

1

2

3

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

8

9

10

11 INTERVIEW OF: GREG RUBENACKER

12

13

14

15

Wednesday, April 6, 2022

16

17

Washington, D.C.

18

19

20

The interview in the above matter was held via Zoom, commencing at 2:05 p.m.

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] INVESTIGATIVE COUNSEL

9 [REDACTED] STAFF ASSOCIATE

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] INVESTIGATIVE COUNSEL

12

13

14 For GREG RUBENACKER:

15

16 MICHAELANGELO MATERA, ESQ.

17 The Matera Law Firm

18 560 Broadhollow Road, Suite 303

19 Melville, NY 11747

1

2 Mr. [REDACTED]. All right. We will go on the record at 2:05 p.m. eastern time.

3

4 Good afternoon. This is a transcribed interview of Mr. Greg Rubenacker,
5 conducted by the House Select Committee to Investigate the January 6th Attack on the
6 United States Capitol pursuant to House Resolution 503.

6

7 At this time, I'd ask the witness to please state your full name and spell your last
8 name for the record.

8

9 Mr. Rubenacker. Hello. Can you guys hear me?

9

10 Mr. [REDACTED]. Yes.

10

11 Mr. Rubenacker. Okay. My name is Greg Thomas Rubenacker.

11

12 Mr. [REDACTED]. And can you spell your last name, please?

12

13 Mr. Rubenacker. R-u-b-e-n-a-c-k-e-r.

13

14 Mr. [REDACTED]. Thank you, Mr. Rubenacker.

14

15 This will be a staff-led interview. And members, of course, may choose to also
16 ask questions if they attend.

16

17 But in the room with you today is myself, [REDACTED]. I'm an investigative
18 counsel. You have [REDACTED], also an investigative counsel, and [REDACTED]
19 [REDACTED], an investigative counsel. There are currently no Members of Congress that
20 are present for this meeting.

20

21 At this time, could counsel please state their name for the record?

21

22 Mr. Matera?

22

23 Mr. Matera. Michaelangelo Matera, attorney for Mr. Rubenacker.

23

24 Mr. [REDACTED]. Thank you.

24

25 There is an official reporter transcribing the record of this interview. So I'd ask
that you please wait until each question's completed before you begin your response, and

1 we will try to wait until your response is complete before we ask the next question.

2 The stenographer cannot record nonverbal responses, such as shaking your head,
3 so it's important that you answer each question with an audible, verbal response.

4 Mr. Rubenacker, if I see you shaking your head, don't worry about it too much. I will
5 just indicate it for the record, whether it be a positive or negative response.

6 We ask that you please provide complete answers based on your best
7 recollection. If the question is not clear, just ask for a clarification. If you do not know
8 the answer, please simply say so.

9 You may only refuse to answer a question to preserve a privilege recognized by
10 the select committee. Such privileges include the Fifth Amendment privilege against
11 compulsory self-incrimination.

12 First, it's important that you understand this interview today is voluntary. If at
13 any time you would like to stop speaking with us, that's your choice. Similarly, if at any
14 point you need to discuss something with your attorney in private, please just let us
15 know, and we'll take a break so you can have that conversation.

16 Second, this interview is not under oath, but because this is a formal select
17 committee investigation, you are obligated under Federal law to tell the truth, the same
18 as if you were speaking to the FBI or the DOJ. It is unlawful to deliberately provide false
19 information to Congress. For this interview, providing false information could result in
20 criminal penalties for perjury and/or false statements.

21 Do you understand, Mr. Rubenacker?

22 Mr. Rubenacker. I understand.

23 Mr. [REDACTED] You are also not obligated to keep the fact of this interview and
24 what we discuss confidential. You are free to tell whomever you wish that you met with
25 us, including a prosecutor or a judge on your case, or you can tell no one at all. That's

1 your decision.

2 Do you understand that as well?

3 Mr. Rubenacker. Absolutely, I understand that.

4 Mr. [REDACTED] Okay.

5 The select committee investigation is separate and independent from DOJ. We
6 have no involvement with the prosecutions, and DOJ is not a partner with the select
7 committee in its investigation.

8 The select committee also is not a party to your criminal case and is not agreeing
9 to submit anything on your behalf to the judge, nor can we make any representation
10 whether, if you tell judge you met with us, that the judge will be more favorable to you
11 during sentencing.

12 Do you also understand that?

13 Mr. Rubenacker. Yes, I understand.

14 Mr. [REDACTED] All right.

15 And, last, we have agreed with your attorney not to share the substance of what
16 you say with the DOJ prior to your sentencing, but there are two exceptions. If you told
17 us about evidence of a crime that we thought law enforcement was unaware of or if we
18 had reason to believe that you lied to us during this interview, then we would be
19 obligated to tell the DOJ or another appropriate law enforcement agency.

20 And if you tell the judge that you met with us, please understand that may prompt
21 questions from the judge about what you said and whether it's consistent with your prior
22 statements and acceptance of responsibility. And if the judge starts asking questions,
23 we may be asked to respond and divulge what you said.

24 Do you also understand that?

25 Mr. Rubenacker. Yes, I understand.

1 [REDACTED] Okay.

2 So, logistically speaking, please let us know if you need any breaks or anything like
3 that as we go through, and we'll make sure we accommodate your request.

4 EXAMINATION

5 BY [REDACTED]:

6 Q So let's start off with a little bit of your background, Mr. Rubenacker. Just
7 tell us a little bit, like, where you're from, how long you've lived there, your educational
8 background, please.

9 A So my name is Greg Rubenacker. I was born in Manhattan. I was [REDACTED]
10 [REDACTED] I was raised on Long Island. I live at [REDACTED] Farmingdale.
11 I've lived there my whole life.

12 Education, I graduated high school. I went to Nassau Community College for a
13 year and a half for marketing. I dropped out, and I started pursuing my own career in
14 music.

15 At the time, I started deejaying. I started playing shows, Webster Hall. What
16 are some of the -- I haven't done it in so long. Webster Hall's, like, the biggest one.
17 But when they knocked Webster Hall down, that's, like, when my deejay career basically
18 ended. But I used to do, like, little things in the city all the time.

19 And then, after that, I met up with Dave East's producer. Dave East is a hip-hop
20 artist. And I was told to -- I was doing EDM in, you know, like, the deejay scene, and
21 they told me to just try to do hip-hop. And ever since then, that's when I started doing
22 hip-hop. I've been doing hip-hop since about 2017.

23 I've made a ton of connections through networking, through traveling. In 2020, I
24 was in Timbaland Studio before COVID hit. I was supposed to go to Los Angeles in 2020
25 to work with Chance the Rapper, but COVID happened, so I lost that opportunity.

1 I'm currently in the process of finalizing my trademark with the Federal
2 Government to have my own record label. I currently still work with Buddha and Grinz
3 (ph). They are Grammy-nominated producers. And I have a vocal coach, which is -- my
4 vocal coach is Lady Gaga and Katy Perry's vocal coach.

5 Q Wow. Did you say Dave East in the beginning?

6 A Yeah, Dave East.

7 Q Okay. Yeah, I'm a big fan of Dave East.

8 A I've met him, like, five times. He's a good person.

9 Q Are you at any time -- are you a veteran, for example? Did you serve in the
10 military?

11 A My family's just -- I'm, like -- I come from a family that's just -- my brother's
12 been in military for over 20 years. My brother Brian I believe did 4 years. And then my
13 sister's husband, he was in the Marines; he's in the Reserves now. So we're a Marine
14 family.

15 Q Okay. Are you former law enforcement?

16 A No.

17 Q Okay. And so your career after high school and some community college
18 has been primarily in the music industry?

19 A Yes, the music industry.

20 Q Sounds good.

21 So let's fast-forward straight now to, you know, the lead-up to January 6th. And
22 as we kind of discussed off the record before we started, we're interested to learn, I
23 guess, how you were following politics and what may have led you to want to come to
24 D.C. on January 6th.

25 So, in general, how closely did you follow political events throughout former

1 President Trump's term?

2 A To be completely honest, I didn't start paying attention to politics till COVID.
3 I was --

4 Q Okay.

5 A I was very busy with music. Like I said, that year was supposed to be a very
6 special year for me. I thought I was actually -- you know, my dreams were actually going
7 to come true, to be completely honest.

8 Q Uh-huh.

9 A And then COVID happened, and I had just a ton of time on my hands. And
10 that's kind of when I started turning into politics, to be honest.

11 Q So I'm assuming with -- are you referring to the COVID mandates that I'm
12 assuming forced you to have to stay in the house more?

13 A The lockdowns, yes, correct.

14 Q Gotcha. So, during this time period, during the lockdowns, did you start,
15 you know, reading the news more? Is that what kind of led to this?

16 A It wasn't really the news. I was just -- I started doing just research of just,
17 like, everything, to be completely honest, even, like, you know, going back just trying to
18 learn American history. I just, like, I guess, gained an interest for just, like, America and
19 what was going on.

