he has contacts with are?

A You got me. I mean, when we got there, nobody was there.

Q Okay.

A So that was at 6 in the morning. We were still in -- we probably just got there right around that time.

Q Okay.

A I think we got -- I think we got in about 6:30.

Q So then it sounds like -- it sounds like Mr. Breheny was in touch with Mr. Rhodes for the events on the 6th?

A I presume so, yeah.

Q Do you have any -- I guess you were with Mr. Breheny, but do you have any Signal chats with him about January 6th?

A No. I was with him. Why would I have Signal chats?

Q Okay. How about text messages, do you text with him?

A Not recently.

Q I mean around the time of January 6th?

A See if I even have any with him now. I don't even have him in here anymore. I just -- I just checked for Seamus. Let's see, Breheny.

No. He must've cleaned himself out.

Q Okay. Do you have his -- did you have just his regular phone number? Did you talk on the phone or over text ever?

A Ever? Yeah. We were friends. We are friends. Well, maybe not now, because he's telling his attorney some nonsense.

Q Do you recall talking to him on the phone or texting with him about January 6th at all?

A No. We -- I -- we decided to go, and that was it.

Q Yeah. I don't mean -- I don't mean on the day of. I know you were with him. But you know, leading up to the 6th, did you have any text exchanges with him?

A Don't -- don't recall. I would have to go back and look.

Q Okay.

A I don't even know if I have him in my phone. I mean I would have -- I just checked under Signal. I don't see his name under Signal, so.

Q Okay. If we could look just at your text messages, so if you had any texts with him about January 6th, those would be responsive to the subpoena that we sent you. So I'd just ask that you check for those, and if you do have any text messages with Mr. Breheny about January 6th, or leading up to it, then -- then we'd ask you to produce those.

A Okay.

[redacted] Okay. Does that -- Mr. Cerimele --

The Witness. Is it okay to check while we're talking, I mean, or do you want to --

BY [redacted]

Q Sure, that's fine. Yeah, if you'd like to -- yeah, if you want to check now, that's fine.

A Maybe clear it up right away. Let me just see here. October 4th. This has got to be this year. Is that his new phone number? Let's see. Got a new phone number.

See, the FBI took his phone, so he had to give me a new phone number, so I probably don't have his old texts. This is all stuff from this year -- Happy new year,

Merry Christmas. Did you win? Asking me if I won. Nothing.

Q Okay. And did you say he had a new phone number?

A Yeah. He was telling me that he -- because he -- because the Feds took his phone.

Q Right. So how about the old phone number? Do you still have that, or do you still have text messages with the old phone number?

A That's what I was just checking, and then it just shows me that he told me about his new phone number.

Q Okay. And so --

A I don't see any of them, I don't see any. We could go through it in more detail --

Mr. Cerimele. We'll confirm once this is over.

[redacted] Okay. Great. Thanks, Mr. Cerimele.

The Witness. I'm not seeing any, [redacted].

BY [redacted]:

Q What's that?

A I'm not seeing any, so.

Q Just after the deposition, if you can just check that time frame leading into the 6th, and if you do have any, then we can just arrange having those produced.

A Sure.

Q Okay. And then I think you said that you were not -- you didn't know what militia groups he had contacts for?

A You know, I -- yes, I don't know. First I'm hearing about it.

Q On the drive -- do you know if he's a member of any militias?

A No.

Q Okay. Have you ever talked to him about militias?

A He was -- he was trying to -- he was involved with some kind of Light Foot thing, but I don't know if that's still going.

Q Light Foot?

A Some kind of Light Foot thing. I don't know if that was related to his radios or what.

Q Okay. And --

A New Jersey Light Foot.

Q And --

A As far as I know, he's not -- as far as I know, he's not.

Q Okay. Were the conversations about New Jersey Light Foot, or Light Foots, were those about January 6th, or was that in relation to something else?

A No. It was just -- you were just asking me if he was a member of any militia. I don't know if the Light Foot was a militia or if that was related to his radio work.

Q Okay. So you drove down with him on the 6th. Did you ever -- did you talk about any militias on the drive down?

A No. He was mostly sleeping.

Q Okay. So you were driving?

A Yeah.

Q Did you take your car or his car?

A No. Actually, we rented a car. Yeah, we rented a car.

Q Why did you rent a car?

A Because we didn't want to take our car.

Q Why didn't you want to take your own car?

A I don't know. Why didn't I take my car? No reason. Just why put all the mileage on it, I guess.

Q Is that --

A I have an older model car, and I'm not sure what kind of car he had. I'm pretty sure we rented a car.

Q Okay. Is that common for you when you're taking a trip out of town to rent a car instead of taking your own?

A Generally, yeah. I mean, I drive down to the beach over here in Jersey, that's about it. That's, like, 2 hours.

Q Okay. And when you do that, do you rent a car, or do you take your own car?

A No. I usually -- we usually take our personal car.

Q Okay. Do you recall another time that you rented a car for an out-of-town trip?

A Sure.

Q And when was that?

A When we went to a rally. Might've been when we -- did Jim come? I don't know if Jim was with me or not, but we did Cowboys for Trump, when we did security detail for Cowboys for Trump.

Q And where was that rally?

A It was from Arlington into D.C. I don't remember the exact time frame. Might've been October, September. Might've been summertime.

Q Okay.

A I'd have to look it up. It was when they were working on the immigration thing, and we were trying to convince the President not to do -- not to sign something

related to -- might've been the Dreamers legislation.

Q When you got into D.C. -- or let's actually just kind of walk through a little bit more in detail what you did on the 6th. So it sounds like you drove down. How long is the drive from where you are to D.C.?

A I want to say 5 hours.

Q Okay. So did you leave -- then you must've left pretty late at night or extremely early in the morning?

A Yes. We left about 3 a.m. or so, 4:30, maybe 2:30. I don't remember. Maybe it's 4 hours. It's 4 or 5 hours, I forget.

Q And why did --

A Because we got in -- when we got in, we parked the car in College -- I'm sorry, go ahead.

Q No, go ahead.

A We drove to College Park, and then we took the train into the city.

Q Why did you go in so early on that morning as opposed to, you know, the night before?

A Well, we would've had to get a hotel then.

Q Did you leave D.C. that night, the night of the 6th?

A Yes.

Q So you arrived in D.C., you said, around 6:30, and then did you go straight to the rally point?

A Yes.

Q And you were with Jim that whole time as well?

A Yes.

Q All right. And so from the rally point where nobody was, I guess, just walk

me through about what happened next, or where did you go?

A We walked down the other side of the Capitol towards the Washington Monument. We saw a big gathering -- well, we walked through the green. We walked down alongside the green to the Monument. We saw a big contingent there of Chinese for Trump or something like that, CCP -- stop the CCP or something like that.

