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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: ROBERT GABRIEL

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Wednesday, April 6, 2022

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Washington, D.C.

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

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a.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] INVESTIGATOR

9 [REDACTED] PROFESSIONAL STAFF MEMBER

10 [REDACTED] CHIEF CLERK

11 [REDACTED] PROFESSIONAL STAFF MEMBER

12 [REDACTED] INVESTIGATIVE COUNSEL

13 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

14

15

16 For ROBERT GABRIEL:

17

18 PAUL BROTHERS

19 EDDIE GREIM

20 GRAVES GARRET LLC

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██████████ It is 10:05 in the morning.

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Good morning. This is a deposition of Robert Gabriel conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

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Mr. Gabriel, thanks for joining us by Webex today. If you could please just say your full name and spell your last name for the record.

8

The Witness. Robert Gabriel, G-a-b-r-i-e-l.

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██████████ Would you please raise your right hand and the court reporter will swear you in?

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

14

The Witness. Yes.

15

The Reporter. Thank you.

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██████████ Thank you, Mr. Gabriel.

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We'll go over a few ground rules first before we get started to lay out how this will proceed.

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This will be a staff-led deposition, and members of the committee may join and ask questions, of course, if they so choose. But as of now, I don't see that any have joined and I don't know that any will.

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My name is ██████████ I'm a senior investigative counsel. And in the room with me today, to my right, is ██████████ an investigative counsel. And off camera, but as I introduced to you before we got started, is ██████████ an investigator on the staff. We also have several professional staff and the reporters who are on as well.

1 We'll follow the House deposition rules that we've provided to your counsel
2 previously, and under those rules you are, of course, permitted to have your attorneys
3 with you, and they are joining by Webex separately.

4 If I could ask your attorneys to please state and spell their names for the record,
5 and then understanding that you'll have objections to place on the record later before we
6 get started.

7 Mr. Brothers. Yes. Paul Brothers, P-a-u-l, B-r-o-t-h-e-r-s, of Graves Garret LLC,
8 for Mr. Gabriel.

9 Mr. Greim. And Eddie Greim of Graves Garret as well.

10 ██████████ Thank you.

11 So as you have now seen, Mr. Gabriel, there is an official reporter transcribing the
12 record of the deposition. She and her colleagues, who are also on, are joining us by
13 Webex as well.

14 For the benefit of the record, if you could just wait until we ask our questions
15 before you begin your answer, and we'll try to do the same and not ask our next question
16 until you finish answering. That will keep things clear.

17 The reporter can't record nonverbal responses like shaking or nodding your head,
18 so excuse us in advance if we ask you at some point to say yes or no or otherwise answer
19 the questions in words.

20 And there might be times where you say a word or an acronym or someone's
21 name and we ask you to spell them, and that's just simply so the record is clear and we all
22 know who we're talking about or what we're talking about.

23 We ask that you provide complete answers based on your best recollection. If
24 the question isn't clear, just tell us or your attorneys will tell us and we'll do our best to
25 rephrase so it is clear. And if you don't know the answer to a question, just say so.

1 If at any point you need a break, whether for comfort or to talk to your attorneys,
2 just tell us. We're happy to do that and accommodate it. We can all go off camera and
3 go on mute so you can discuss in private if you need be. Just let us know.

4 As a general matter, we can take breaks every hour, but if our goal is to be done,
5 say, around lunchtime, we're happy to keep going through. It's just something we can
6 address as we proceed.

7 Throughout the deposition we'll direct your attention to exhibits that will be
8 displayed on the screen. These are exhibits that for the most part we shared with you
9 yesterday. There are two exceptions that I described to you and your counsel before we
10 got started. But we'll flash them up on the screen so you can see them. And you take
11 as much time or as little as you need to familiarize yourself with the document before you
12 answer any questions.

13 I'll try it now to see how the process works with exhibit 1. And I say it and hope
14 that it magically appears. It has not yet.

15 Okay. Well, we can keep going on. Exhibit 1, as you know from what we
16 provided yesterday, is just the subpoena. So when we get it we'll show it to make sure
17 the system works and you can see it, Mr. Gabriel.

18 But otherwise, as we proceed, you may only refuse to answer a question to
19 preserve a privilege recognized by the select committee. If you refuse to answer a
20 question based on a privilege, staff may either proceed with the deposition -- in other
21 words, move on -- or seek a ruling from the chairman at the time on the objection. And
22 if the chairman overrules such an objection, you are required to answer.