20 Q Yeah. So I guess, what triggered this interest in American history?

21 A I guess COVID.

22 Q Okay. And can you just walk us through, I guess, your process for -- and
23 you don't have to go into deep detail but just, we want to understand, what were you
24 reading to catch up or to learn American history?

25 A I mean, so what I was reading is just -- I would be -- I would go on Google or

1 DuckDuckGo, and I would just learn about, like, things that the CIA, like, would conduct
2 years ago, like, these certain operations that would lead to certain things.

3 And I kind of saw, like, things, like, a little twisted from a sideline of things. And I
4 guess when I saw things being, like, twisted from, like, 20 years to, like, even 10 years
5 ago, I started realizing that, like, everything from the past has something to do with today
6 when it come to politics.

7 Q Gotcha.

8 Mr. [REDACTED]. I see [REDACTED] turned his camera on.

9 Do you have any questions about the research side of this?

10 [REDACTED]. Yeah.

11 Well, I'm just curious, Mr. Rubenacker, whether it was just, you know, the fact
12 that you had a lot of time, or was it, you know, the policies that were being enacted
13 during COVID that got you into looking into politics?

14 Mr. Rubenacker. I really want to say, honestly, it was probably just the extra
15 time. Because, like, I really try not to pay attention to politics anymore, to be
16 completely honest, and I'm really trying to just, like, get my life back together, and I'm
17 really trying to tackle my dreams. And I feel like I've been making some of the best
18 music that I've -- honestly, like, my coach is very proud of me.

19 And I've been doing music for a very long time, and I'm actually very proud of
20 myself. And it took me a while to even be proud of myself, because, as a musician,
21 there's so many musicians that are, you know, trying to do the same thing. So I found a
22 way where I think that I'm original because I make the beats. I do everything. I do
23 literally everything when it comes to my songs. I write the lyrics, I perform it, I sing it, I
24 make the beats. I do everything.

25 So, lately, I just -- I don't really have the interest anymore. I really just -- my goal

1 in life is I want to help people. It's always been my goal to help people because of the
2 things that I've been through in my life.

3 You know, I lost my friends in a car accident at 18. A year after that, I lost my
4 friend to an overdose. And then a year after that, my mom had a heart attack, and she
5 was touch and go for about a year and a half. And that was probably one of the biggest
6 emotional roller coasters, you know, just never catching a break. And I really wanted to
7 just dedicate my life to just putting my pain into music. That's, like, basically my
8 therapy.

9 And COVID basically, I guess, yeah, just really gave me the free time. Because,
10 like, I'm now really just back into doing what I do, and it's just like, I'm just trying to work
11 as hard as possible, and I'm trying to do the right thing as possible. You know, I go to
12 therapy; I have to check in with my probation officer. I'm doing everything possible to
13 just try to get my life back.

14 I really -- politics, I guess, was -- like I said, it was more because I had the time.

15 [REDACTED] Got it. That makes sense.

16 BY [REDACTED]

17 Q So it sounds like you were researching during the COVID lockdowns
18 American history. But did that eventually turn into post-election news? Did it switch
19 to that at any point?

20 A Well, I mean, yeah, that, obviously -- you know, like I said, it came into, like,
21 current events.

22 Q Okay.

23 A And when the media was -- you had one side of the media saying that the
24 election was completely fair, and then you had one side of the election saying that it was
25 completely illegitimate and not fair. And on top of that, you had a lot of Congresspeople

1 from one side of the spectrum also chipping in with what the President was saying.

2 So, you know, it concerned me for election integrity, for sure, to see that the
3 medias that were going were going two separate ways, and then on top of that you have
4 the Congressmembers sitting here saying that, you know, the election has been
5 interfered with.

6 So it all ties into just, like, my way of thinking, and I was just, like -- I don't know.
7 Something, to me, just didn't feel right.

8 Q That makes sense.

9 So you mentioned some of the news sources and, for example, hearing what some
10 of the Congressmen were saying on both sides of the aisle.

11 I guess, what channels of television, if you were watching television, were you
12 watching?

13 A So I would watch CNN. I'd watch FOX. And I also watched InfoWars.

14 Q Sure. Of these channels you just listed, were there any that you preferred
15 over the others?

16 A I preferred InfoWars.

17 Q Just out of curiosity, what drew you to InfoWars?

18 A I felt like, when Alex Jones was speaking, a lot of the things that he talked
19 about in the previous tended to end up to be true.

20 He did an interview in 2018 where he said that there was going to be a pandemic
21 in 2020. And that was some of the research that I did in 2020. And it kind of, you
22 know, blew my mind how someone would even know this type of information and how
23 he, like, predicted it, and then now it's really happening in real-time. Like, this stuff was
24 happening.

25 So it's just, like -- I was just, like, what does he know? Like, that was just, like, a

1 curiosity. Like, how does someone even know something like that?

2 Q Right.

3 So you talked about some of the television channels or, it sounds like, YouTube
4 channels, as well, that you watched. Did you read any print publications, such as, like,
5 The New York Times or Wall Street Journal, anything like that?

6 A The only publications that I read were from dot-govs, FBI documents or CIA
7 documents that are published on Google.

8 Q Got it. Okay.

9 I'm going to -- did you use social media? We saw in your criminal filings, for
10 example, that you were using Snap on January 6th. But did you use social media
11 applications before January 6th?

12 A Yes.

13 Q Okay. I'm just going to go through a list of them. And specifically what
14 we're interested in is whether you were getting news from these social media
15 applications. Does that make sense?

16 A Yeah, it makes sense, but I --

17 Q Okay.

18 A Just --

19 Q Sorry. No, carry on. Carry on.

20 A No, I was going to say, none of the -- I can promise you, like, none of the
21 news was coming from Snapchat. But carry on with what you were going to go through.

22 Q Okay. Did you get any news from Facebook?

23 A No.

24 Q Okay. What about Parler?

25 A Nope.

1 Q Reddit?

2 A Nope.

3 Q Snap?

4 A Nope.

5 Q Telegram?

6 A I was -- the only --

7 Q Sorry.

8 A The only thing that I would consider I went through when it comes to news
9 would be Twitter. And I may have just started using Telegram, like, right around the
10 election, if I'm --

11 Q Got it.

12 A I don't recall when I started using Telegram, but it wasn't like I was on
13 Telegram. Like I said, I wasn't into politics until COVID, so I don't really --

14 Q No, that's understandable.

15 I guess, one of the questions -- you said you didn't start using Telegram till right
16 before, what, January 6th? Is that fair?

17 A Yeah, I didn't really -- I --

18 Q What drew you to it right before January 6th?

19 A The fact that Twitter was starting to censor some of the people that I was
20 listening to. That's what drew me --

21 Q Mr. Rubenacker, I feel like you're reading my notes, because my next
22 question was going to be: Who did you follow on these social media sites? Who did
23 you prefer to follow at the time?

24 A I like the Hodgetwins.

25 NELK Boys. They have, like, the "Full Send Podcast."

1 Joe Rogan. I've always been a Joe Rogan fan. It's not just because of the things
2 in the last year; I've been listening to Joe Rogan for years. It's a shame Joe Rogan's just
3 into this big political thing now.

4 And then the rest were just -- the rest were just musicians, you know, me just
5 trying to network and, as much as possible, just try to get my name out there.

6 I really follow, like, a lot of business accounts. I follow, like, garyvee, mentor
7 accounts, trying to just, like, grow my mental -- like, my business, like, aspirations of, like,
8 something that -- if I don't know how to do something, I'm trying to learn how to do it.

9 Just, like, that's -- I could try to consider myself, you know, a -- like I said, I have
10 this trademark going through. So I would like to consider myself one day a CEO, you
11 know?

12 Q Gotcha. That's -- I can see, like, putting in the reading to get to that. That
13 makes sense.

14 Did you follow former President Trump on these, on Twitter, for example, or any
15 other social media site?

16 A Yeah, I did follow Donald Trump until he was censored.

17 Q Gotcha.

18 Right after the general election in 2020, did you believe the election had been
19 stolen from former President Trump?

20 A Say that again?

21 Q Did you believe the election had been stolen from former President Trump
22 after 2020?

23 A With the people that I followed and the things they were saying, yeah, I did
24 generally believe that.

25 Q Okay. So I guess this is a two-part question. When did you start to

1 believe the election was stolen, and what made you believe that the election had been
2 stolen?

3 A Well, I saw multiple videos of people carrying in briefcases the day after
4 election day, and then they would tell people to leave the room, and they would bring in
5 these suitcases, and they would be caught on camera, and then they would start counting
6 again. So I thought that was very suspicious.