And then we went up on the point by the Capitol and just looked around to see if anybody we recognized. Saw a couple Oath Keeper flags, went over by them. I think that's where I met this gentleman, Smith you were saying before.

Q Is that Doug Smith from --

A Yeah. I met Doug Smith. And then there was some other guys there from New Jersey. I forgot what group they were. I met them once before at a -- at a -- another activist rally that we had up here in the county. Can't remember what group they were. They were -- they weren't Proud Boys. They were -- what were they? They were some kind of group. They weren't, like, a militia group or anything. They're just a group -- an activist group. I can't think of what they were. It might've been Proud Boys for all I know. And then we walked down --

Q Sorry. Just to pause on that group for a second. Were they wearing anything to designate who they were?

A No, no, they weren't. Like, the Proud Boys usually wore that yellow and black colors, I think, if I remember correctly.

Q Right.

A They weren't wearing anything like that. These guys were in, almost looked like fatigues, so. But they weren't -- they weren't a militia per se, but they were some kind of a -- I don't remember what they were, but I -- I met them at a -- at a rally at -- when we had a problem with ICE at our local county jail, they were over there

supporting the sheriffs and stuff, so.

Q Where was this area that you met all these folks?

A By the Washington Monument, on the -- on the mount there.

Q Okay. Do you recall around --

A As you go -- as you go down the hill there towards the Ellipse, they were -- we were right towards the top of the hill there.

Q Do you recall around what time that was?

A Had to be 9:30, maybe, 10:00 at the latest. Probably more like 8:30, 9, because then we -- you know, we -- we stayed there for a little while and just hung out. And then we walked down towards the -- the entrance way into the Ellipse there for the -- we walked into the entrance way for the Ellipse and saw all the bags hanging around. And that's where --

Q Let's pause there for one second. I just want to go back to that group at the Washington Monument.

A Okay.

Q So there were individuals in that group that you had met in New Jersey before?

A Yes, sir.

Q Okay. Were they from New Jersey?

A I guess so.

Q Do you remember any of their names?

A No. No. We weren't on a first-name basis.

Q How big was their group?

A Three people, maybe. Maybe four. I don't know, three, four.

Q Were they wearing anything in particular? I think you said fatigues, maybe.

Were they carrying flags or --

A Just backpacks. Just backpacks.

Q Okay. So then you went from -- you went from the Washington Monument down towards the Ellipse. Is that what you said?

A Yes. We went down the -- I guess it's the south side of the Monument, down towards the -- where the entrance to the Ellipse was, where they had the -- the rails set up, saw a lot of bags, saw a bunch of bags. I guess, because they didn't let anybody into the Ellipse with bags. So all the bags were stacked up there.

That's when we saw the -- we saw a bag up in the tree and tried to alert Secret Service, but they weren't concerned about it. So then one of the guys that was in that group, they went and grabbed the bag and took it away from the crowd just in case it was something. It turned out it wasn't anything. Somebody just left their bag in the tree, but --

Q Speaking of sort of concerns or disturbances like that, when you were at the Washington Monument, so around that time, around 8, 8:30, that you were talking about, or 9, there was an arrest made at the Monument. Did you see any disturbances or arrests when you were there?

A None that I recall.

Q Okay. It was a -- if you remember how the Monument is, there's sort of a circle area. It's called the flag circle that's around the Monument.

A Right.

Q And at some point, the Capitol -- or, sorry, the Park Police actually cleared that flag circle, to move attendees out of that area. Did you see police clearing that area?

A No. Maybe it happened after we left already.

Q Maybe, yeah. Okay. So and then one other question just about that group of folks that you saw at the Monument. Have you ever heard of the New Jersey European Heritage Association?

A No. Nothing.

Q Okay. Then, so you went down to the Ellipse, saw -- I think you said you saw all the bags outside of the magnetometers. Is that right?

A Yes, sir.

Q Okay. Did you see other Oath Keepers when you were there, or was it just you and Jim together?

A No. It was just -- it was just us and those guys that we had met. We just walked down there.

Q So the group of three, you joined with that group of three?

A Yeah, yeah, we just -- we just -- they were -- forget where they were going. I guess they were going to use the bathrooms because the heads were right there, the porta johns.

So then when we saw we couldn't really get anywhere, we couldn't hear anything, so actually we headed back to, at that point, headed back to Union Square. We started walking back to Union Square -- or actually back to our rally point. And, you know, hopefully see somebody and --

Q And then at that time, did you find folks from Latinos for Trump?

A That's where I get a little fuzzy. I don't remember if I saw them there or before that, because we -- when we were walking back, we ended up taking the train from Smithsonian, is it? There's an entrance to the train there for -- I think it was Smithsonian or MMA or something.

Q Could have, yeah.

A We took the train to get closer, so we didn't have to walk because we had already walked all the way down there, so.

Q When you were leaving the Ellipse, were there lots of people leaving the Ellipse area at that point or were the speeches --

A No, no. No. People were -- people were still coming.

Q Okay. So the speeches were still going on, and people hadn't really started leaving en masse at that point?

A Correct. Correct.

Q Okay. So then you took the Metro, you think, from Smithsonian to -- do you remember where?

A Somewhere near the Union Station, I guess, because -- but for some reason, I don't recall that we got right into Union Station. I don't think the Metro went into it.

Q Was it -- I think the next two stops after Smithsonian are L'Enfant or Federal Southwest. Do either of those ring a bell?

A I think Federal Southwest is where we got off then.

Q Okay. That takes you pretty close to the Mall.

A Yeah. Yeah. And then when we got out, we got out, and then I think that's where I saw the -- the -- I finally hooked up with that group and got the -- got the mikes -- got the -- what do you call it -- the radios miked up. And then we went down and -- well, it wasn't anything going on yet, so then we went down and got something to eat and use the facilities.

Q How large -- just another quick question. When you went and you met with, I think it was the South Carolina Oath Keeper that you mentioned --

A Uh-huh.

Q -- how many people were there, how big was that group of Oath Keepers

that you met up with?

A I didn't see any Oath Keepers, actually, except that guy who was -- the South Carolina guy. He wasn't -- even in Oath Keepers garb, he didn't even have Oath Keepers garb.

Q How did you recognize him as an Oath Keeper?

A He saw my cover.

Q And then he flagged you down or got your attention?

A Well, when I was walking over there, I was -- I walked up to them and said, Hey, Stewart said to come over and help you guys out with -- with eyes. He saw my cover, and he -- and he -- you know, he taped -- that's where I got the blue tape on my arm.

Q And what did -- who was using the blue tape, and what did that signify?

A That was just for us to know that we -- that we were actually known to the details, so that we knew for sure that I was working with -- you know, that you weren't just a wannabe, you were part of the crew, so to speak.