23 At this time, I understand that your counsel would like to place on the record their
24 objections and make any opening remarks, so I'd ask them to do that now.

25 Mr. Brothers. Thank you, [REDACTED]

1 Mr. Gabriel has three objections that we are raising for the record to preserve in
2 the event Mr. Gabriel needs to assert those objections in the future, if the committee
3 were to require future document production or testimony from Mr. Gabriel.

4 However, we are not asserting these objections today to prevent Mr. Gabriel from
5 appearing, as he's here, or from testifying and answering the committee's questions
6 today. We're, again, stating these so that they are on the record and preserved for
7 future use.

8 The first objection is that the committee is not properly composed. Mr. Gabriel
9 objects to the issuance of his subpoena because the committee is not properly
10 composed.

11 The resolution authorizing the select committee provides for the Speaker to
12 appoint 13 members to the committee and requires the Speaker to appoint 5 of these 13
13 members after consultation with the Minority Leader.

14 The Speaker failed to comply with these requirements.

15 First, the Speaker failed to appoint 13 members to the committee. She only
16 appointed nine.

17 Second, none of the members of the committee were appointed in consultation
18 with the Minority Leader. The Speaker rejected the Minority Leader's requested
19 appointees and appointed all nine committee members on her own.

20 The Speaker's failure to properly compose the committee invalidates all the
21 committee's activities, including the issuance of this subpoena. Mr. Gabriel preserves
22 this objection to the issuance and validity of his subpoena and does not waive this
23 objection by appearing and testifying today.

24 Mr. Gabriel's second objection is that the subpoena is not properly issued.
25 Mr. Gabriel objects to the issuance of his subpoena for deposition testimony because his

1 subpoena was not issued in compliance with the committee's resolution.

2 As I just noted, all nine members of the committee were appointed by the
3 Speaker. None were appointed in consultation with the minority member.

4 The lack of appointments in consultation with the Minority Leader deprives the
5 committee of a ranking member. This is denoted by Representative Cheney holding the
6 title of vice chair rather than ranking member.

7 The lack of a ranking member prevents the committee from properly ordering the
8 taking of a deposition. The rules of the committee require the chairman to consult with
9 the ranking minority member when ordering the taking of depositions. The lack of a
10 ranking member means by definition this consultation did not occur.

11 Due to the lack of consultation, the subpoena for Mr. Gabriel's deposition was not
12 properly issued and is invalid. Again, Mr. Gabriel preserves this objection to the
13 issuance and validity of his subpoena and does not waive this objection by appearing and
14 testifying today.

15 Finally, Mr. Gabriel's appearance and testimony today does not waive objections
16 Mr. Gabriel raised in his document production.

17 As you're aware, Mr. Gabriel raised certain objections in his document production,
18 including that the issuance of his subpoena does not serve a legislative purpose and is not
19 pertinent to the inquiry assigned to the committee.

20 Mr. Gabriel preserves these objections, as well as all common law objections, and
21 does not waive them by appearing and testifying today.

22 Thank you, [REDACTED]

23 [REDACTED] Thank you, Mr. Brothers. Your objections are noted for the record.

24 And at this time, Mr. Gabriel, we will show you exhibit 1 just to see how the
25 process works.

1 And I'd ask my colleague to put it up on the screen.

2 Okay.

3 Are you able to see that, Mr. Gabriel?

4 The Witness. Yes.

5 [REDACTED] All right. And do you recognize that as the subpoena to you by
6 which you're appearing today?

7 The Witness. Yes.

8 [REDACTED] Thank you.

9 We can take that down.

10 So I'll just remind you before we get started, as we do all witnesses, that it is
11 unlawful to deliberately provide false information to Congress. And since this
12 deposition is under oath, providing false information could result in criminal penalties, to
13 include for perjury and/or providing false statements.

14 Do you understand that?

15 The Witness. I do.

16 BY [REDACTED]

17 Q Mr. Gabriel, how old are you?

18 A I'm 27.

19 Q And what is your highest level of education?

20 A I graduated from NYU with my bachelor's degree.

21 Q And what year was that?

22 A In 2016.

23 Q Where are you currently occupied -- or where are you currently employed?

24 A I'm self-employed.

25 Q And prior to that, we understand that you worked at the White House. Is

1 that right?

