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

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11 DEPOSITION OF: DOUGLAS V. MASTRIANO

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Tuesday, August 9, 2022

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Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:01
21 a.m.

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Present: Representatives Aguilar and Raskin.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

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8 [REDACTED], STAFF ASSOCIATE

9 [REDACTED], INVESTIGATIVE COUNSEL

10 [REDACTED] SENIOR COUNSEL

11 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

12 [REDACTED] CHIEF CLERK

13 [REDACTED], PARLIAMENTARIAN

14 [REDACTED] INVESTIGATIVE COUNSEL

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16 For The WITNESS:

17

18 TIMOTHY PARLATORE

19 Parlatore Law Group

20 One World Trade Center

21 Suite 8500

22 New York, New York 10007

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Mr. [REDACTED] So let's go on the record. This is a deposition of Senator Doug

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Mastriano conducted by the House Select Committee to Investigate the January 6th

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Attack on the United States Capitol, pursuant to House Resolution 503.

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My name is [REDACTED] I'm a senior investigative counsel for the select

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committee. And with me in the room today is [REDACTED] who is investigative

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counsel, as well as [REDACTED] to her left, who is our parliamentarian.

8

We also have staff in our room, and as you'll see on the Webex platform itself,

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there are a number of official reporters who will be taking the official record of the

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deposition, only one of whom is taking the record at a time. They often cycle through.

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We also have our chief clerk as well as [REDACTED], who is an investigative

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counsel, and [REDACTED], who is a senior investigative counsel for the committee.

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If anyone else joins, I will do my best to announce their presence so you know

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they're here, Senator.

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To the outset, I'd note that it's unlawful to deliberately provide false information

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to Congress. And, once you are sworn, it could also constitute perjury. We've

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discussed with Mr. Parlatore that House rules do not permit anyone outside of the

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committee to record or release the deposition without committee approval.

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So I'd ask you, Senator, are you or anyone you're aware of recording this session?

20

Senator Mastriano. No.

21

Mr. [REDACTED] Thank you, Senator.

22

And, Mr. Parlatore, same question for you. Are you or anyone you're aware of

23

recording this session?

24

Mr. Parlatore. No.

25

Mr. [REDACTED] Thank you very much.

1 And, just to follow on to that, under the House deposition rules, neither
2 committee members nor staff can discuss the substance of the testimony you provide
3 today unless the committee approves release. And you and Mr. Parlatore will have an
4 opportunity to review the transcript.

5 Like I mentioned, there are unofficial -- or, excuse me, Official Reporters
6 transcribing the record of this interview. So please wait until each question is complete
7 before you begin your response, and we will try to wait until your response is complete
8 until we ask our next question.

9 And, of course, the reporters can't record nonverbal responses, such as shaking
10 your head. So it's important that you answer each question with an audible and verbal
11 response.

12 We do ask that you provide complete answers based on your best recollection,
13 understanding that some of the events here took place over a year ago. We completely
14 understand if there's something you don't recall, and if that's the case, please just say so.

15 And, of course, if a question is not clear, please ask for clarification. We'd much
16 rather have you answer a question you understand than try to answer one that you don't.

17 So, just procedurally, you were subpoenaed on February the 15th, 2022, by the
18 select committee. That's when the subpoena issued, I should say. After negotiations
19 with Mr. Parlatore, we extended the time by which you were required to produce
20 documents, and you ultimately produced approximately 125 or 128 documents, almost
21 all of which were public tweets or letters sent to various public offices and officials.

22 And to allow you the time to produce documents required by the subpoena, we
23 also continued the date by which you were required to appear for testimony, and
24 ultimately we set this date in emails with Mr. Parlatore in July.

25 I'll just note that, on August 5th -- and this is an exhibit we have as exhibit No. 31,

1 which was last Friday, Mr. Parlatore sent a formal letter to the committee containing
2 arguments about the committee's composition and ability to comply with rules related to
3 depositions.

4 The chairman answered that letter Monday, yesterday, and addressed Mr.
5 Parlatore's ranking member argument. And that is exhibit No. 32, the chairman's letter
6 to you, Mr. Parlatore.