7 What was another one? There was another one. I just had another one. That
8 one -- oh, and when they were showing on the news, the day after the election, when it
9 went from -- the numbers were just, like, going, like, back and forth, trembling back and
10 forth, and then all of a sudden Joe Biden just had, like -- was, like, 30,000 or whatever,
11 like, 40,000 -- like, it was, like, a straight line up, and, like, Trump just had, like, nothing.

12 I was just like, so you're telling me that this guy had 40,000 votes and not one
13 person -- not one person voted for Trump, out of all the 40,000 people? It just didn't
14 make, like, logistical sense to me.

15 Q Got it.

16 I'm jumping way ahead, but do you still believe today that the election was stolen
17 in 2020?

18 A No. Joe Biden is our President.

19 Q I guess I'm --

20 A Donald Trump has no say over what goes on in this country, so --

21 Q Yeah, but I think accepting that former President -- or that President Biden is
22 now the President is different than thinking it was stolen.

23 I guess we're just trying to understand, do you still have concerns about the 2020
24 election?

25 A I'm trying to just do this music.

1 Q Got it.

2 A It's President Biden, man.

3 Q Sounds like you don't think anymore about it now because of the music?

4 A It's President Biden, man. That's it.

5 Q Okay.

6 [REDACTED] Does anyone have any -- does [REDACTED] have any
7 followup after that?

8 Okay.

9 BY [REDACTED]:

10 Q After the 2020 election, did you participate in any election-related protests?

11 A Only January 6th.

12 Q Only January. Okay.

13 So let's talk about your decision to come to D.C. for January 6th. I guess, what
14 factors influenced your decision to want to come here on January 6th? And by "here,"
15 I'm in D.C., so Washington, D.C.

16 A At the time, I, you know, had the intentions that it was stolen, and I wanted
17 to hear President Trump speak. And that was really it.

18 And, you know, he said to walk down to the Capitol. And when I left, I was so
19 tired, because, like, you couldn't even -- I even have -- like, I paid a ticket. Like, I didn't
20 stay -- I was not in -- I was not in Washington, D.C., on the 5th. I was not at any of those
21 events that people, you know, were -- they talked about Ray Epps or all that stuff. I was
22 not there. I left at 12:30, here, New York time, to go down to D.C.

23 So, after Trump's speech, I was honestly completely exhausted. And I sat down, I
24 guess it was by the DOJ --

25 Q Right. I do have a quick followup. How do you know who Mr. Ray Epps

1 is?

2 A They talk about -- I mean, the reason why I know about Ray Epps is because I
3 have an ankle monitor on me, and I've been -- well, some of the worst things have
4 happened to me in the last year since I've been arrested. I've been jumped. I've been
5 attacked for what I've done. I've lost a lot of friends and all that stuff.

6 And I just -- it's just -- it's just upsetting to me to know that this guy, from the
7 videos that I have seen, that this guy has not been charged with anything, and my life has
8 been honestly completely -- like, I've lost, like, everything. Like, everything's been
9 turned upside down for me.

10 Q Where did you see the videos of Mr. Ray Epps?

11 A Twitter.

12 Q Twitter? Okay. So you still follow, you're still on Twitter today?

13 A I just -- I actually recently just made a new -- a new Twitter account.

14 Q Okay.

15 And I'm sorry to hear about what you just described happening to you after
16 January 6th.

17 I guess, going back to your decision, though, do you recall former President Trump
18 tweeting about the January 6th protests in December -- December 19th, to be specific?

19 A To be completely honest, I found out about January 6th through Alex Jones.

20 Q Through Alex Jones. Okay. It was on InfoWars? You found out through
21 InfoWars?

22 A Yeah.

23 Q Was part of the Alex Jones segment on January 6th, did it advertise the fact
24 that former President Trump was going to be speaking?

25 A Yeah.

1 Q What were you expecting, if anything, from former President Trump's
2 speech on January 6th?

3 A Honestly, I couldn't tell you.

4 Q Were you expecting some type of reveal related to the election?

5 A No. Honestly, I really couldn't tell you. I just wanted to hear -- I just
6 wanted to hear the President speak about something that I had a concern about, and I
7 wanted him -- hear his thoughts, not through a social media, not through an interview. I
8 wanted to hear it in person, because I had an actual concern about it.

9 Q And what were you hoping, if you were hoping anything, to hear from the
10 former President?

11 A I was really just hoping to hear, I guess, just words of encouragement, that
12 just, you know, even if he did lose, it's just, like, I'm a big believer that this country needs
13 to come together, regardless if Donald Trump is the President. And Joe Biden is the
14 President, and that's still how I feel.

15 And I was kind of hoping he would kind of be -- like, leave with some type -- leave,
16 kind of, like, with some type of encouragement. And I guess that's not exactly what
17 happened.

18 Q And we'll get into January 6th in a little bit, but you also mentioned earlier
19 that certain congressional Members were -- and I don't want to misstate your words, but
20 it sounded like you were talking about congressional Members also saying some of the
21 things that former President Trump was saying about the election.

22 Is that correct? Is that fair to say?

23 A Fair.

24 Q Okay. Which congressional Members are you referencing, if you
25 remember?

1 A Marjorie Taylor Greene. Steve Bannon. Alex Jones, obviously.

2 Q Uh-huh.

3 A Well, he's not Congress, but --

4 Q Yeah.

5 A Roger Stone.

6 Q Okay. How did you follow, for example, Mr. Roger Stone? How were you
7 hearing what he was saying during this time period? Was it through the shows like
8 InfoWars, or was it on social media?

9 A Yeah. He was a regular guest appearance on InfoWars.

10 Q Gotcha.

11 And what about Mr. Bannon? Did you watch his show as well?

12 A No.

13 Q Okay. So how did you --

14 A That's from FOX right there, I'll tell you.

15 Q Got it. Got it. Okay.

16 So, ultimately, then -- and I just want to button this up before we move -- when
17 did you decide to come to D.C., approximately, and what was your goal?

18 And if you can just, like, give us a time period, whether it's late December, early
19 January, when did you decide to come to D.C. for January 6th?

20 A I talked about it probably the end of December. I literally booked a hotel
21 January 5th --

22 Q Okay.

23 A -- for January 6th.

24 Q And you drove?

25 A Yes.

1 Q Okay.

2 So that takes us into our next, kind of, group, which is your logistics to come here.

3 And you touched on that.

4 So you booked your hotel on January 5th?

5 A Yeah. It was just kind of a spontaneous, impulsive decision-making, to be
6 completely honest.

7 Q Okay. And did you stay in a hotel in D.C. or in the surrounding area?

8 A In -- I don't even know the name of it, to be honest. I just found something
9 that had a spot.

10 Q Okay.

11 When did you leave New York to come to D.C.?

12 A Like, 12:30, January 6th. Like, you know what I'm saying? Like --

13 Q 12:30 a.m.?

14 A Yeah.

15 Q Okay. And you drove down by yourself?

16 A I drove down with my friend.

17 Q Okay. Was your friend also a New York native?

18 A Yeah. He lives in California now.

19 Q Okay.

20 Did you end up -- so you just said -- approximately how long did it take you to get
21 from your hotel to where the Capitol area was? Do you remember that?

22 A I believe it was 25 minutes in the Uber.

23 Q When you were on your way to D.C. that morning, were you expecting there
24 to be violence at the rallies?

25 A No. My friend told me that there might be violence, but I -- he kept talking

1 about -- my friend kept talking about, like, that that group, Anonymous --

2 Q Yeah.

3 A -- whatever. And I just told him, like, I don't believe in that stuff, so, like, I
4 don't want to listen to that. So I just went --

5 Q He was talking about the internet group Anonymous, the hackers?

6 A Yeah, yeah, yeah, yeah, yeah.

7 Q And were they going to be there or something? Is that kind of what he was
8 saying?

9 A Nah, he said that there was going to be violence at the Capitol, and I was
10 like, I don't believe in stuff like that. Like --

11 Q Oh.

12 A And then -- yeah, I was just like, I'm just going to go.

13 Q Why didn't you believe that there was going to be violence at the Capitol?

14 A Because I don't believe -- I don't follow -- like, I didn't even know what
15 that -- the Q thing was till Q Shaman. You know what I'm saying? So it's like, I don't
16 know where those people got their information from. I don't know who those people
17 are. And, to me, why I would want to listen to someone that doesn't have, like, a
18 verifiable source? You know what I'm saying?

19 Q Right. Okay.

20 A So that was -- I didn't want to -- I would -- I don't know. Just, to me, that
21 was just -- I thought it was just propaganda, to be completely honest with you. I don't
22 know who those people are, and --

23 Q Okay.

24 A -- that's that.

25 [REDACTED] Does anyone -- [REDACTED] any followup before we

1 head into January 6th?

2 All right.

3

BY [REDACTED]

4

Q Mr. Rubenacker, so we're at January 6th now.

5

Did you attend the rally at the Ellipse?

6

A Yes.

7

Q Okay. What time did you arrive at the rally, approximately?