2 A I had worked at the White House for the 4 years. Before I was
3 self-employed, I worked at a corporation.

4 Q Oh, I see. So when you worked at the White House that was in the Trump
5 administration?

6 A I worked in the Trump administration for 4 years, and then I worked at a
7 corporation after that. And I'm now self-employed.

8 Q Makes sense.

9 I want to focus on the time frame of November of 2020 to January of 2021 when
10 you were at the White House.

11 What was your title at the time?

12 A I was a special assistant to the President and director of the Office of the
13 Senior Advisor for Policy.

14 Q And the Senior Advisor for Policy at that time was Stephen Miller?

15 A Yes, that's correct.

16 Q And we focused on the November to January time frame. How long had
17 you held that, those roles, though, in total?

18 A At the end of the administration, I had that role -- oh, you mean like
19 beforehand?

20 Q Sure.

21 A I mean, I had the same role for the duration of the administration, but the
22 title had changed for, like, casual promotions.

23 Q Understood. So throughout your tenure --

24 A But the same role throughout.

25 Q I see. So throughout those 4 years you reported directly to Mr. Miller?

1 A Yes.

2 Q Did anyone report to you by the end of your tenure, again, focusing on
3 November to January at the end of the administration?

4 A I had no direct reports. Everyone in Stephen's office reported to him.

5 Q Where was your office physically located? Was it in the West Wing?

6 A I had desk space in the West Wing, yes.

7 Q Did you have another office in the EEOB or was that desk space in the West
8 Wing where you worked regularly?

9 A Desk space in the West Wing was mine. The last year, with COVID in the
10 spring and COVID at the end of the administration, I worked in, like, a vacant office in the
11 EEOB because it was kind of abandoned.

12 Q The desk space that you had, where was it physically within the West Wing?
13 Was it on the ground floor or was it the second floor?

14 A We were on the second floor of the West Wing.

15 Q And in relation to Mr. Miller's office, where was your desk located, the desk
16 space that you had?

17 A There was a little, like, suite before you go into his office and, like, another
18 adjoining office, and I was, like, in that common area.

19 Q And in the time frame we're talking about, November of 2020 to January
20 of 2021, would you regularly work in one location versus the other, that being the desk
21 space in the West Wing or your office in EEOB?

22 A The overwhelming majority of my time I spent either working from home or
23 in the vacant space in the EEOB just because of COVID, and it was really prevalent at that
24 point. The West Wing I didn't really work too much in at that point.

25 Q As a general matter -- and, again, we'll focus on November of 2020 to

1 January of 2021 -- what were your responsibilities in your role?

2 A Same as always, which was assisting Stephen in his capacity as speechwriter
3 and a policy advisor to the President.

4 Q And when you say assisting, essentially just whatever help he needed you
5 were there to provide?

6 A Yeah. Not his scheduler. He had a scheduler. But I just made sure, like,
7 the train was running on schedule generally for the whole tenure of my service.

8 Q And you mentioned speechwriting, which will be the focus really of today.
9 Throughout your tenure, the 4 years, was Mr. Miller overseeing the speechwriting team,
10 so to speak?

11 A Yes, Stephen was, yeah.

12 Q And who were the -- was there an official speechwriting office per se, or how
13 would you describe the group of people who worked on speeches? Did they have an
14 official title or what was that?

15 A I mean, we didn't have an office of speechwriting, so to speak, but Stephen's
16 office was comprised of the speechwriting office, and they worked in the EEOB.

17 Q Who were the -- of those people in the EEOB, we understand that Ross
18 Worthington and Vince Haley were the head of the speechwriting team. Is that right?

19 A Yeah. Yes, I would say they were --

20 Q Okay. Was that true --

21 A Yes, I would say that's an accurate characterization, yeah.

22 Q And that was true through November of 2020 through January of 2021?

23 A Yes.

24 Q Now, can you just describe for us just the process, as a general matter, for a
25 speech, how that would go from beginning to end, just an overview as you understood it

1 and from your perspective working for Mr. Miller? How did that work?

2 A Sure, yeah.

3 So first you try and find out if there's a speech, when there's a speech. I would
4 generally make sure that it's tasked out, so make sure Vince and Ross are assigning a
5 writer to it. They draft it. They work with whoever in the White House they need to,
6 to come up with a decent draft.