7 I would just note that other witnesses subpoenaed by the committee have made
8 similar ranking member arguments like the one that you and Mr. Parlatore have raised,
9 and courts have rejected them, and others have also made these arguments to courts
10 before subpoena compliance was required.

11 So, as of now -- and I just note for the record that Mr. Raskin has joined. Thank
12 you for being here, Mr. Raskin.

13 As of now, there has been no efforts that the select committee's aware of to stop
14 or block your obligations under the subpoena, and there is no court order stopping it that
15 I'm aware of.

16 So, as a result, we are prepared to proceed today with this deposition, and the
17 subpoena requires your testimony.

18 And so, Senator, are you ready to proceed as well?

19 Mr. Parlatore. All right. So I have several questions before we proceed.

20 So, first of all, obviously, I did get the letter from the chairman last night. It did
21 not really address the issues specifically that we were bringing up. And I understand
22 why it doesn't because this is -- the issues that I raise in my letter are things that no court
23 has addressed.

24 So, you know, we've come here today because I have what appears to be a facially
25 valid subpoena. I have some questions about that first.

1 First of all, the signature on it, was this actually signed by the chairman?

2 Mr. [REDACTED] Mr. Parlatore, this is -- your concerns are addressed in the
3 correspondence. We have a valid subpoena, and Senator Mastriano is here to testify
4 and --

5 Mr. Parlatore. And I asked you specifically about the signature because it looks
6 almost -- it looks identical to all the signatures on everything else. So I'm wondering, did
7 he actually sign it, or did he use --

8 Mr. [REDACTED] Mr. Parlatore --

9 Mr. Parlatore. -- an autopen to do it?

10 Mr. [REDACTED] Under these circumstances, the committee asks questions of your
11 client. We're not here to discuss that. You had an opportunity, months and months to
12 raise issues, some of which you have raised in this letter that you sent last Friday, which
13 the chairman has now addressed, and we're prepared to proceed with the deposition.

14 Mr. Parlatore. Okay. So the record reflects you're refusing to state whether
15 the chairman actually signed the subpoena or not?

16 Mr. [REDACTED] Mr. Parlatore, this is a valid subpoena --

17 Mr. Parlatore. -- next question: Do you have a designation of the ranking
18 minority member?

19 Mr. [REDACTED] This has been addressed in the letter from the chairman, Mr.
20 Parlatore.

21 Mr. Parlatore. Okay. Then, in that case, who is -- who has been designated as
22 the two individuals to conduct the deposition?

23 Mr. [REDACTED] Mr. Parlatore, all of these -- we have compliance with all of the
24 deposition rules, and we're prepared to proceed in compliance with that.

25 Your objections have been noted in the letter that the chairman sent to you, and

1 we are now prepared to proceed with the questions to Senator Mastriano.

2 So I do plan to begin --

3 Mr. Parlatore. -- declining to answer my question about who the two staffers are
4 that have been designated, one by the majority and one by the minority? All right.

5 At this point, you know, looking at the --

6 Mr. [REDACTED] To be clear, we're not declining to answer any questions Mr.

7 Parlatore. This is a deposition --

8 Mr. Parlatore. You've not provided an answer so --

9 Mr. [REDACTED] Mr. Parlatore, it's very difficult for the reporter --

10 Mr. Parlatore. So -- go ahead. If you have an answer, go ahead now.

11 Mr. [REDACTED] It's very difficult for the reporter to take down when two people are
12 speaking over themselves. So, please, if you just let me finish. We are prepared to
13 proceed with the deposition as we have for hundreds of witnesses before Senator
14 Mastriano with the same subpoenas that have been issued to each and every witness and
15 then have been upheld by the courts.

16 So we are prepared to proceed. Please go ahead.

17 Mr. Parlatore. Okay. So you're not going to answer my question then?

18 Mr. [REDACTED]. Mr. Parlatore, we have exchanged letters from the chairman, and
19 we are prepared to proceed with this deposition.

20 Mr. Parlatore. Okay. In that case, it's clear to me that, looking at the
21 regulations on the use of deposition authority, this committee has not complied with the
22 rules to actually commence the deposition. So, at this point, Senator Mastriano and I
23 are going to step out. Of course, at any time if the committee is able to comply with
24 those regulations, please let me know. We're happy to come back.