8

A I have no idea. You guys can definitely -- you guys have my phone. You

9

guys should know, with the photos I've taken.

10

Q I just told you in the beginning --

11

A I don't --

12

Q I just told you in the beginning, it's a separate investigation from DOJ, so we

13

don't.

14

A I don't -- I couldn't tell you, to be honest.

15

Q Was it before --

16

A It -- what's up?

17

Q Was it before a speaker started speaking?

18

A I think there was someone already speaking beforehand, but, like, when I got

19

there, I walked up to Don Jr. speaking.

20

Q Okay. That's a good timestamp for us.

21

Were you staying inside the gated area, or were you on the outside of the actual --

22

A Oh, nah, that place was so packed. I was on the outside.

23

Q All right. What speaker --

24

A And I --

25

Q Sorry. Keep going.

1 A I've never seen so many people come, like, for one thing, honestly, to be
2 honest.

3 Q I guess, what was the mood then, right? With so many people, what was
4 the general mood when you arrived at the Ellipse rally that morning?

5 A Well, I'm sure you've seen my Snapchat. It just -- it seemed like a lot of
6 people were very upset and very angry, you know. America was pissed. That's where
7 that Snapchat comes from. A lot of people were very upset and very angry.

8 Q Who was the anger directed towards?

9 A I would have to say that they were really angry -- I don't even -- I don't -- to
10 be committee honest, now that I think about it with a clear mind, there was no one on
11 stage, so I don't know who they -- who could they be mad at?

12 Q I guess, let's think about your situation. I know you are thinking clear now
13 and, as you've said, the entire interview. Who were you mad at, at that moment?

14 A Well, I was -- I was -- I was upset about the way the -- what upset me the
15 most about the election is I'm tired of the media -- I don't like how there's CNN saying
16 stuff that Democrats want, and I don't like how there's FOX News that's saying what
17 Republicans want.

18 I was really more outraged with the media, to be completely honest with you,
19 because I feel like the media's job is to completely just tell the truth. And as an
20 American citizen, we are supposed to think for ourselves, and we are supposed to make
21 the decisions. And that's why we vote for what is right and what is wrong.

22 And I was really more -- I was really more aggravated at the media.

23 Q Going back to the rally, what speakers were you most excited to see that
24 day?

25 A Alex Jones, and he did not speak. I honestly did not care for -- besides

1 seeing Trump, because, at the time, he was President. To me, that was an honor to see
2 a -- I'd never seen a -- you know.

3 Q Right.

4 A And regardless of the situation, he is still the former President. So it was an
5 honor to see a President in a distance of my eyes.

6 Q Gotcha.

7 Did Mr. Jones say on his show leading up to January 6th that he would be a
8 speaker?

9 A Apparently he spoke January 5th.

10 Q Got it. Okay.

11 A But I was not there. So that's where my, like --

12 Q Right.

13 Did you stay for former President Trump's speech?

14 A Yes.

15 Q Did you stay for the entire speech, or did you leave at a certain point?

16 A He was wrapping up. I might have left maybe 5 minutes beforehand, but --

17 Q Okay.

18 A At the end of the day, I ended up -- like I was saying, I was sitting, because I
19 was so exhausted, because I drove that night. I ended up sitting on, like, a bench for a
20 decent amount of time, because I was so, like I said, exhausted, tired.

21 Q You sat on the bench for a decent amount of time after former President
22 Trump's speech or --

23 A Yeah. Yeah.

24 Q -- during his speech?

25 A Nah, after.

1 Q Okay.

2 A People at this time were heading down to the Capitol.

3 Q Okay.

4 A What were you saying?

5 Q Oh, no, I was going to say -- because we have former President Trump's
6 speech ending at 1:10. So it sounds like you might have left, you said, a few minutes
7 before and then sat on a bench because you were tired, which makes sense because you
8 left at 12:30 a.m. the morning of, right?

9 A Yeah.

10 Q Okay.

11 During the President's speech, do you recall him saying, "And if you don't fight like
12 hell, you're not going to have a country anymore"?

13 A Yeah, he did say that. Yes, he did say that.

14 Q I guess, since you do remember, like, what did you take this to mean, or
15 what kind of impact did it have on you?

16 A To be completely honest, my mindset was, I'm going to rest. I am
17 exhausted. And then, you know, he said that we were going to go down to the Capitol
18 and protest, and that's where I was going to head after.

19 So I rested. As I walked down to the Capitol, I did not come in contact with no
20 barricade, no police, no nothing. Everything was already removed. I walked up onto
21 the grass. I didn't even know I was trespassing at that point.

22 At that point, that is when people started singing the national anthem --

23 Q Wait, wait, wait, wait. Let's break it -- let's back up a little bit.

24 So were you tracking going to the Capitol before former President Trump said it?

25 A Huh?

1 Q Were you going to go to the Capitol after the speech before President Trump
2 said it?

3 A No.

4 Q Okay. So it was only after former President Trump said "we're going to
5 march to the Capitol" that you decided you were going to march to the Capitol?

6 A Yeah.

7 Q Did you think former --

8 A He should've -- he should've -- he should've been -- see, now that I know
9 more stuff, he should've been more specific, because he apparently had a permit for
10 certain grounds. He should've been more specific on where people should've went,
11 instead of just saying going down to just the Capitol. Because that could've probably
12 prevented a lot of things.

13 Q How do you hear about the permits?

14 A Alex Jones said it.

15 Q Oh, after January 6th, you saw that on Alex -- are you still -- do you still --

16 A That's what I'm -- that's what I'm, yeah, I'm trying to say.

17 Q Okay.

18 A Like, if Donald Trump would've had just said that we have permits to be on
19 these premises, don't go on other things, maybe -- precisely, a lot of things during
20 January 6th, the events could've been prevented.

21 Q Was it your view that former President Trump had these permits or
22 somebody else had the permits?

23 A I'm not -- like I said, I found this out after from Alex Jones. I didn't even
24 know there was permits on January 6th.

25 Q So you still watch InfoWars?

1 A I -- nah, not anymore.

2 Q Okay.

3 A I did for a little bit, and then, once I started taking mental therapy pretty
4 serious, that's when I was like, I gotta get back to being who I am. And me being into
5 politics does not serve me at all.

6 And I'm a very talented person, and I wouldn't have -- I wouldn't be where I would
7 be, I wouldn't have the connections that I have in the music industry if I wasn't talented.
8 And that's my dream, you know? That's what I want to do, you know? I want to do
9 music. That's always been my dream.

10 And I got caught up in a very dumb decision. And that's really just all I'm looking
11 forward to, is just trying to get my life back together so I can get on stage and just try help
12 people. That's just -- that's literally all I look forward to.

13 Q We understand.

14 Going back to your march down to the Capitol, approximately when did you
15 arrive? I guess -- so which side the Capitol did you walk up on, and approximately when
16 did you arrive?

17 A What side was it?

18 Q I can actually -- I can read it from your statement of facts. It says -- and I
19 can defer to you, Mr. Matera, as well, if you know that off the top of your head.

20 Mr. Matera. I have it in my notes.

21 [REDACTED] Okay.

22 So, from what I'm reading, it just says -- it talks about when you first entered. So
23 it looks like you entered the Senate wing door at approximately 2:13 p.m. Is that fair?

24 Mr. Matera. He first entered -- because he did enter two separate times.

25 [REDACTED] Yep, yep. But the first time is at 2:13 --

1 Mr. Matera. Approximately.

2 ██████████ -- in the Senate wing door, approximately. Okay.

3 BY ██████████:

4 Q So that's the west side of the Capitol. So the way you entered the first
5 time, was that the side you walked up on, Mr. Rubenacker?

6 A Yeah.

7 Q So that was the side where, you know, there were various standoffs
8 between 2:13 -- or before 2:13. Were you there kind of standing in the big crowd
9 before 2:13?

10 A No, that's -- that's why I was saying to you, like, you know, how I stayed on
11 the bench and just, like, I was resting. I literally walked up to the Capitol, like, just the
12 grass of the Capitol. No nothing.

13 Q And, like, I swear I'm trying to understand it, but, like -- so I've looked at the
14 surveillance, and there's literally, like, thousands of people on that side of the Capitol.
15 How did you just walk straight in through the door and get through all those people at
16 2:13 right when people first breached the Capitol?

17 A What do you mean?

18 Q So the first breach of the window in the Senate wing door was at 2:13.
19 Right? I know you came in approximately, so I'm imagining it was probably, like,
20 minutes after 2:13. But how did you just walk straight through thousands of people to
21 get into the Capitol, unless you were already standing there?

22 A I'm not understanding what you're saying.

23 Mr. Matera. He's asking, the path that you took to get into the Capitol the first
24 time, did you have to go through people to get there, or was it just a clear path and you
25 didn't see anyone? Because the surveillance shows there was people.

1 Mr. Rubenacker. But what do you mean, though? Like, when I walked
2 into -- when I was walking onto Capitol property, there was absolutely nobody there.