7 Ross and Vince would review it, if they didn't write it themselves. After they
8 review it, Stephen looks at it. He gives his revisions. He gives his comments. It goes
9 back and forth however many times it needs to to be in a decent place for the Office of
10 Staff Secretary to receive it. And that office is generally responsible for all the paper
11 flow to the President.

12 So we would send all of the draft remarks to the Staff Secretary's Office, who
13 would then circulate it, which means, like, provide it to all people who need to see it for
14 review.

15 They gather the feedback. We work with them to reconcile the flags, the edits,
16 the suggestions, the concerns. Like the speechwriters work with them.

17 It goes through the same process again. They either send it back to staff
18 secretary or they make sure Stephen's good with it. It goes back to staff secretary
19 however many times until we're in a decent place, however long time allows. And then
20 at some point a draft is delivered for the President's review.

21 And it can go back to staff secretary at some point if he has edits and stuff like
22 that, but it's just like a repeating process.

23 And the whole time I'm not writing, because I'm not a writer. I don't draft
24 remarks. But I'm just making sure we're hitting, like, time cues, so like we're providing
25 enough time between each process. So like making sure Stephen gets a draft, making

1 sure staff secretary gets a draft, making sure the President eventually gets a draft. So
2 I'm just trying to keep the time at a decent pace.

3 Q And we'll just unpack a little bit of that, but thank you for the overview.

4 In terms of timing as a general matter, was there an amount of time you would
5 typically get in terms of a lead to put a speech through the process, or every one was
6 unique in its own demands? And how that would work?

7 A I would say generally it was scattered, it was unique for each circumstance.

8 Q So if you needed to do it in a few days, you could get it done in a few days.
9 If you had more lead time, you could work without more lead time. But whatever it
10 was, you made sure the trains ran on time?

11 A Yes.

12 Q In terms of the President's input, the way you described it, it would be at the
13 end of the process, and if you had feedback, it could go back through the iterative process
14 to address any comments he had.

15 Is it -- was it typically the case that the President provided feedback after a fully
16 formed draft was made?

17 A The President spoke publicly often, and Stephen was an advisor to him, so
18 they had an understanding of what each other wanted in remarks on a given topic.

19 So the President always had his ideas and thoughts incorporated, but he's not
20 going to be able to give, like, edits to a draft until he has the draft, which generally we
21 would try and get it through the staff sec review process before you provide the
22 President, like, a document.

23 Q Understood. So if you knew a speech was going to be made by the
24 President, it was not typical for the President to specifically say, "For this speech I want
25 this to be said." It was just known about the topics how he had spoken about it in the

1 past and you'd work that into the -- it'd be worked into the draft?

2 A Generally, yeah.

3 Q And were there any rules of thumb that the President himself had for
4 speeches that the speechwriting team needed to be aware of and address as they did
5 their drafts?

6 A I would say length was really the only thing, to keep it tight, short, sweet.

7 Q How about for Mr. Miller, was there anything in his oversight of the process,
8 involvement that he had, any rules of thumb particular to him as a speech went through
9 the process?

10 A Just for the writers to get them as good of a draft as possible so he could
11 spend as little time as he could on it.

12 Q That's a good rule of thumb.

13 A As any boss would do.

14 Q I'm sure Paul knows that well from Eddie.

15 [Laughter.]

16 So in terms of fact-checking speeches, to the extent facts were included in
17 speeches, was there a routinized process for that, particular people who would review
18 facts? Or how did that work?

19 A Generally, when a draft is provided to Staff Secretary's Office, staff secretary
20 would circulate it to the people who know the topic, as well as there was a fact-checking
21 operation in the communications office that I think received most of the speeches, and
22 they would fact-check speeches.

23 The writers, of course, would have to like not put in things they couldn't
24 themselves substantiate.

25 But Staff Secretary's Office was someone we -- the office we leaned on for that

1 kind of thing to make sure there was rigorous review of all remarks.

2 Q And when you talk about the speechwriting group itself, we understand
3 there were researchers employed by the group. And would they serve that -- as one of
4 the fact-checkers on speeches, although not the only?

5 A Not in the communications office. They would work on the remarks with
6 the writers to make sure that there is, like, there is actual substance to a speech before
7 it's sent through, like in the review process. So whether that includes placeholders to be
8 addressed in the staff sec review process, that's happened on occasion.