25 Similarly, if you want to have a discussion with me about doing a voluntary

1 interview, we're happy to do that. As I've stated repeatedly, Senator Mastriano is not
2 concerned about answering the questions here. Our primary concern is obviously over
3 this committee's demonstrated history of releasing edited and misleading clips in an
4 effort to really lie to the public and mislead them.

5 And, considering that he's currently in a general election, we want to make sure
6 that we have some protection for that. I have offered several options to where we
7 could try to minimize the risk of that. Thus far, the committee has rejected all those and
8 really is in a position where the committee wants to have sole control of the narrative
9 here.

10 So, you know, we are here. We're happy to comply if the committee is able to
11 comply with its obligations. As I see that you are not, we are going to leave here. So
12 my intent, as I stated in the letter, we are going to bring an action for declaratory
13 judgment in the district court.

14 I understand that certain members of the committee may try and make claims and
15 make statements about, you know, contempt and DOJ and things like that. And, of
16 course, as I explained to you yesterday, [REDACTED] this is a situation where we have a different
17 interpretation of the rules, and Senator Mastriano, to ensure that his rights are protected,
18 is simply asking a district court judge to clarify that.

19 Any effort to threaten him with any type of criminal prosecution to intimidate him
20 not to seek clarification of his rights from district court judge is, in my opinion, unethical
21 and illegal and possibly even criminal extortion.

22 So I would suggest that the committee, you know, refrain from that type of
23 unlawful and unethical saber-rattling, and instead, you know, there's a process. We're
24 going to go to the courts. The issues that I raised, you know, notwithstanding the -- you
25 know, the shallow reasoning in the chairman's letter, have not been addressed by the

1 court.

2 So we'll get them addressed by the court, and then we'll proceed from there.

3 Mr. [REDACTED] Mr. Parlatore, your statement is noted. I'm not going to address
4 all of the comments that you've made incorrectly about the committee and its
5 information. I would note also what the chairman said in his letter yesterday, which is
6 that Senator Mastriano is not the first candidate for office or elected official who's been
7 subpoenaed by the committee. And it is -- unfortunately, seems like you are insisting on
8 a different set of rules for him than others who have complied with the subpoenas.

9 The subpoena is valid. The deposition regulations allow for any Member to sign
10 a committee counsel, and we have -- we're perfectly comfortable under the
11 circumstances we're at that Senator Mastriano testify today, based on a number of
12 factors, including compliance with all the regulations. The court rulings that have
13 decided the very issue that you've raised about the ranking member, it's the same
14 argument that has been raised time and again.

15 And so, ultimately, if this is Senator Mastriano's decision and his alone to not
16 comply and provide testimony today, then that's what it will be, but we are prepared to
17 take his testimony as required by the subpoena.

18 And I would again note that there is no court that has stepped in to say that
19 Senator Mastriano has not complied and other witnesses have, in fact, sought to block
20 enforcement of the subpoena unsuccessfully largely before, in fact, their compliance
21 dates become due.

22 So we are not in that circumstance, and we are prepared to proceed with the
23 testimony today.

24 Mr. Parlatore. I understand that, and your statement, just like the chairman's
25 letter, misapprehends the argument and tries to recast it in a different light. You know,

1 Senator Mastriano is not refusing to comply with the subpoena. He has complied with
2 the subpoena, but, at this point, under the rules, the committee has not complied with
3 the regulations to be able to actually commence a compelled deposition.

4 The fact that prior witnesses have not asserted those rights and have, you know,
5 kind of waived their rights and gone along with the depositions doesn't really change the
6 rules. There's no precedential value to the fact that other lawyers, you know, declined,
7 for whatever reason, to raise these issues.

8 So, you know, Senator Mastriano has complied. This committee has not
9 complied with the regulations on the use of deposition authority in our estimation, and so
10 we're going to go to district court judge and get a ruling on it.

11 You know, there's a process. We're going to follow it, and once the district court
12 judge rules on it, you know, we'll take it from there. So --

13 Mr. [REDACTED]. Your statement is noted for the record, and like I said, we are
14 prepared to proceed.

15 So the first question I want to ask is, Senator Mastriano, when did you first learn
16 you'd be holding a hearing in Gettysburg on November 25th?