3 ██████████ So once you got --

4 Mr. Matera. Once you got up to the door.

5 ██████████ Yeah.

6 Mr. Rubenacker. Once I got to the door, I literally just walked up the steps.

7 ██████████ With thousands of other people, right? Or hundreds of other
8 people?

9 Mr. Rubenacker. Yeah, I mean, there was people there, but it wasn't thousands.
10 I mean, I walked up literally -- you know, they had the handle there, so I walked up with
11 the handle.

12 ██████████ Can I ask ██████████ a quick question?

13 ██████████ Please.

14 ██████████ So, Mr. Rubenacker, how would you say the movement of the people
15 was? Was it calm?

16 Mr. Rubenacker. It was definitely aggressive.

17 ██████████ It was aggressive. Okay. So how --

18 Mr. Rubenacker. But the thing that -- where you have -- again, you'll see the
19 photos of me, which I guess ended up being Officer Goodman, is, I didn't have intentions
20 of any violence. You know, I walked into the Capitol with a water bottle and a nicotine
21 pen. So the outrage for me, when you look at those photos, is, one of those guys is
22 actually part of the media.

23 So what happened was, I walked up the stairs. People were breaking, you know,
24 the windows. I'm sure you've seen the videos, people jumping through the windows, all
25 that stuff. I walked through the doors. You know what I'm saying? I didn't partake in

1 any of that violence.

2 [REDACTED] Did you see the people breaking the windows, though?

3 Mr. Rubenacker. Yes, I did see people breaking the windows.

4 But that is also what partakes into my frustrations, though. Because I've seen a
5 movie in 1990s where the media used to do crimes and then they'd turn around and then
6 start filming people, and then they would, you know--

7 [REDACTED]. Is it your view today that the media broke the windows?

8 Mr. Rubenacker. No, I know that there definitely were Trump supporters that
9 broke it, but the media definitely added to it. You know what I'm saying? It wasn't just
10 Trump supporters. It was the media too.

11 And the guy that -- in the photo where I'm like this, like, where Officer Goodman
12 is, that was posted by The Washington Post. And that's the guy that I was -- that's the
13 guy that broke the window. He literally threw a brick through the window.

14 [REDACTED] Right, so I'm just going to ask for clarification here. Are you saying
15 that the media makes it worse in the sense of they amplify this stuff by posting it --

16 Mr. Rubenacker. Absolutely. The media definitely --

17 [REDACTED] Hold on, let me finish. Or are you saying that there were members
18 of the media who were breaking windows and breaking into the Capitol and then, you
19 know, looking around and encouraging other people to do it?

20 Mr. Rubenacker. I think it was, the media was encouraging people to get into
21 the building. And then, as soon as it got to the point where they were in the building,
22 they flipped their role and they started recording.

23 [REDACTED] Who was encouraging you from the media to go into the
24 building?

25 Mr. Rubenacker. I could not tell you his name. The guy had pink goggle -- he

1 had a pink gas mask and he had goggles, though. I remember that on point.

2 [REDACTED] So, like, aside from the photo showing up in The Washington Post,
3 why do you -- well, how do you know he's media?

4 Mr. Rubenacker. Well, I mean, you would -- if that guy -- if that was the guy,
5 right, and if that guy posted -- first, you have to get clearance from Washington Post, and
6 you have to get clearance from a publisher.

7 If I took something, I'm the publisher of something, just like my music. When
8 I -- I can't -- if I give you a beat and I say I want a certain price for this or something, you
9 are not allowed to use my beat to make money off of it until I get paid.

10 So it's the same way it would be for a photographer. So a photographer's not
11 allowed to -- Washington Post clearly paid this man, and they posted the photo.

12 [REDACTED] Well, we don't want to get into a legal argument here, but are you
13 aware that news organizations sometimes use public source photos in articles?

14 Mr. Rubenacker. I am well aware of that.

15 [REDACTED] So I'm just wondering how you -- if that's possible, how can you know
16 that the guy was the media? Is there another way that you knew?

17 Mr. Rubenacker. I mean, I don't know. The way I would go about it is, he
18 seemed pretty prepared for violence. He had goggles, he had the gas mask. And he
19 had a professional photographer camera with him. It seemed like he was ready to -- it
20 seemed like he was ready to, you know, film.

21 [REDACTED] Didn't your friend, on the way down, say that there was a
22 potential for violence and people were going to go to the Capitol? Didn't he tell you
23 that on the way down?

24 Mr. Rubenacker. Yeah.

25 [REDACTED]. Okay. I guess the ultimate question is, Why did you go in the

1 Capitol, right? You said you saw people breaking the windows. I know you went
2 through the door. But why did you go in the Capitol?

3 Mr. Rubenacker. Because -- when we go back it to, it's just mistakes.

4 [REDACTED] Okay, it's a mistake. But, like, on January 6th, at that time, at
5 2:13 when you go in, what were you going in there to do?

6 Because you're quoted in your statement of facts as saying, "Where are they
7 counting the votes?" So what was your -- what was your mindset when you went --

8 Mr. Matera. No, no.

9 Mr. Rubenacker. Nah, nah, nah.

10 Mr. Matera. Let me be clear about that. He was -- there were people in the
11 crowd yelling that. I don't believe it's attributed to Mr. Rubenacker.

12 Mr. Rubenacker. And that needs to be fixed.

13 [REDACTED]

14 Q So you weren't saying that, Mr. Rubenacker?

15 A No. And that's not my mindset at all.

16 Q Okay. So what is your mindset going into the Capitol on January 6th?

17 A My mindset was to just protest. That's it. You had people burning down
18 buildings 6 months prior to that with weapons, all this stuff. I came in with a water
19 bottle and a nicotine pen. I didn't have any intentions of overthrowing anything. The
20 police officers in the Capitol have weapons. I didn't have any intentions of doing
21 anything. In fact --

22 Q What were you protesting?

23 A -- in fact -- in fact, I would say that I put myself more at harm than I did
24 protecting myself. Because Ashli Babbitt got shot, and I could've been in a situation like
25 that, being just -- to me, like I said, it was a mistake.

1 I got caught up in mob mentality. And that's why I'm also in therapy. But, like,
2 when you come to sit here and tell me that I had intentions of, like, oh, what was I trying
3 to do, I didn't have intentions of doing really anything. I just wanted to protest.

4 Q Well, I --

5 A To me -- to me --

6 Q Mr. Rubenacker, I haven't said what you were going to do at all. That's
7 what we're trying to learn.

8 I guess my question is, then what were you protesting?

9 A It's just, to me, my mentality was just, I already knew I wasn't going to do
10 violence, I wasn't going to destroy anything. And that's already on record, that I didn't
11 steal anything, I didn't destroy anything. I didn't --

12 Q Mr. Rubenacker -- Mr. Rubenacker, we haven't said that. I guess my simple
13 question is, what were you protesting?

14 A The election. The integrity --

15 Q Okay.

16 A The integrity of the election.

17 Q Gotcha. So were you hoping that congressional Members would object to
18 the election?

19 A I didn't -- no. I was hoping that they would give it more time.

20 Q Okay. And what was you going into the Capitol -- how was that going to
21 accomplish, I guess --

22 A It didn't accomplish anything.

23 Mr. Matera. Let him finish the question.

24 Mr. Rubenacker. It didn't accomplish anything.

25

BY [REDACTED]

1 Q Okay. So you went into the Capitol, it seems, with the first group of
2 people; you mentioned with Officer Goodman's group. You walked up the flights of
3 stairs.

4 Why did you leave that first time?

5 A Because those people were rowdy. It seemed like they wanted to do things
6 that I don't want to do. So I left on my own terms.

7 Q Before leaving, I think I should -- I need to ask this question. So you are
8 cited as saying to an officer, "You serve this country. Are you even proud of yourself?"
9 Why were you saying that to officers?

10 A Because I saw multiple officers that day
11 completely hit -- completely -- imagine you standing right now. I understand that
12 people are not supposed to be in the Capitol Building, but I saw, multiple times, Capitol
13 Police taking their baton sticks and going up to people that were just having a flag and
14 cracking them in the head with the baton stick.

15 Q Was this on the west side the Capitol?

16 A This is -- this is throughout the whole of January 6th. I saw this when I
17 got -- after I left, I saw people say that they got hit by police. I saw it with my own eyes.
18 And on the second time, when I went into the Rotunda, that is when I, like, fully saw, like,
19 how bad, like, police were assaulting, like, people.

20 Q So, I guess -- so you saw the assaults happening in the Rotunda and, I'm
21 assuming, on the west side the Capitol, where there was a lot of resistance --

22 A Well, a lot of people on the west side of -- when I entered the first time, I
23 would say that, you know, a lot of -- if you would talk to a lot of protesters, they would
24 tell you that the cops escalated that violence, because the cops -- we were singing the
25 national anthem, and then, all of a sudden, you had gas grenades being thrown at us, you

1 had flashbangs being thrown at us. And that was for being peaceful.