9 But, yeah, the researchers would try and get the writers -- I think there were two
10 researchers or maybe one at that point in the administration. But, yeah, they would try
11 and get the writers something to actually be able to write a decent speech.

12 Q When it came time for Mr. Miller to do his review of a speech, once the draft
13 was in shape enough for him to get hands on, would he review that electronically?
14 Would he do it in hard copy? Or it depended on the circumstances?

15 A It depended on the circumstance. But I would say the majority of time we
16 were on our desktops, like in the office.

17 Q And would he tend to do a redline? In other words, if Mr. Miller was
18 reviewing, he'd go in and track changes himself for edits? Or would he have you do
19 that? How would that work as a process matter?

20 A I generally didn't take Stephen's edits on drafts unless it was, like, for the
21 prompter and, like, a document that he's already sent. So I generally didn't take, like,
22 verbal or handwritten notes from him. It was normally, like, sent on an email. So
23 yeah.

24 Q And during the time we're talking about, November to January, at the end of
25 the administration, was Mr. Miller coming into office -- into the office, to your knowledge,

1 on a regular basis?

2 A He had his baby at some point after the election, so I think he had a little
3 absence.

4 But, again, I was working from home a lot of the time after the election, and I was
5 working in that office in the EEOB that was essentially abandoned because everyone else
6 was working from home or had left at that point.

7 So, like, I had the least interaction with him than I ever did at the end of the
8 administration just because we weren't working next to each other.

9 Q Understood and appreciate --

10 A But, yeah, he had a baby at that time, so I think he had -- and there was
11 some issues with that or whatever. It's his own personal thing.

12 But, yeah, I think it was -- we didn't see each other daily, that's for sure. Like we
13 saw very little of each other at that point.

14 Q In terms of the President in his review of speeches, was there a format that
15 he liked to receive them to do his review and editing? Was it in hard copy?
16 Electronic? Or how would that work?

17 A Paper, hard copy.

18 Q If he had edits, how would he -- would he handwrite those on the paper or
19 would he have someone take down edits listening to him? Do you know how that
20 would work?

21 A Generally, he would handwrite his edits, yeah, to speeches. Like speeches
22 was a different thing. So he had particular edits on speeches. So that he always, like,
23 normally handwrote it and -- yeah.

24 Q And who would take the handwritten edits and get them to the team to
25 incorporate? Was there a person or a role that would handle that to make sure it got to

1 the people it needed to get to?

2 A It certainly varied. He had assistants sitting outside of his office. But it
3 would always make its way to the Office of the Staff Secretary or Stephen.

4 The speechwriting office was in the EEOB, so no one is going to walk across the
5 street to deliver that to them.

6 But, yeah, the Office of the Staff Secretary received it always because we had a
7 good working relationship with them. We didn't cut them out. So they received
8 everything that we received essentially.

9 Q And really, as you can see, I'm just asking about the nuts and bolts, and you
10 make a good point about the EEOB and no one walking it over.

11 So how would the edits from the President get incorporated? Would it
12 be -- would you scan -- would someone scan and send the edits to the speechwriting
13 team? Or how would that work?

14 A Normally they would receive them over email. So they would either get
15 like a scan or they would -- or they might like meet with the staff secretary in their office
16 to go over things.

17 Q In other words, they could walk from the EEOB to the West Wing and get it,
18 but no one is going to walk it to them is how it would work?

19 A Yes, normally, yeah.

20 Q All right. Now, I'll use language and you tell me right or wrong.

21 Is it right to say that there are speeches that are for official purposes of the
22 White House and then there could be campaign-related or political speeches the
23 President would give? Is that a fair way to characterize the difference between the two
24 types of speeches?

25 A Yes, yeah.

1 Q All right. So the process you've been describing, was that in any way
2 different if the speech was a political or campaign-related versus an official speech?

3 A No. It would go through the same drafting, review, delivery process. The
4 only thing different about it is you have to abide by the Hatch Act.

5 So counsel would always tell us, like, make sure you're using your personal
6 computer with your personal email to spend your time drafting the remarks.

7 And then when you're done drafting it and it's ready for Staff Secretary's Office,
8 you're going to use your -- it's going to go through an official White House process
9 because it's the President of the United States. It doesn't matter if it's a political speech.

10 So it would eventually resume right when it hit Staff Secretary's Office into the,
11 like, official White House process.