Q And was the crew all Oath Keepers, or were there other groups in that?

A As far as I know, there -- there was supposed to be all Oath Keepers. There could've been others.

Q So it was --

A I actually didn't see anybody else with blue tape. I felt kind of silly. I was the only one with blue tape on.

Q Did the gentleman from South Carolina have blue tape on as well?

A I think so, yeah. I believe he did. I believe he did. I -- I wouldn't swear to it, but I believe so.

Q Okay. So then after you -- after you met up with him and told him

that -- when did Stewart tell you to go meet up with them there?

A Well, that was the original -- you know, when I told him I was going to come, he said, go to the Latinos. And when I went there, there was nobody there. I'm still not even sure if I went to the right place, but that's okay. It all worked out in the long run, you know. Because he told us he was over by the Supreme Court, so that was the only thing that we saw.

Q Okay. And then after -- after you got the blue tape and you got miked up, then were you just scanning that area around Latinos for Trump?

A Yeah. Yeah, I was just -- you know, I was just oversighting and overwatching it. And then I told him, we're going to go get some chow and then come back, and that's what we did, went and got some chow, used the facilities.

Q And that's you and -- were you still with Jim at this point?

A Yeah. Yeah.

Q So you got food, used the bathroom, and then came back to that area?

A Yeah. As we were coming out of Union Station, that's when we heard on the radio that antifa was attacking the Capitol.

Q And Union Station is where you got food, I guess?

A Yes, sir.

Q So what did you do when you heard on the radio that antifa was attacking the Capitol?

A Tried to go back to the Latinos for Trump area there, to confirm what I was hearing.

Q And do you know who it was that said that on the radio?

A No.

Q Do you know about what time it was that you heard that?

A It had to be afternoon. Had to be afternoon, you know, because we were -- we were -- we went for lunch. So we were coming back from lunch. Yeah, I would say probably, like, 1:00 maybe, 12:30, 1:00, somewhere around there. Because --

Q I just want to --

A -- because then we were walking up, we couldn't -- yeah, go ahead, sorry.

Q Now that you've been talking about a little bit of the drive down and what you did on that day, I just want to see if your memory has been jogged a little bit about Jim attending that Quarryville meeting about the radios.

A Yeah.

Q It just seems a little odd that, you know, he attended this meeting about radios and wanting to be hooked up on the radio for January 6th, and then obviously you got good used radios on the 6th, and he never talked to you about those plans or what he heard at that meeting or how you guys should be using radios?

A No. No. He really didn't -- he didn't share with me what happened at that meeting. That's why I'm a little concerned that he's telling his lawyer that I told him to go there. That's concerning to me.

Q So you heard that antifa was attacking the Capitol, and you returned to the Latinos for Trump area?

A Yeah. We were -- we were walking up the street there. I guess that's where the Senate comes out. There was some construction there. I can't remember the name of the street. It might've been -- there was construction and -- but then all of a sudden, they wouldn't let us go through. And then when I saw all these police officers come -- coming down, I guess that's Constitution that's on that side of the Capitol --

Q Right.

A -- saw a bunch of police officers and, you know, cars and everything coming

down. And then once they passed, they let us cross the street, and that's when they let us go up on the back of the -- on that -- on the parade deck there. They -- that's where they moved the bicycle racks or whatever they were, so everybody could just assemble inside the -- on the parade deck there.

Q This is, you're talking about the scaffolding that was built up for inauguration?

A No, no. The other side of the Capitol.

Q Okay. So the west side of the Capitol is the one facing the Washington Monument, and the East Side of the Capitol is the one facing the Supreme Court. You were talking about the East Side?

A Yes, sir.

Q And let's look at -- let's pull up exhibit 8. This is one of the photos that you produced to us. And it looks like this is you, and it looks like this is on the East Side of the Capitol. Is this after you had gone up the stairs towards the large doors that entered the Capitol?

A This is -- am I on the stairs there? Not sure if I'm on the stairs or on the parade deck.

Q So what I mean is, you had to go up the stairs to get to that deck area that you're referring to?

A No, no. The deck area is where the parking -- where -- where the -- well, not regular parking, but they had vehicles parked there. There's, like -- there's, like, the grass -- there's -- there's, like, grass, and then there's a sidewalk, and then there's, like, a concrete area. I don't know what -- I guess it's for traffic or for cars.

I mean, there were vehicles there. I saw some idiots that were sitting on the cars, or on the vehicles. No, I think that's -- that is probably on the steps there. It

looks close enough to the building to be actually on the steps.

Q Right. Okay. So this is maybe after that. So why don't then -- then you went over to the East Side of the Capitol. And you're aware you're describing the parade deck, but you just mean the large area where cars can pull up to the East Side?

A Yes.

Q Okay. And then what happens after that?

A Well, when we come up, everybody was running up on the stairs, doing ra ra ra, and that's where Jim and I separated. And he went -- he went running up there, and I stayed back on the grass. And I was milling -- I was walking around over there, watching everything going on, listening on the radio, and --

Q I'll ask one other --

A -- and that's when I hooked up -- that's when I hooked up with Josh -- when I heard Josh calling for -- for some backup or calling for something. So I just, I responded, and I was able to see him. So I guess that's when I met up with Josh and that other guy, you said his name before I guess, the guy with the Israeli patch or something.

Q Right. Let's roll in a little bit -- let's roll back a little bit to where you entered the driveway or the parade deck in front of the East Side of the building.

A Okay.

Q You had mentioned that there were bike racks around that area.

A Yes.

Q And you said that they moved the bike racks. Who --

A The -- the Capitol Police, I guess they were, or the -- or the D.C. police, whichever one, they pulled them back and let everybody move in.

Q Okay. Did you see -- did you see when those bike racks were first moved? I mean, did you see protesters pushing against those bike racks?

A No. No, there wasn't -- there was nothing like that going on, on our -- on -- on -- as far as I saw.

Q Had the bike racks already been moved when you got there, or were you watching them be moved?

A Yeah, I -- I think I saw them being moved, you know. I think I saw them pulling them back, because I remember we were waiting to cross, and then they -- they -- they told us to come across. And they -- I'm pretty sure I saw them moving them, or maybe I just imagined that I saw them moving them, I don't know.

But there wasn't like I saw on the other side of the Capitol where I saw some of that craziness going on, on the videos. It wasn't like that. This was -- this was orderly. People were walking up and -- you know, it wasn't -- there was no -- they weren't, like, charging or anything like that. They were just walking and -- into the -- onto the parade deck and up onto the stairs, and they were doing their ra ra ra, making noise.

Q Were you already -- were people already on the actual steps leading up to those large doors when you got there, or were the steps cleared at that point?