2 And that is, I think, a big reason of why a lot of people did get upset. Because
3 when you're peacefully assembling and you have people that, you know, are, you
4 know -- you know, obviously I understand they're defending the Capitol, but, at the time,
5 there was -- there was no --

6 Q Let me stop you there -- let me stop you there, then. That's perfect,
7 because that's my next question.

8 The Capitol -- no one's supposed to go in the Capitol. How were they supposed
9 to defend the Capitol, then?

10 A Well, I mean, based off -- based off what I would -- I would assume is, why
11 would -- why would the Capitol --

12 Q That's not my question. My question is, how were they supposed to
13 defend the Capitol?

14 A No, I know. You're asking me a question, and I'm going to give you an
15 answer. So you're giving me a question, so now I'm going to give you a question back.
16 So --

17 Q But, Mr. Rubenacker, though, that's not -- you asking me a question back is
18 not how it works.

19 Mr. Matera. [REDACTED] can we take 3 minutes?

20 [REDACTED] Please. Please. We'll recess in place for 3 minutes.

21 Mr. Matera. All right. Thank you.

22 [REDACTED] No problem.

23 [Recess.]

24 Mr. Matera. Thank you for that.

25 [REDACTED] Hey, no problem. No problem at all.

1 BY [REDACTED]:

2 Q We'll just jump right back into the question of, how was the Capitol Police
3 supposed to defend the Capitol on January 6th?

4 Mr. Matera. Okay. I think, when you -- just so I understand the question, you
5 want him to tell you how you think the officers should've had a policy in place? Or you
6 just --

7 [REDACTED]. No. I'll make it specific to his answer, then. He said that he
8 saw officers striking protesters.

9 BY [REDACTED]:

10 Q My question is: If you have individuals trying to get into the Capitol, with
11 that initial wave of folks like Mr. Rubenacker was in, how were the Capitol Police officers
12 supposed to respond to their entry?

13 A That -- you're taking my words and putting it into the beginning of -- I was
14 talking about the Rotunda. That's when I saw them hitting people.

15 Q Okay.

16 A I had nothing to do with the entrance of -- of what I'm talking about.

17 Q So, at that point, then, people are in the Rotunda, and the officers are trying
18 to clear the Capitol. Do you think their behavior was inappropriate for trying to clear
19 the Rotunda so that Congress could go back into session?

20 A Well, I think that most of the officers did a pretty swell job, besides some of
21 them. I don't think that a civilian deserved to be cracked in the head with a baton stick.

22 Q Okay.

23 So you left the Capitol, and it appears you reentered it around 2:42 p.m. on the
24 east side of the Capitol. Is that correct? Is that fair?

25 It's from your statement of facts too. I read that from paragraph 12.

1 A That's correct.

2 Q Okay. So explain to us how you left the Capitol and then made your way to
3 the east side, the other side of the Capitol.

4 A By simply just walking.

5 Q Okay. Were you following a crowd to get to the east side of the Capitol?

6 A No.

7 Q Okay. Why did you go in the Capitol a second time?

8 A Again, just -- it goes all back to mob mentality, really. I don't have a good
9 answer for you.

10 Q So mob mentality is something we've been looking into. What about the
11 mob mentality, like, influenced you personally?

12 A Just, I mean, the doors were open, so I just went in there.

13 Q You went in at 2:42. The doors were being broken open again at that time.
14 So, look, on the west side, it looks like the windows had just been smashed open
15 when you walked through the door. And on the east side the Capitol, you entered at
16 2:42, which is minutes after the doors had been forced open.

17 So did you see that, as well, on the east side of the Capitol?

18 A No.

19 Q You didn't see the -- you didn't see any, like --

20 A No, because the steps -- the steps go down. So I was --

21 Q Okay. So you were looking up on the steps --

22 A Yeah.

23 Q -- when the doors were opened?

24 A Yeah, I didn't see -- yeah, I didn't see any of that.

25 Q Okay. The steps were pretty crowded. Is that correct?

1 A Yeah, absolutely.

2 Q Did you happen to see a group march in military clothing in a stack
3 formation past you?

4 A Yeah. That would, I would assume, would be the Oath Keepers.

5 Q Correct. How did you -- were you aware of the Oath Keepers at the time,
6 or in retrospect?

7 A I thought they were crazy, to be completely honest.

8 Q Were they saying anything as they marched past --

9 Mr. Matera. He asked if you were aware of them beforehand.

10 Mr. Rubenacker. Oh, no, no, I didn't. I was like, these people are crazy. They
11 had full gear on. I was like, oh, my goodness.

12 BY [REDACTED]:

13 Q Why -- I guess, what -- did you hear them saying anything when they
14 marched past you?

15 A It was -- the only thing they kept saying was "hold the line," because they
16 kept -- I think they were holding each other.

17 Q Oh, okay. Were people excited that the Oath Keepers were marching past
18 you, or did the people around you kind of say "these guys are crazy" as well, if they said
19 anything?

20 A Nah, people were pretty -- pretty hyped. I was, like -- I was pretty
21 mind-blown, to be completely honest.

22 Q So then you went into the Rotunda. This is the time where you said you
23 were in the Rotunda. That makes sense, because you went into the east doors, and that
24 goes right to the Rotunda, correct?

25 A Uh-huh.

1 Q And it appears as -- like, what were you doing in there? Just taking it in, it
2 seems like?

3 A Yeah, man. Like I said, just mistakes, man. Just mistakes.

4 I took a photo with Abe Lincoln. I took a photo with Thomas Jefferson.

5 I got -- again, I got exhausted, tired. I sat down. I had my nicotine pen, so I sat
6 down. And, you know, people were -- you know, there was some people tussling with
7 Capitol Police, and I was like, I'm not here to do none of this stuff. I'm tired. So, at
8 that point, I was just smoking my nicotine pen, which I'm sure you've seen the Snaps.

9 And a group of people, I guess because I was smoking my nicotine pen, came up to
10 me, and they were just like, do you want to smoke? And I was just like, I don't have,
11 like, anything on me. I don't know, what, like -- I just have this. And, like, this one guy,
12 like, had a bowl, like, a tobacco bowl with him. So he was smoking.

13 And then this guy in the cowboy hat literally just had just -- not -- like, I don't even
14 know how many joints he had, but just a lot.

15 Q Right.

16 A And that's where you have me smoking --

17 Q Right.

18 A -- that joint. Whether it was THC or CBD, I don't -- I can't tell you, because I
19 didn't open the package, I just got handed something.

20 And then, yeah, that's when I saw an officer crack somebody in the head with a
21 baton stick. And that's kind of when the Rotunda kind of got crazy.

22 Q Got it. I think this was around the time when they were starting to clear
23 out the Rotunda --

24 A Yeah.

25 Q -- by the Capitol Police and other law enforcement --

1 A Yeah.

2 Q -- correct? Okay.

3 A And then that's why you have -- that's where you have the video of me
4 calling a cop a communist, because --

5 Q Right.

6 A -- I've never -- I just saw a cop just smash someone in the -- like, I was just
7 standing there, and then he just got smashed with a baton stick. So that's where you
8 had me saying, like, that's something like a communist would do.

9 But, like, again, just, like, I didn't have any, like, inter- -- like, I didn't have, like,
10 any, like, mind sense of, like, physical interactions.

11 And, yeah. If you look at some of the videos, too, you can actually see that I am
12 pulling some of the protesters back from the police.

13 Q Thank you for that. We will make sure we note that if we look through the
14 surveillance again --

15 A Yeah.

16 Q -- at your time inside the Rotunda.

17 Another question: Why -- I think I know. You just explained it, I think, but I
18 want to make sure. Why did you end up leaving the Capitol the second time?

19 A Well, what happened was I got -- I got pepper-sprayed, tear-gassed,
20 whatever it is. I couldn't see for an inch of me. And I -- yeah, just couldn't see for an
21 inch of me.

22 And I went up to a cop, and the cop was just like, were you fighting with police
23 officers? And I was just like, no. I was just like, they sprayed me though. And he was
24 just like, I can help you. And I was just like, all I really want from you is to just, like, just
25 get me out of here.

1 And that's where have you the video of the cop, like, escorting me out of the
2 Capitol. And then that's when he, like, leaves me alone. And then that's when I start
3 pouring water all over my eyes, just trying to just -- I couldn't see for anything.

4 Q Right.

5 A But that cop was a nice gentleman, though, that escorted me out, though.
6 He did seem to care about my safety and well-being.