12 Q And in terms of the review, given if it was a campaign or a political speech,
13 would that then also incorporate people from the campaign staff in the staff secretary
14 review, or how would the input, if anyone from the campaign, get incorporated into the
15 speech?

16 A Yeah, I think Staff Secretary's Office did a good job of making sure the
17 campaign was informed of it. And, to be honest, like the campaign didn't provide a lot
18 for rallies and stuff. It was just like these speech acknowledgments, like, "Oh, my gosh,
19 who are the VIPs we want to acknowledge in this speech?" Like, our political office
20 would provide that.

21 But there wasn't much like -- if we were doing a rally in Pennsylvania, there wasn't
22 going to be much to get from outside folks.

23 Q And with regard to the speechwriting team, you talked about how you would
24 make sure that Vince and Ross assign a writer to any particular speech unless they were
25 taking the responsibility themselves to draft.

1 Were there any kind of guidelines for speeches that Ross and Vince would just
2 take the lead on and do themselves versus giving it to another writer? Do you know
3 how that would work internally on their team?

4 A I think everyone had their wheelhouse, so, like, some people were better at
5 writing more emotional statements or ceremonious -- ceremonial statements. So they
6 would try and task it out to whoever would do best on that particular assignment. Yeah,
7 so it varied.

8 But like, yeah, I would say, I don't know exactly how, but it was just who had the
9 bandwidth and who could do the best at that draft.

10 Q Was there someone in particular who tended to take the lead on rally
11 speeches for the President on the team, when you talk about wheelhouses and what
12 people were good at?

13 A Yeah, I think generally Vince and Ross would do that.

14 ██████████ I'll just stop there and ask if my colleague ██████████ has any
15 additional questions on just the process related.

16 ██████████ No. I think if something comes to me, we can come back to it. But
17 at the moment I'm good.

18 BY ██████████

19 Q Okay. So, Mr. Gabriel, on election night, November 3rd of 2020, where
20 were you physically? Were you at home, were you at work, or somewhere else?

21 A I was in the vacant office mostly in the EEOB, yeah.

22 Q All right. And if we look at exhibit 2, it's -- I'll describe it. It will be
23 brought up on the screen. But it's an email that Mr. -- that Ross Worthington sent on
24 election night at, you can see, at 7:02 p.m. And the subject is "Speech Drafts." And it
25 was sent to Derek Lyons and yourself, with Stephen Miller and Vince Haley copied.

1 A Yes.

2 Q Do you see that?

3 A Yes.

4 Q Now, Derek Lyons at the time, was he the staff secretary?

5 A Yes, he was.

6 Q And I'll tell you, if you look at the top just for context, there are going to be
7 times where I show you an exhibit where the time might look a little off. And at least for
8 this, though, the time is right on the November 3rd, that that's at the time in eastern
9 time, 7:02 p.m., when Mr. Worthington sent it.

10 And he says in the body, if we scroll down, "Attached. For you only," bolded and
11 underlined, and, "please do not forward and do not share. Three scenarios."

12 And we can go and look at them, but it's three speeches that are attached labeled
13 speech A, speech B, and speech C, to address the situation of either the President winning
14 the election, losing the election, or it not being clear that night.

15 So do you remember that that's what the purpose of these speeches were in Ross
16 sending them to you?

17 A I don't recall receiving the email, just because you get so many emails, of
18 course. But, yeah, I mean, you would generally provide the candidate many options for
19 whatever the outcome that night.

20 And for him to send it to Derek and I is understandable, considering Derek was the
21 staff secretary and I was -- I presume I was on it to be notified, like, "We have the drafts
22 written for your awareness."

23 Q So were you aware that these drafts were being written? Was that
24 something that you had made sure was being taken care of in preparation for election
25 night, not the content but making sure Mr. Worthington and his team were drafting

1 these?

2 A I mean, I would say it's understood that an election night speech should be
3 written, yeah. I don't recall assigning them. But, yeah, I was probably aware that they
4 were writing them, as they should have been considering it was election night.

5 Q No, understand. That's why we're asking if you remember.

6 A Yeah.

7 Q Do you remember, as you sit there, whether any guidance was given to them
8 about what the content of these three speeches should be, about the messaging or
9 themes?

10 A I don't recall, just because I was generally not giving counsel or involved in,
11 like, the substantive nature of the remarks.

12 So I don't know if they received messaging cues or points or whatever, but I think I
13 would have been aware that they were writing it because we would've needed something
14 that night.