A No, people were already up there.

Q Okay. So you didn't see people -- when you came around to the East Side of the Capitol and could see those large doors and the stairs leading up to them, people were already on those stairs?

A That's correct.

Q And then, so what did -- and then at that point, you get near the stairs, what did you do after that?

A Just stood around and then came back down and followed Josh.

Q Okay. And what was -- was Josh requesting assistance, or why did you join up with him?

A I heard a call that he was -- that he was looking for -- he was calling on the radio, so I just answered the call and -- you know.

Q Did he --

A I don't remember exactly what he said. I don't remember exactly what he said, but somehow I ended up -- I ended up hooking up with him and this guy that you were referring to earlier.

Q Had he --

A I'm sure that's the guy -- I should say, I think that's the guy you were referring to earlier.

Q Are you now -- are you remembering now the Israeli patch?

A No. No.

Q Actually, I can -- I can actually show you a picture --

A Okay.

Q -- and you can tell me if it's -- if you just give me one second.

A If it's the guy I'm thinking of.

Q Hold on just one second.

So actually we'll come back to it. I'll show you that after -- after our next break.

So it sounds like Mr. Macias then was on the same radio frequency that you were on, right?

A Sounds that way, yeah.

Q Okay. Did you hear any other individuals that you knew were not Oath Keepers speaking on the radio, or was it just Josh?

A I don't know if it was Josh or that other gentleman that was asking for help, asking for, you know, assistance or whatever. Calling out, you know, I don't recall if it was a call for help or if it was just a call for, you know -- I mean, I just answered the call,

and then I ended up meeting up with them, and then I -- I stayed with them for a while.

Q Where did they -- where did they go after leaving the area around the East steps?

A Don't know.

Q Were you with them?

A I went with them on the stairs. There was a lot of people milling around at the top of the stairs. And then I'm not sure if Josh went into the Capitol, but I know I lost track of him at that point. And then I didn't see him again until I heard he got arrested.

Q How about your friend Jim? You said at some point you lost track of him. When did that happen?

A That happened as soon as we came up from the -- when they opened the barriers there, pulled the barriers back, and he saw the people up on the stairs, and he rushed up there.

Q So he went -- okay. So he went ahead of you up towards the stairs, and is that when he entered the Capitol?

A I presume so, yeah.

Q Have you talked to him about it since then?

A Well, he told me what happened. He told me that he got -- he got -- you know, he told me he got pulled into the Capitol, and he took a picture and he came out, so.

Q Did he say if he entered through those large doors at the top of the steps?

A Nothing specific. He just said that he got sucked into the Capitol, so I presume it was there.

Q Could you see from where you were, when you were closest to the building,

could you see people entering the Capitol?

A Yes.

Q And am I right, you did not enter the Capitol, right?

A Correct.

Q Okay. And why didn't you go in the Capitol?

A God only knows, my friend.

Q Did you understand that you were not supposed to go into the Capitol?

A Can't say I did. I just -- I just maybe intuitively knew it wasn't the right thing to do, so I didn't do it.

Q At this point where you're on the stairs and people are going into those large Capitol doors, still at that point had you seen any conflict with the police or anybody -- anybody either pushing police or engaged with them?

A No. We -- the only thing we saw was police coming back out, people saying, make a hole. I can't remember where I was when I saw that, but I remember that. I remember them saying, make a hole. I remember seeing a video and saying, Oh, okay, I remember that happening, where they -- where the police were coming out of the Capitol for whatever reason.

Q Let's see if we can pull up exhibit 9, this was a video that you produced to us.

[Video shown.]

BY [redacted]

Q And is that you recording that video?

A I don't recall recording that video. I'm not sure where I got that from --

Q Was --

A -- or if provided it for you. I'm just like --

Q Did you take any --

A I mean, I provided it. I don't recall giving you a video, but I possibly, I may have. Or maybe somebody sent it to me and I just sent it, I don't know, because it was on my phone.

That's not me talking. I saw somebody in a blue jacket that might've been me, but I -- it went too fast for me to confirm that it was.

Q Is that your voice in the video?

A No, sir.

Q Okay.

A Does it sound like me?

Q I couldn't really tell. It seemed like it could possibly be you. But I was just asking. So it -- so that wasn't --

A No. I don't recall -- if that was my video, I certainly don't recall taking it. But if you got it from me, then it must've been on my phone, so I just sent it.

Q Okay. So you stayed with Josh and the other individual that he was with for a period of time, and then they departed. And then what did you do after that?

A I just went back down on the parade deck there and looked, you know -- and that's when I saw Stewart and -- and Kellye SoRelle, his attorney. I saw them over on the side there and I was over talking to them. And then I saw the other Oath Keepers coming around.

Q And what did Stewart and Kellye say at that time?

A Hello, How are you doing, Good to see you. Nothing, you know, nothing of significance.

Q Did you discuss at all that the Capitol had just been breached and stormed?

A No. Because we didn't know that that's what happened, but we did see the CF that was going on around us, but it didn't seem like there was any -- I didn't have any

concerns at that point. I really didn't -- outside of the little spray that I got in my face from -- I guess from the wind blowing it back at us, we really didn't see anything on our side. And most of everything I saw was on my way home.

Q Did you see where -- so it sounds like you had been -- some of the tear gas or OC spray had gotten on you. Did you see where that was coming from?

A It seemed like it was blowing up from the -- the side of the Capitol that we were on.

Q That it was coming from the East Side of the Capitol?

A Yes.

Q Okay. Was anybody --

A In fact -- in fact, I put my goggles on because I thought it was a lot, but it really wasn't, so I ended up taking them off.

Q Was anybody telling you to disperse at that point?

A No. No.

Q Did --

A The only thing that the -- there was no -- there was nobody directing anybody. We were just -- everybody was just milling around. There were police officers lined up on the -- on the -- on the side of the Capitol that we were on, but they were just standing there, I guess. It wasn't -- didn't look like there was anything out of the ordinary going on that you would normally see.

Q After you heard Mr. Macias calling for other -- somebody to join him, do you recall any other communications on the radio?

A The only other one that I heard was shots fired.

Q Okay. So then you meet up with Mr. Rhodes and Ms. SoRelle. Was there anybody else that you can recall with them?

A I think Whip might've been there at that point.

Q Is Whip Mr. Simmons? Do you know his real name?

A No, I just know him as Whip.

Q And had you met Ms. SoRelle before?

A Kellye?

Q Kellye, yeah.

A Did I meet her before, face-to-face? I don't believe so. I think that was the first time I met her.

Q So after you met up with Mr. Rhodes and Ms. SoRelle, what happened then?