7 Q Right.

8 I guess, when you left the Capitol, where did you go?

9 A I went back to the hotel. I was --

10 Q And you used an Uber again?

11 A Yeah, yeah, yeah, yeah. I was just --

12 Q Were you with your friend? Were you with your friend, or was this person
13 separated from you?

14 A Nah. My friend is a -- is a full Bernie Sanders supporter. He really just
15 went there to just go for the ride, to be honest. Because he was moving -- he was
16 moving to California in a month --

17 Q Right.

18 A -- and he was getting, I think it's called -- is it called [REDACTED], where,
19 like, you're over- --

20 Q [REDACTED]?

21 A Yeah, where you're overweight. Because, like, my friend used to weigh 430
22 pounds.

23 So, you know, he just came for the ride with me. And I told the FBI, like, he
24 has -- like, he doesn't believe anything that I believe, none of that stuff. If anything, you
25 know, he did remind -- think to tell me that there was going to be violence. But, like, I

1 just don't -- I didn't believe in, like, those type of, like, groups. You know what I'm
2 saying? But I guess I should've listened to him, to be completely honest.

3 Q Before I turn to your feelings today, I want to turn it over to my colleague
4 [REDACTED] who I think wants to follow up on something you said earlier.

5 [REDACTED] Yeah. Thanks, [REDACTED]

6 BY [REDACTED]

7 Q Mr. Rubenacker, you mentioned a couple minutes ago -- actually, before we
8 took the break, you mentioned something about the summer 2020 protests and your
9 concern with how protesters were behaving at those protests in comparison to what was
10 going on on January 6th.

11 A Right.

12 Q Do you mind elaborating on that?

13 A I knew that I was -- I knew on January 6th that I was never, ever going to go
14 to that extent of what happened in those protests.

15 Like I said, I only walked into the Capitol with a water bottle. I still drink Essentia
16 because I have [REDACTED]. So Essentia water helps with my [REDACTED]. And
17 a nicotine pen. And I don't smoke nicotine because nicotine affects my [REDACTED].

18 Q Well --

19 A So I knew --

20 Q Sorry, Mr. Rubenacker. I'm sorry to interrupt. So what happened, in your
21 view, in summer 2020?

22 A I mean, multiple business owners -- and I know one business owner that
23 happened to in Suffolk County, where his business got burned to the ground because of,
24 you know, social justice and the police reform and all that stuff. And it was really -- you
25 know, I -- it was kind of heartbreaking to see, you know, people losing, like, what they've

1 worked so hard for and saved.

2 But I knew that I was never going to use that type of violence or come in with that
3 type of aggression, like, at all. Like, that was never my mentality. Like, "Oh, I need
4 to" -- like, you know how, like -- I'm sure you've seen videos where there's people saying,
5 like, "Oh, I need to find Nancy" or, like, all that stuff. Like, none of that ran through my
6 head. Like, I didn't want to attack anyone, I didn't want to hurt anyone.

7 I just wanted to protest. And the protest that I went to was -- it just turned into
8 a bunch of chaos.

9 Q Got it.

10 So you were thinking about the summer 2020 protests on January 6th and kind of
11 thinking about what you thought people did then in comparison to what you thought
12 people were doing on that day?

13 A Yeah, I just -- I just, like, was, like, I want to do whatever they don't do. You
14 know what I'm saying? Like, I don't want to set anything on fire, I don't want to destroy
15 anything.

16 Like, I'm not in the Capitol -- like, when I went in the Capitol, that was never my
17 intentions. Like I said, I have photos with Abe Lincoln, I have photos with Thomas
18 Jefferson. Nothing about the way that I believed was about destroying anything in the
19 Capitol at all.

20 And, like I said, me going into the Capitol, the way that I think about it, and me
21 getting help, I would really just consider it mob mentality, because I would never put
22 myself in those -- if I could do it again, I would never do it, I would never go to D.C. I
23 wouldn't even do that.

24 So, you know, but at the end of the day, they're my actions, and I've got to, you
25 know -- you know, I can't go back in the past and change them, but --

1 Q Got it.

2 A -- it's -- it was never my intentions to go there to destroy anything, break
3 anything, or to harm anybody.

4 Q You mentioned a couple times "they" in relation to the summer 2020
5 protests. Who do you think was responsible for those protests?

6 A Well, I -- I don't really have an answer, but it didn't help that Congresspeople
7 were saying that you need to throw a fist, you know, and it's okay to assault an officer.

8 And, you know, AOC, Alexandria Cortez, had an actual -- and it's still on her Twitter
9 page, actually. It has the proper way of how to protest, and it tells -- it tells the people
10 that are protesting to bring tear-gas. And that's a sitting Congresswoman, a
11 Representative, that -- you know, that's -- she has that. It's still on her Twitter feed right
12 now. You could do it, you can go on Twitter right now yourself, and it's still there. And
13 it says -- she's telling protesters to bring tear-gas, which then is going to be used on law
14 enforcement.

15 And, you know, like I said, if you look at everything from January 6th, it's, like, I
16 only had a water bottle and a nicotine pen. That was never my intentions, to cause
17 harm or cause chaos or mayhem. And I just really just got sucked into a bad situation
18 that I just wish I never -- I never really put myself into.

19 And I'm really just trying -- like I said, I'm really just trying to get my life back
20 together, and I'm really just trying to tackle this music stuff.

21 Q Got it.

22 I'm curious to know where you saw that Alexandria Ocasio-Cortez tweet.

23 A It's on her Twitter.

24 Q The only thing I've been able to find is that she introduced a bill to ban the
25 use of tear-gas.

1 A Oh, that's from 2020. Yeah, that's what I'm saying. When you're talking
2 about 2020, that was an actual -- she said that in 2020.

3 Q That she introduced this bill to ban police use of tear-gas in 2020?

4 A Wait, she banned the use of police using tear-gas? So that's -- that's kind
5 of --

6 Q She introduced a bill to ban the use of tear-gas.

7 A That's kind of hypocritical then. So she wanted the protesters to use
8 tear-gas but not the police?

9 Q I don't think she said that protesters should use tear-gas. In fact, she called
10 it a weapon of war.

11 ██████████ But we will -- I have noted it as well. I haven't seen her tweet
12 that either. We will look for it, but the only thing I've seen, as well, is her --

13 Mr. Rubenacker. I can give you --

14 ██████████ I don't want to get distracted on this topic.

15 ██████████ Yeah.

16 ██████████ I asked you who you think was responsible for the summer 2020
17 protests. You named a couple of Members of Congress. Are those the people you
18 think are responsible?

19 Mr. Rubenacker. Yeah, because those are the people that are -- are pushing for
20 reform.

21 ██████████ Who do you think is responsible for January 6th?

22 Mr. Matera. Are you asking him responsible for the riot, or responsible for the
23 protest, or responsible for people going down there, so it's clear?

24 ██████████ :

25 Q Who is responsible for the riots? We'll start there.

1 A I guess it would be Donald Trump.

2 Q Got it. Why do you think that?

3 A He's the people that sent everyone to the Capitol.

4 Q Do you feel like you went to the Capitol because of Donald Trump?

5 A I mean, yeah, I said that already, that he said to go to the Capitol. So --

6 Q Do you feel like people went inside the Capitol because of Donald Trump?

7 A After looking, seeing some of the -- what these people are, I think, yeah,
8 absolutely.

9 Q Got it.

10 Well, that's really helpful, Mr. Rubenacker.

11 I'll turn it over to [REDACTED] now.

12 [REDACTED] Thank you again.

13 Mr. Matera, this is probably for you. Can you just give us a very brief summary
14 of the current status of Mr. Rubenacker's case?

15 Mr. Matera. Sure.

16 There was plea negotiations that went back and forth between myself and with
17 the U.S. attorney's office. Ultimately, the offer that was -- I mean, I don't know how
18 much -- I mean, I can tell you specifically, if you want me to tell you the whole --

19 [REDACTED]. Oh, just a -- no, no, no. Just very brief. Like, just give me a
20 couple sentences, whether he's entered a guilty plea, awaiting sentencing, or --

21 Mr. Matera. He entered a guilty plea. Unfortunately, we could not reach a
22 plea bargain agreement, because the government wanted him to waive a number of his
23 rights, including the right to appeal as well as the right to contest their determination of
24 the offense level, something that they have now currently dropped in their request, from
25 what we've seen and I've had conversations with them about.

1 Because of that, he pled guilty to the entire indictment, which was 10 counts.
2 Because their offer that included him waiving the rights I just mentioned was only to
3 allow him to plead guilty to the top two counts, which served no purpose at that point.
4 It wasn't an offer, certainly not one that warranted his waiving anything. So we did
5 enter a plea.

6 We just received a copy of the pre-sentence report last Monday. We are in the
7 process of filing our objections, which will be filed this week, which -- we don't have
8 factual objections. It's really more objections to, they repeated the -- the probation
9 officer repeated the calculations that we disagreed with.

10 Seemed like, at the plea hearing, that the judge understood and agreed with our
11 side of things, that perhaps certain enhancements didn't apply, which, again, is -- I think is
12 reasonable.

13 ██████████ Got it.