15 Q Now, do you recall doing anything with these drafts that night to get them to
16 the President for his review?

17 A I don't recall doing anything with these, and I don't think I would have,
18 considering you're at the stage where you still have three drafts.

19 So I would think, sitting here, that it's like -- it's an action item for Derek,
20 considering he's the staff secretary, but I don't recall doing anything with these three
21 drafts. I don't know what I would've done.

22 Q And are you familiar with the fact that the President did give remarks early
23 in the morning on November 4th about the election?

24 A Yes, yeah.

25 Q All right. Were you involved in any way just in the process of drafting those

1 remarks or getting those remarks to him for his review?

2 A Well, again, I don't draft remarks, so, like, I never wrote speeches. It was
3 always just trying to make sure that things are actually, like, being worked on, things are
4 getting to Derek or to staff secretary, and things are making its way and we're making
5 progress and no one's forgetting about something.

6 Like you always have remarks scheduled. You don't want one to fall through.
7 So it's always just trying to make sure things are, like, moving along in the process.

8 That night specifically it's -- normally you want to make sure Stephen gets a draft,
9 staff secretary gets a draft. Eventually a draft is delivered to the President. The
10 speech is uploaded to the teleprompter. So I would think it's like all the normal
11 processes that we had always followed.

12 Q And understand it was only shorthand. And for the rest of today, I
13 understand you're not actually drafting the document.

14 A Yeah.

15 Q But thank you for the clarification.

16 But in terms of the process for the remarks the President ultimately gave on
17 November 4th, were you involved in that process?

18 A Yes, making sure it's uploaded to the teleprompter, yeah.

19 Q Do you know who drafted his remarks for that address?

20 A I don't recall who drafted like the final version, but as we see from the
21 exhibit, Ross certainly worked on the draft versions, yeah.

22 Q He certainly looked at the -- and we can look at those and compare them
23 against what the President actually said.

24 I guess what I'm asking is -- maybe it would be helpful. Would you like to look at
25 the speeches, C, B, and A, just to see what those look like, and compare them against the

1 President's ultimate remarks or -- because, again, just trying to get to the question of, do
2 you know if it was Ross who actually drafted the remarks the President ended up giving or
3 was it somebody else?

4 A I mean, it's not going to be anyone but Stephen, Vince, or Ross. Like no
5 one else is going to be -- or the President himself.

6 Q So of the four people you just mentioned, and just trying to get particular on
7 the remarks the President actually gave, do you remember who at least took the pen
8 initially to draft the remarks he actually gave?

9 A Like the final version? No. I mean --

10 Q Yeah.

11 A It's all like -- it would be in the White House email records. But it's an
12 election night speech, so it has to be like a Stephen, a Vince, or Ross.

13 Q Do you remember where Mr. Miller was on election night?

14 A He was at the White House, yeah.

15 Q Was he in the West Wing or in the residence?

16 A He was certainly in the West Wing because that's where his office and his
17 desk were. I don't know if he ever went up to the residence.

18 Again, I wasn't sitting in the West Wing that often then, so, like, I was more
19 disconnected than him -- with him -- than ever physically, just because I was, like, trying
20 to hide from COVID at that point.

21 Q But on November --

22 A So I don't know like -- yeah.

23 Q On November 3rd, on election night, did you, yourself, go to the West Wing
24 that you remember?

25 A Yeah, probably to make sure that staff secretary had it and then later

1 certainly to make sure that the teleprompter was uploaded.

2 Q Did you have any personal interactions with the President that night, on
3 election night that is?

4 A Yes, before he went out to speak.

5 Q Did you help him prepare to give his remarks, or do you know who did?

6 A He would've done his review before he got to the -- like before he got to
7 where he was going to go speak. So I don't know who reviewed with him.

8 Q During his remarks -- we can show them to you in exhibit 24. We can go
9 down. You can see.

10 And if, Paul and Eddie and Mr. Gabriel, if you would prefer to review this -- again,
11 as I said earlier, before we went on the record, this is one we added this morning. This
12 is the text of the speech. If you need a break to review it before we talk, let me know.

13 Are we good to proceed?

14 Mr. Brothers. [REDACTED] I think, just -- yeah, let's proceed with your -- based on the
15 question we may need a moment to review, but sitting here not knowing your question,
16 I'm not quite sure if we would need a moment to review.