17 Mr. Parlatore. Excuse me. I think we're done here.

18 Mr. [REDACTED]. There's a question posed, and we're prepared to hear Senator
19 Mastriano's answer.

20 Mr. Parlatore. He's not even been sworn in. Isn't that usually the first step of a
21 depo?

22 Mr. [REDACTED]. No -- you're -- that's correct. I appreciate that. So why don't we
23 swear --

24 Mr. Parlatore. All right. Senator, let's sign off at this point. Thank you.

25 Mr. [REDACTED]. Okay. For the record, Senator Mastriano and his counsel Tim

1 Parlatore have now signed out of the deposition before being sworn, and we're going to
2 take a brief break. We're not going to end the deposition quite yet. We're going to
3 take a brief break and go off the record.

4 [Recess.]

5 Mr. [REDACTED] All right. Let's go back on the record.

6 It is 10:23, and this is the resumed deposition of Senator Doug Mastriano.

7 I would note for the record that Senator Mastriano, as well as his counsel, Tim
8 Parlatore, have signed off of the deposition and are no longer on the deposition platform.
9 They declined to participate based on the discussion that we had earlier on the record
10 and that I'm not going to revisit, but I do want to put onto the record several areas of
11 inquiry that we would've asked about if Senator Mastriano participated in the deposition
12 and provided testimony as required by the subpoena.

13 First, I'd note that we have 32 exhibits that we'll enter into the record that include
14 documents about which we have questions, including emails and public statements from
15 the senator.

16 [Mastriano Exhibit Nos. 1-32

17 Were marked for identification.]

18 Mr. [REDACTED] Several other areas of inquiry that we would've asked about include
19 communications that Senator Mastriano had with the Trump campaign before and after
20 election day in November of 2020, including communications that he had had with Rudy
21 Giuliani and Mr. Giuliani's team.

22 We would've also asked about Senator Mastriano's involvement and
23 understanding of a hearing that took place on November 25th, 2020, in Gettysburg at a
24 Wyndham Hotel that was related to the election.

25 We would've also asked about Senator Mastriano's understanding of purported

1 fraud in the election and several statements that he made publicly about his
2 understanding and perception of issues related to the November 2020 Presidential
3 election.

4 We would've asked Senator Mastriano about direct communications that he had
5 with the President related to the election and the joint session of Congress.

6 We would've also asked about Senator Mastriano's involvement in or knowledge
7 of Republican electors who met to cast electoral college votes in December 2020 for
8 President Trump in States that President Trump had lost, including in Pennsylvania, and
9 any role that he had in the convening of those electors, including electors who met at the
10 Pennsylvania State capitol.

11 We would've asked Senator Mastriano about financing for buses who brought
12 people to Washington, D.C., on January the 6th.

13 We would've asked about various letters that Senator Mastriano signed or
14 apparently sent to -- that were addressed to Members of Congress, the Acting Deputy
15 Attorney General, and the Vice President, including letters that he emailed to the White
16 House directly and the President's personal assistant.

17 We would've asked about Senator Mastriano's presence in Washington, D.C., at or
18 near Capitol Hill on January the 6th.

19 We would've also asked about Senator Mastriano's attendance at the President's
20 rally on January 6th at the Ellipse.

21 We would've asked about calls that Senator Mastriano may have had with the
22 President or members of the White House or other officials on January 6th, including a
23 call that he apparently placed to the Vice President on the 6th.

24 And we would've also asked about communications he had -- Senator Mastriano
25 had, to be clear -- with the President after January 6th about that day and related to the

1 election or the joint session of Congress.

2 With that, I'll stop and see if anybody else has anything to add.

3 And I'd note, before doing so, that this is just an example of some of the topics we
4 would've explored with Senator Mastriano and not all of them.

5 Okay. Hearing nothing else, at this point, we are going to recess the deposition
6 subject to the call of the chair.

7 And we will go off the record.

8 [Whereupon, at 10:26 a.m., the deposition was recessed, subject to the call of the
9 chair.]

10