A We -- we were just -- we just sat -- we stood around there on the corner, and other Oath Keepers came up. And some guys were running up to Stewart saying, Hey, Stewart, good to meet you, finally get to meet you. Basically, there wasn't -- we were just -- everybody, I think, was so beat at that point in the day, that they just were -- we were just standing around.

And then they were talking about where we were going to go and get some dinner and -- and then we heard that, as the day went on, then we heard about, they were going to do a -- a curfew. So then at that point, that's when we decided we better cut out just so they don't shut the train down or something and then we get stuck in the city, so. I guess we left about, I guess this is close to 6:00 now. 17:45, I believe, somewhere around there.

Q I know at some point you said -- I think you said that you met Mr. Meggs, Kelly Meggs, on the 6th. Is that right?

A I saw him on the ground, yeah, in that -- in that grouping.

Q Where -- and it was there when you met Mr. Rhodes and Ms. SoRelle that Mr. Meggs was also there?

A Yeah, he had came up with the other Oath Keepers.

Q And did you talk to him at all?

A Just say hello, nice to meet you, you know.

[2:16 p.m.]

BY [redacted]

Q How did you know who he was? Did somebody introduce you to him?

A I heard somebody say Gator, I think it was. And that's when I said okay. I introduced myself to him.

Q Okay. Do you remember any of the others that you were introduced to or met?

A Not by name. Not by name. There was a young, boyish looking guy that was there. I just don't remember his name. So went by and said after, "Nice to meet you," you know.

Q So you said around 6:15, I think? Maybe I'm misremembering that. At some point you got concerned that maybe that they would shut the Metro down?

A Quarter to 6.

Q Okay. Gotcha. And what did you do at that point?

A Walked back to the train and got on the train and went back to the car.

Q And when did you meet back up with Jim?

A He was -- that's when he -- that's when I met him back there at the -- on the deck there.

Q Was this before or after you met with Mr. Rhodes and Ms. SoRelle? Or was it that same grouping?

A It was within the same timeframe. I don't remember if it was -- if I was walking with Jim and then we saw Rhodes and Kellye -- or Stewart and Kellye -- or if I was standing there and then Jim showed up. I don't recall. But he was definitely there with us, with all of us.

Q All right.

A He knew Stewart of course.

Q Okay. So you take the Metro back up to where you parked the car. I think you said that was College Park?

A Yes, sir.

Q And then did you just drive back with Jim that night?

A Yes.

Q What sort of conversations did you have with Jim either heading back to the car or back to New Jersey? Did you guys talk about the events that day?

A Jim was talking about how he got swept into the Capitol and it was a mess. And I think he was -- I wasn't -- I'm not on Facebook or anything anymore, so I didn't have anything to share. He might have been sharing stuff on Facebook. I don't know.

We really weren't -- we were pretty beat at this point. It was just like, you know, just like there wasn't any real substantive conversations that I recall. It wasn't like we were chatting away, like, "What did you think of the day, what happened?" anything like that, that I recall anyway. I just -- I know it sounds pretty dry, but what are you going to talk about, you know?

Q Right.

A I tell you, when we did -- we did see some stuff on Twitter. He was looking on Twitter and he says, "You won't believe. Look at this." And I'm like, "Where did that happen?" And he said it was on the other side. And that's when pretty much when we found out -- when we started hearing about what happened in some of the reporting.

Q And do you recall specifically what it was that he was showing you on Twitter?

A He said he saw on Twitter some, you know, like, people were fighting with the police on the scaffold, or something like that. I don't remember anything specific, though.

And it could be -- those could be videos that I saw when I got home. You know, at this point, [redacted] I couldn't -- I wish I could be more precise.

Q That's okay. I understand.

A I guess there was a time in my life when I was.

I do remember the time that we left because we were concerned about the curfew.

Q All right. Then I think [redacted] has some questions for you for a few minutes.

[redacted]

Or we can --

The Witness. There he is.

[redacted] Yeah. [redacted], do you want to take a break for a couple of minutes and then we can go and stretch?

[redacted] Sure. Let's do that.

[redacted] It's 2:21. Let's come back at 2 -- you want to do 2:25 or 2:30?

[redacted] Mr. Durfee, do you have a preference?

The Witness. 2:30 works.

[redacted] So we're off the record at 2:21. We'll come back at 2:30.

[Recess.]

[redacted] We'll go back on the record at 2:30.

Actually, just before, [redacted], before you go, I'm just going to ask Mr. Durfee one quick question.

BY [redacted]

Q So we had mentioned that individual that you said was with Mr. Macias and we were trying to identify him. And I have a photo of him, so you can let me know if you recognize him.

[redacted], if you can pull up exhibit 17.

The individual on the left?

A Yeah. I think the guy on the -- looks very familiar, the guy on the left.

Q The one with the glasses and the hat?

A Yeah. Yeah. Yeah. Yeah. I think that was the gentleman.

Q Okay.

A I wouldn't swear -- I guess I just swore to it. He looks familiar.

Q Okay. Great. All right.

A I didn't recognize the Israeli patch.

Q Yep. Right there.

A His patch is Israeli.

Q We can pull that one down.

And then, [redacted]

[redacted] Thanks, [redacted]

BY [redacted]

Q So I wanted to go back to kind of some questions that [redacted] touched on at the beginning of the deposition. And I know it's been a long day so far, so I won't keep you too long.

But part of what we're trying to do is understand why people came to D.C. on January 6th. So I wanted to just ask a couple of questions along those lines.

I mean, now we're more than a year out from January 6th. And I'm just curious

to hear from you what you think of the events of January 6th with the benefit of hindsight.

A What do I think of it? I think it was a CF. You know what that means. It was a melee that got out of hand. And, unfortunately, some bad actors were there, and we see the result of that.

Q And who do you think those bad actors were?

A Not really sure.

Q Why do you think that there were bad actors?

A Based on some things, the videos that I've seen over the course of the year. There were some people that were obviously there with an agenda, to disrupt the process, to do some damage to our Capitol, et cetera, et cetera. You know, I only wish I was in a position to stop them, to be quite honest with you, or quite frankly, I should say. I'm always honest.

Q Do you think any Oath Keepers were trying to disrupt the process?

A Not to my knowledge.

Q Do you think any Oath Keepers damaged the Capitol?

A None that I saw.

Q So --

A Some people that said they were Oath Keepers that weren't Oath Keepers, I could tell you that.

Q Do you have any examples of that?

A The -- well, they -- no. I shouldn't say that. Yeah, it's a broad statement. I shouldn't have said that.

Q Got it.

A If I have some examples I'll be glad to share them with you. But I know

there were people that had Oath Keeper hats on that were not Oath Keepers. Whether they damaged the Capitol or not, I don't know.

Q I see.

A You know.

Q You know, we've talked a couple of times about how the Oath Keepers have a relationship with law enforcement and how many Oath Keepers members are former law enforcement.