14 Mr. Matera. So I think we're on now in May for sentencing.

15 ██████████ Sounds good. Sounds good. Thank you, Mr. Matera.

16 BY ██████████

17 Q So, Mr. Rubenacker, in closing, we like to ask questions about how you feel
18 now. And you've touched on this a lot throughout our interview, so this should go
19 pretty quickly.

20 But, looking back on January 6th, what are your thoughts about that day now, like,
21 just in general?

22 A I think it's a pretty disgraceful day.

23 Q Can you just elaborate a little bit on why you think it's a disgraceful day? I
24 know it may be obvious, but I just want to hear it from you.

25 A I just think that, you know, I got somewhat -- like I told you, I just didn't

1 have, like, the mindset and mentality of, like, causing destruction and mayhem. And
2 other people did.

3 And I am caught up in, what I seem to think -- I don't know. You know, I'm not
4 part of any militia or anything, so it's like, I see how crazy people are. And I just look
5 back at it and just, like -- it's something that I wish I was never part of.

6 Q Okay.

7 Have your feelings towards former President Trump changed since January 6th?

8 A Hundred percent.

9 Q How so?

10 A Well, I come from a -- I told you, I come from a Marine family. My brother
11 last year came back to New York for a month and a half before he got redeployed to
12 Hawaii for 3 years. And my -- I'm adopted. I told you that, right?

13 Q Uh-huh.

14 A Okay. So is my Marine brother. He's Asian. So when Trump started
15 talking about "the China virus," "the Chinese virus," and all that stuff -- my brother's been
16 in the Marines for over 20 years. My brother appreciates Donald Trump for all the
17 things that he's done for him, but he also says that he's never been judged as much as he
18 did under Donald Trump.

19 So, to see that affect the military, especially my brother, it showed the diversity
20 that -- and power that Donald Trump does have. And that's not what our President
21 should be representing at all. You know, our President is not a king. Our President is
22 supposed to represent all of our people.

23 And after hearing that and just, like, just doing more of an understanding of, like,
24 what happened on January 6th and just everything, it just -- I feel like he didn't know how
25 to carry himself as a President, because he didn't know how to stop talking. And I also

1 feel that he divided the country and hurted people that didn't deserve to be hurt.

2 And my brother was affected by that, and he serves his country. And when my
3 brother told me that, that kind of really -- you know, it hit -- it hit at home. So --

4 Q Understandable. As a fellow veteran, I'm sorry to hear about your
5 brother's experiences in the military.

6 [REDACTED], it looks like you have a followup?

7 [REDACTED] Yeah, I echo what [REDACTED] said. And I can hear how, you
8 know, some of these things had a personal impact to you.

9 I'm just curious about the timing, because it sounds like you supported President
10 Trump through January 6th. I mean, he started using language like "the China virus" a
11 long time before that. What was the turning point to you?

12 Mr. Rubenacker. My brother was stationed out in California. And my brother
13 is a high rank in the military; he's a master gunnery sergeant. So -- he also has a family
14 of four -- three, sorry, three. So he's a very busy man, you know?

15 I went to visit him when I was in 10th grade, and he wasn't even at that high level
16 yet, and he would be up at 5:00 in the morning leaving for work, and he wouldn't come
17 home until maybe 8 or 9 o'clock, and then the rest of the time would be to spend time
18 with the family.

19 So, when he was stationed out in California, I really didn't have -- we really didn't
20 contact -- like, the most -- like, he saw my music and saw everything I would do, but we
21 didn't really, like, conversate like that.

22 And then, yeah, after January 6th, you know, like I told you, he came home
23 because he was getting redeployed to Hawaii, and so he had, like, a month and a half to,
24 like, spend with his family, so he came back to New York. And, you know, he just told
25 me, like, how stupid I was in decisions that I've made.

1 And I told him I agree with him 100 percent, you know, and that's also -- like, to
2 me, that's, like, one of, like -- I'm very -- like, me and him, like, we could really talk-talk.
3 You know what I'm saying? Like, so he really, like, got a lot of, like, world reality, I would
4 say, because he's been around the world, sees how the world reacts, and sees how
5 everything -- and he really got, like, that perspective, like, really into me.

6 And, you know, that's when I kind of realized that President Trump was kind of
7 trying to act like more like a king than he was trying to be a President. Because, like I
8 said, as a President, I feel like you should be standing for all people, not just what you
9 believe in. And that's just not what happened at all.

10 So that's what happened after January 6th. My brother came home, you know,
11 last year before being redeployed, and he explained all this stuff to me. And that's
12 when my perspective just -- I just couldn't really sit there and rock with that anymore as
13 an American citizen anymore.

14 Because my goal as a musician is I want to try to heal people, with all the damage
15 I've been brought into with my life, with me losing my friend, me almost losing my mom.
16 So I understand how much damage and pain I've been through, so I want to take that
17 damage and pain and try to heal others.

18 So hearing that my brother is -- you know, my brother's been risking his life for
19 this country for the last 20 years, and him say something and it's affecting him in a
20 negative way because the President's speaking out in a negative way, it made me really
21 get a grip of reality of what's, like -- what's right and what's wrong and how things should
22 really go in this country. And I didn't support that at all, when I, like, had more an
23 understanding of that, like, completely.

24 And I think that's, like, one of, like, the things that I'm trying to do going forward,
25 is just, like -- you know, I've been working on that in therapy -- is, like, trying to just think

1 before I speak, think before I act. Because, you know, I -- you know, my doctors have
2 told me I have impulsive decisions and stuff. So I try to, you know, breathe before I
3 think. And, like, I'm sure you guys have seen that with me talking to you. Like, I'm
4 trying to think before I even speak to you, because I don't want to come off saying
5 something.

6 But it's something that I've been really working on since I've been in therapy.
7 And I plan to just keep -- you know, continue to try to be the best person that I could
8 possibly be. And that's just -- that would be, like, my closing arguments for you guys.

9 [REDACTED] Thanks, Mr. Rubenacker.

10 Mr. Rubenacker. You're welcome.

11 [REDACTED] ?

12 [REDACTED] . Yep.

13 I guess, the question we like to ask last, since part of our role is to provide
14 recommendations to the congressional Members, is: What do you think could be done
15 differently as a country to prevent a situation like January 6th from ever occurring again?

16 Mr. Rubenacker. I think that we need to -- I think the biggest problem in this
17 country right now is that we have multiple media outlets saying one side of the story on
18 what they want to believe. And I think that we need the media to tell us the truth and
19 let the American citizens really know the truth so that we can decide for -- what's better
20 for the country.

21 Because when you have one side saying this and another side saying that, that's
22 already division right then and there. You know what I'm saying? And that's already a
23 clash.

24 And it's like, we have to find a way where we can -- you know, we're not going to
25 always agree on everything, but we have to find a way where we can come closer

1 together so that our country can thrive, you know, and just, we can be happy, you know?
2 Love is love, all this stuff. Like, I'm just, like -- I'm very against violence. So we have to
3 find ways where we can come together.

4 And I think that we need to find ways where Congress is not divided into a part
5 where you have a certain part of Congress going on FOX saying their point of views and
6 then having a certain part of country believing that and then another part of Congress
7 going on CNN and saying that. Because, then, what is the truth? You know what I'm
8 saying?

9 And then it's just, like, I think that's one of the biggest problems that we face in
10 society right now. And I think that will prevent that type of situation from happening
11 again.

12 And, yeah. I just think the truth just needs to be told at all times. And
13 regardless if people don't like the truth, they have to accept it. You know what I'm
14 saying? Like, it's -- the President is Joe Biden, regardless if people do not like it, you
15 know? They're going to have to accept it. He's the President, so -- and that's it.

16 But we need --

17 [REDACTED] Thank you.

18 Mr. Rubenacker. -- we need the truth, though. And that's -- I think that's what
19 will change the -- that's how that situation will never occur again. And I honestly hope
20 in my lifetime that it never happens again.

21 [REDACTED] Me too. Me too.

22 Well, we thank you, Mr. Rubenacker, for taking the time to sit with us today.
23 Being able to talk to individuals like you who went into the Capitol is incredibly important
24 for our investigation. It allows us to hear your thoughts rather than just making
25 judgments based upon the filings in your DOJ case. So this is incredibly helpful. We

1 appreciate and thank you for taking time to sit with us here today.

2 Mr. Matera, thank you for coordinating with us to set up this interview as well.

3 Do you all have any questions before we close out?

4 Mr. Rubenacker. Just, I'm glad that I can help you guys out.

5 [REDACTED] Thank you, Mr. Rubenacker.

6 And we will end this interview at 3:38 p.m. eastern time. So thank you.

7 Mr. Rubenacker. All right. Have a great day, guys.

8 Mr. Matera. Have a good day.

9 [REDACTED] You too. Bye.

10 [Whereupon, at 3:39 p.m., the interview was concluded.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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