What do you think of the fact that many of the rioters on January 6th fought with law enforcement?

A I think it's a shame. It was shameless whoever -- you know, that's what I mean. I think, unfortunately, with the -- well, I think it's just a damn shame, that's what I think, you know, it should never have occurred, first and foremost.

And I think, unfortunately, with the climate that's been going on in our country, with the ongoing rioting that was going on in the Midwest and in the West, the rioting that happened during the inauguration, probably had people thinking that they could get away with this, so we're going to do just the same as we've seen other people do. It's just pure speculation.

Q Help me understand the connection between the protests and violence during the summer of 2020 and what happened on January 6th. I'm not sure I understand.

A Well, in other words, the people that got caught up in the melee said, "Well, we're not going to get in trouble so let's keep going, since nobody -- it seemed like nobody got in trouble in those other situations."

I mean, I don't empathize with them, but I, unfortunately -- fortunately for myself, I didn't do anything that was out of the ordinary. You know what I'm saying? I didn't

put myself in a position where I was having to push police officers, or have police officers tell me to move on, or anything of that nature.

But, unfortunately, some of the young men and women that were there, that got caught up in the gusto of the moment, probably just figured, "Nothing happened to those -- to the -- to these rioters, what could possibly happen to me?" I'm not saying that that okays it, but I can only think that's probably part of the mindset of how it got out of hand like it did.

Q Yeah. Did you have any conversations with people where they expressed a view like that?

A No. I don't really hang around with people like that.

Q Got it. I mean, I'm sure you've seen that many Oath Keepers have been indicted by the Department of Justice. What do you think of that?

A Well, I think they should be allowed out on bail and that they shouldn't be detained. I mean, constitutional rights are being violated.

But if they did wrong, they did wrong. I mean, no doubt. You know, I know some people that are out on bail and others that aren't for whatever reason they're being held. I don't know all the details of why they're being held.

Q Got it. So setting aside the issue of bail, which I know is complicated, I don't know how familiar you are with the indictments, but do you think that any Oath Keepers committed crimes?

A Certainly not insurrection. I mean, I know that's a broad term.

Q Do you think any Oath Keepers committed crimes?

A I guess it was a crime to be in the Capitol when you weren't supposed to be, because nobody told you not to go in there. I mean, I could have very well walked in --

Q Is that the only crime that you think the Oath Keepers committed?

A It's the only crime I saw, that they were out of place, they shouldn't have been inside. And now I understand reading, some of the men got a little carried and were pushing and shoving and punching and trying to harm police officers. So, yeah, I guess that's a crime as well.

Q So help me understand, because you said that you didn't see -- I don't want to put words in your mouth, but I thought we had talked about before about how you didn't think that Oath Keepers committed violence against law enforcement.

A That's correct.

Q But you just referenced Oath Keepers fighting --

A I referenced what I read in the media regarding the recent developments with one of our brothers from Alabama, I think it was Josh. And then there was a reference to Minuta, I forgot his first name -- Roberto, where Roberto is charged with fighting with the police, or maybe Josh was. I forgot. I was reading about it. And if that's the case and that is true, then you get what you dealt, you know.

I don't know of any personally that did, because, again, I didn't see that happening. I can only go by what I see these guys saying that they did or didn't do.

Q Roberto Minuta, I can't remember exactly where he's from, but he's from the Tristate area, correct?

A Yes. He's from --

Q Did you know him beforehand?

A He was from Hackettstown.

Yes, I knew Roberto. I met him at a rally that we had outside his tattoo parlor.

Q Got it. So you do know an Oath Keeper who fought with law enforcement.

A From what I read, correct.

Q Got it. So is that kind of consistent with what the Oath Keepers believe?

A No.

Q Why?

A Because we believe in upholding the Constitution. We don't believe in fighting with police officers.

Q So why would an Oath Keeper fight with a police officer?

A Because he was caught up in the moment, perhaps. And I can't get into his mind to tell you, [redacted] sorry, your name went away. I know I have lots of friends that I work with with those long last names, so I won't attempt to say it.

Q [redacted]

A [redacted] I think it was, [redacted] Or no, [redacted].

Q It's [redacted]

A [redacted] yeah. I can't tell you his mindset. All I know is, is that, you know, people do what they do. And it doesn't -- it shouldn't -- I mean, if one of your attorneys decides to do something that gets him in trouble, does that mean that you guys are all bad? That's where I go to that.

Q I understand. And I won't ask you to speculate on what somebody else was thinking.

You've talked about upholding the Constitution a couple of times. I'm curious if you can elaborate on what that means to you.

A What that means to me? That means that when I see a law or a -- a law that has been written that's outside the Constitution, that I would do everything that I could to try to overturn that law. You know, legally, through the legal means. Bringing it into court and saying here is how it's incorrectly formation and do it. It doesn't mean that I'm going to take the law into my own hands and try and fix it. That doesn't work.

Q Okay. So I understand that there are absolutely ways to try to fight against

laws that you disagree with through legal processes. But from what you've described it sounds like the Oath Keepers are focused on kind of upholding the Constitution, right? That's the oath that the Oath Keepers keep?

A Yes.

Q So the Oath Keepers do a lot of things that are not fighting laws in courts. What do those have to do with that mission?

A Well, I'm not sure what you're referring to.

Q You know, providing security at events, developing --

A That's public service. That's allowing our -- you know, giving us visibility and presence and allowing people to see that there's good here.

Q Got it. I'm not sure I understand how --

A Not that I totally agree with it, but that's where we were.

Q So I'm not sure how that relates to upholding the Constitution.

A Well, it's really more of a commercial. If you think about you want to promote your product, so you need visibility. So visibility -- and I don't know this, I'm just going to guess that Stewart thought this through in that sense that he's a business -- this is a business, even though it is his passion, and that the visibility allowed us to promote our message of who we are, that we're not this crazy right-wing whatever they call us at the SPLC and the ADL, those people that got in front of us right away because all the goodness that we do.

Q I understand.

A You know, I'm not a spokesman for the Oath Keepers. I can only tell you in my heart of hearts that when you see an injustice, you need to do what you can to undo it.

And you guys do it by, you know, on your terms with the attorneys. I'm not an

attorney. So all I can do is hire an attorney and try to write a bill, to rewrite a bill. It's in the weeds here. We're getting into the weeds.

Q Well, help me understand this. You said on one hand these are recruitment events, right, they're advertisements for the Oath Keepers? Is that correct?

A Well, they could be seen that way, yeah. That's why you're saying they are not related to the Constitution. But isn't personal security related to the Constitution? I mean, shouldn't you be able to attend a First Amendment event and not worry about getting your head kicked in on your way out because somebody doesn't agree with your -- with what you believe?

So that's how it came about. So, in that sense, yeah, it also becomes a recruitment. Yeah, I guess you could call it recruitment.

Q So I understand that law enforcement, official law enforcement, have a role in public safety. Help me understand why a private organization like the Oath Keepers have a role in public safety.

A Way too broad. A role? I mean, our only role is to be a presence to stop people from getting their heads beat in. I mean, there's just not enough patrolmen at events to see everything. You know what I mean?

So we were just there, we were there as a mitigator to stop violence. Whenever we were at some of these events, we didn't hear about people getting their car's windows broken or their tires sliced or their heads bashed in with bricks or, you know, all the above, the things that you've read about. I'm sure you've read about the atrocities that happen at some of these rallies.

Q So is it fair to say that the Oath Keepers are kind of an extension of law enforcement?

A I would say not.

Q Maybe a complement to law enforcement?

A I wouldn't say that. We're more just a, you could say, a complement. Yeah. Just like anybody that does community service, whether it's on a CERT level or a CPT level, yeah, you're always an extension of the community, whether it's an extension of law enforcement or just an extension of helping the neighborhood recover. It's, you know, I don't know, to -- yes. I don't know. I don't know, you know.

Was that a trick question?

Q Yes. I think so.

So you're from New Jersey. How long have you lived in New Jersey?

A I lived in New Jersey 50 years. Fifty some years, I guess.

Q I'm from Monmouth County myself.

A Nice.

Q So I love New Jersey very much.

I'm curious whether there are things that have happened in New Jersey that encouraged you to join the Oath Keepers or encouraged you to get politically involved?

A My politics came out of 2008, trying to elect Ron Paul to run to get the nod for the Republican candidacy. Okay? And he encouraged us to become precinct leaders and get to know our neighborhoods. And from that offshoot, I became involved politically in the local town with the municipal -- I mean, the county committee. County committee is -- I'm sure you know what county committee is, right?

Q Uh-huh.

A So I got involved in county committee, and then I got State involved, and became eventually -- now I'm the sitting municipal chair in my town. So that's how I got involved in politics.

Q Got it.

A Now, Oath Keepers came along, and I just saw it as another offshoot. Out of the 2008 campaign we managed to continue to meet on a weekly, biweekly basis and engage our government, showing up at events, going to freeholder meetings, going to council meetings, asking questions, looking for transparency. Where's the money, show me the money type of thing.

We all know that if we don't ask the right questions that whatever corruption there is is going to continue all the way. Does it mean there's always corruption? I don't know.

But the point is, if you live in New Jersey you know your taxes have continued to go up and up and up and up, and what do you have to show for it, right?

Hopefully, your school system is not being subjected to the newest assault. So I don't know where Monmouth is. My cousins used to live in Rumson and Sea Bright. So they were -- actually, my uncle was a freeholder in Monmouth.

Q What do you mean by the newest assault?

A Well, this new 1619 Project and this teaching of sexuality to kindergartners and youngsters that's coming out of our school board.

Q Got it. I know we just have a couple minutes left and we said we'd get you out of here by 3.

What do you see as the biggest threats to America?

A Radical Islam.

Q Can you elaborate on that?

A What more can you say about radical Islam. What's there to -- if you understand -- radical Islam now as -- look at what's going on in the Middle East, right? I mean, if they don't get their way, they -- you know, you have two different religious factions that are fighting each other. Okay?

So I don't know where we're going with this question, and I don't know if this stays off the record or if this is on the record or if I'm going to read about this in the paper the next time I run.

But radical Islam. That, in my opinion, is the biggest threat to the world, okay, because they believe that their religion is it and if you don't go their way that they want to -- you submit or you die. Okay?

And now, personally, I believe in the Lord Jesus Christ and I'll take that to my death.

Q So do your thoughts about radical Islam, do you think the Oath Keepers have a role in fighting that?

A I don't think the Oath Keepers have a role in fighting anything. The only thing that the Oath Keepers need to continue to do is to inspire the people to engage their government and, you know, the ways that I've come up and done it. And that's why I thought it was such a great thing to join.

I still believe in that mission. I still believe in the mission of having community development and also having to know your rights. I mean, they don't even teach civics in school.

I don't know how old you guys are, but when we went to school they taught us about civics. I don't know if you guys got that or not.

But to me, it's -- our role in government is to be part of our government. We are a self-governed people. We're not supposed to be told what to do, how to do it, when to do it.

Q So how do you think radical Islam affects our ability to learn civics or participate in government?

A It scares people, because if I don't -- if they don't -- if I don't do what they tell

me to do they're going to blow me up or they're going to --

Q Has anyone ever told you that?

A Personally? No. No. But just read the newspapers. Just read the world papers.

Are you Islamic, sir? I hope I'm not offending you.

Q It's not really relevant. I'm just curious what you think.

A No. Okay. I just want to make sure that I'm not -- I don't want to get into a back and forth with you. I'm not trying to be a smart-ass. But if you look at what's going on in the world, when the radical Islamists don't get their way, what they do? Look what they're doing in Ethiopia, look what they're doing in northern Africa.

Q But what are they doing in America?

A I mean, they're coming across our open border. They're going and killing all the Christians, okay, because they have a cross on their neck.

So, I'm sorry. It's just to me that's -- I guess it's just personal because I see the struggle in the world and I don't see -- I don't see any -- I just don't see any way out of it. And I hope my grandchildren don't have to be subjected to bombs going off in their local communities like we see throughout the world.

I mean, are you -- I can see you have an Indian name so you -- the struggle is in India as well. You see what's going on over there with the Muslim push into India and the whole area. I mean, I know you want to be comfortable asking me that question, but you have to be comfortable with the answer as well, you know.

Q Sure. I think that answers my question.

My last question is, do you think Donald Trump is an ally of the Oath Keepers?

A An ally of the Oath Keepers? Oh, I don't know. He certainly didn't bail anybody out or push to get anybody out or give them any money that I'm aware of. So I

would say probably not.

Q Do you support Donald Trump now?

A Don't know that I've made that decision.

Q Got it. And if there were kind of an event in D.C. to rally support for Donald Trump, like the one that happened on January 6th, would you attend that event?

A The key word there is "like." So I would never attend an event that was like January 6th.

Q Got it. All right.

Well, I think you've been very patient with us. We've kept you for a long time. I'll turn you back to [redacted].

A Thank you, [redacted].

BY [redacted]

Q Just a couple more questions for you, Mr. Durfee, and then we should be done.

A Sure.

Q I just want to ask, in the time since January 6th, have you been contacted by the FBI or DOJ at all?

A Yes.

Q Okay. And what was your contact or interaction with them?

A They came to my house, asked me questions, showed me pictures. They came back to my house, showed me pictures, asked me questions. Had a sit-down at headquarters in Newark with the DOJ.

Q Okay. Let's walk through that in a little bit more detail.

Can you tell me what they were interested in primarily or what the questions were about?

A That's something that's disclosable now?

They were interested in Stewart, in my opinion.

Q Okay. What sort of pictures were they showing you or what pictures did they show you?

A Well, when they came to my house they showed me a picture of my friend Jim, who was actually being interviewed by the FBI at the same time they were showing me the picture, because he just called me to tell me that they were coming to his house.

And they showed me some pictures of some other people that I didn't know. They showed me a picture of -- that picture that they had going around that was supposed to be a guy with the pipe bombs, if you recall that.

Q Okay. I don't recall it specifically. I don't know which one you're talking about.

A There was a picture in the media of the suspect that was supposedly planting pipe bombs at the RNC and the DNC.

Q Okay. What else did they show you pictures of?

A Pictures of Jim Breheny and then two other gentlemen that I didn't know who they were.

Q So that was -- was that at the first meeting at your house?

A Yes.

Q Okay. And when was that meeting?

A Geez. Maybe 2 weeks after January 6th, maybe a week. I'm not sure. They came back in February, I think was the second visit.

Q Okay. Just on the first meeting still, did you give them anything? Did you provide documents or allow them access to your phone or anything like that?

A They didn't ask for that.

Q Okay. So you have -- how about for the second meeting, what was that second meeting about?

A Second meeting was about the website, asking me about the New Jersey Oath Keepers website and the Oath Keepers in general.

Q Did they ask about any specific individuals then?

A They asked me about a name of a person that was on the website that I didn't recognize. And since then I've realized what it was, one of the -- and I had no way to contact them again, so that just fell by the wayside.

Q And who was that or what did you realize later?

A Well, what we did was when I was making the regional -- I have -- on our website we have the regional directors. And one of the guys didn't want his name on there, so he just gave me some bogus name to use. So that's what -- -- that's who it was. It was just a -- it was a pseudonym.

Q And do you know -- do you either recall the pseudonym or who the actual person was?

A The pseudonym was -- I'd have to look it up. It's on there still.

Q Okay. And who was the actual individual?

A A gentleman from Monmouth County.

Q And what was his name?

A Cott, C-o-t-t, Frank Cott.

Q Okay. And then anything else that you recall about the discussion during the second meeting?

A Nothing of significance. Nothing that jumps out. They just asked me questions about the website. "Do you guys still have meetings?" Asked me how many names there are, how many members there are. I explained to them that the

membership is all through the national.

Yeah. That was it. That was it.

Q After that second meeting, did you provide any documents or hand anything over to the DOJ or FBI?

A No. No.

Q At that time, if it was in January or February, I think the -- you had already -- what was it called? The first server was Liquid Web. You had already left Liquid Web, right?

A Yeah. Liquid Web was -- I guess that was in January, wasn't it? I'm not sure when we lost Liquid Web. I should have got those details and I don't have them.

Q No. That's okay if you don't know off the top of your head. I guess just what I'm asking is, were they interested in -- so I was asking you about kind of the membership lists.

A No. No. No. They weren't asking me anything about -- to do with the Oath Keepers in general. They were just focused on New Jersey.

Q Okay. And then I think you said you had a third meeting that was at the FBI headquarters. Was that here in D.C.?

A No, they accorded us to do it in Newark at headquarters.

Q Okay. A local FBI office?

A Yes.

Q What was that third meeting about?

A Mostly about Stewart, I would say, right? Mostly about Stewart. They were asking me questions about the day. They showed me pictures. They asked me about you guys. No, just kidding.

Q When --

A They just asked me about the day, pretty much what we did today. Timeline. What else did they ask me? Nothing. They just asked me questions, I answered the questions.

Q Okay.

A Just like if somebody asked me what I did today, I'd say I answered a bunch of questions. I won't remember.

Q Right.

A I'm sorry. I guess I'm just past that remembering stuff.

Q No, that's okay. And then when was that third meeting, do you recall, or about when?

A What was that, last month?

I looking to my attorney because he was with me.

I would say it was last month. I can look in my -- I don't know if I have it in my phone. If you need the date, I'm sure we can provide it.

Q No, that's okay.

And then I'll just -- so did you -- and then just one more time, did you provide any documents or your phone or give them access to anything after that third meeting?

A No, I don't think so. Right? They didn't ask for any of that. They didn't ask for anything.

Q And then any, as you think back to that, any of those three meetings, anything that you discussed with the FBI about the events of January 6th that we haven't discussed today, that you can remember?

A No. I think it's all pretty much the same. I mean, they were really more interested in Stewart at the FBI meeting, in my opinion anyway. They asked a lot of questions about Stewart.

Q Okay.

A They asked a lot of questions about the website. And I explained to them it is just a membership, it's not a corporate website, it's just a membership website. And, unfortunately, it's, you know, stratosphere at this point. No, I don't think so.

Right? Am I missing anything? Right?

I'm looking at my attorney because he was with me. But I don't think I'm missing anything that I don't feel like you --

Q That's fine. Yeah.

A You didn't uncover anything different than they did. Let's put it that way.

Q And then do you expect to -- do you know if you're meeting with them again or do you expect to meet with them again?

A Not to my knowledge.

Q Okay.

All right, then I think --

A Should I expect to meet with you again?

Q I think we'll be done.

Oh, actually, I did want to ask you one other thing. I know for a little bit we talked about Texas Horsewhisperer and you identified that she's a woman and her name was Marcia. I just wanted to give you two names and tell -- do you think you ever heard her last name or would you recognize her last name if I gave it to you?

A I don't recall, but you could try.

Q Sure. Let's try. Either Marcia Brazle or Brazell [sic], B-r-a-z-l-e?

A It doesn't ring a bell.

Q No. Okay. And the second one is Marcia Schmutz, S-c-h-m-u-t-z?

A No. That would be an easy one to remember.

Q Schmutz. Yeah.

[redacted] Okay. Then I think with that we're done.

Just while we're still on the record, I just wanted to again thank you for your time. I know this can be kind of a tiring and exhausting process to sit here and answer all these questions about something that happened over a year ago. And so I really appreciate your forthcoming answers.

And also being understanding about us asking more of those more probing questions about kind of your feelings about the election and politics. I know those can be sensitive sometimes. But it's really just important for us to understand what brought people to D.C. on the 6th.

The Witness. Okay. Well, I hope I was helpful and wasn't, you know, forbearing on you guys.

[redacted] No. We appreciate it.

The Witness. I certainly didn't mean to offend you, if I did.

[redacted] We appreciate it.

And we'll go off the record at 3:07.

[Whereupon, at 3:07 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