17 BY [REDACTED]

18 Q Okay. Fair enough.

19 But this is the transcript, Mr. Gabriel, and we'll look at what I believe is page 4, if
20 we can go there. And if we look -- if we go down to the second paragraph on page 4, it's
21 a paragraph that starts -- I won't read the whole paragraph -- but it starts, "So Florida was
22 a tremendous victory, 377,000."

23 Carry on down to about the middle of the paragraph, I'm just going to read. It
24 says, "This is a fraud on the American public. This is an embarrassment to our country.
25 We were getting ready to win this election. Frankly, we did win this election. So our

1 goal now is to ensure the integrity, for the good of the nation. This is a very big
2 moment. This is a major fraud on our nation."

3 Do you recall those words or words to that effect the President saying that night
4 during his remarks?

5 A That what his words that night?

6 Q That the election was a fraud and that, "Frankly, we did win this election."

7 A What's your question? What was your question?

8 Q I'm showing you the transcript.

9 A Yeah.

10 Q I'm representing to you. But do you recall, since you were there, that the
11 President said words to this effect that night, November 4th?

12 A Yeah, certainly, yeah.

13 Q All right. Were you involved in any discussions with the President about
14 whether to say that he did win the election during these remarks?

15 A No. No.

16 Q Did you know at the time before he spoke that he was going to say the
17 election was a fraud?

18 A I had no discussions with him about it. I didn't have a relationship with him
19 really. Besides what he was saying publicly like beforehand, there was nothing else.

20 Q Do you remember whether the draft, the final speech that was loaded into
21 the teleprompter, had words to the effect that the election was a fraud on the public, or
22 is that something the President added himself as he was speaking?

23 A You'd certainly be able to, like, compare it with the final. I assume you
24 have the final version of that speech. But my recollection is that it was probably
25 ad-libbed.

1 Q Now, as you've just described your relationship with the President, I
2 understand that it's context, but I'll ask.

3 Between election night, November 3rd of 2020, and the inauguration of President
4 Biden on January 20th of 2021, did you ever have any conversations directly with the
5 President or were you present for a conversation with the President in which it was
6 discussed whether he won or lost the election?

7 A So besides that night, like backstage or before he went to speak --

8 Q Yes.

9 A -- I'd only spoken to him once, on January 18th, I believe it was, which was
10 like his farewell video, which were, I believe, his last like remarks from the White House.
11 But I had no engagement or discussions directly with him.

12 He was giving speeches in the meantime, so, like, I'm still making sure the
13 teleprompters are uploaded and stuff. So on occasion, before he starts the speech, I
14 would be there. Then I would generally leave when he would, like, finish, start making
15 the speech. But I never spoke to him directly, only like -- only January 18th.

16 Q And so that's -- were you ever present for a conversation or people speaking
17 to him, other than you, but you're present, where it was discussed with him in front of
18 you whether he won or lost the election, putting aside election night?

19 A Nothing stands out to me sitting here. But, like, again, if he's in the room
20 and I'm making sure that his teleprompter is set and he's ready to go, people could be
21 talking about it, but I'm not engaged in the conversation. So I'm just -- I'm doing what I
22 need to do in the room and then I'm leaving, so, yeah.

23 Q Did anyone ever tell you that during the time period we're focused
24 on -- again, between November 3rd and January 20th -- that they told the President that
25 he had lost the election?

1 A I wasn't -- I don't recall. Like I was not dealing with the aftermath of the
2 election. I was working on -- the President wanted a legacy book, like all the President's
3 accomplishments from his Presidency. So I was solely working on that for the most of
4 my time, the last remaining time after the election.

5 Besides the casual, like, making sure that things are still getting done, my main
6 focus was the accomplishments book.

7 So I was kind of out of sight. I was at home. I was hiding in the EEOB from
8 COVID. So, like, I wasn't really talking to that many people. Nothing really came up
9 like that.

10 Q And we appreciate all the context. And I'll just circle back. So no one ever
11 told you that, that you recall, that they told the President during this time period that he
12 lost the election?

13 A No. I mean, like, I didn't have engagement with people who spoke to the
14 President, like, so I don't think so.

15 Q Would Mr. Miller speak to the President regularly to your knowledge?

16 A I don't -- I think you'd have to ask him. He's the President's advisor.

17 Q Just based on your observations, did you have a sense that they were in
18 contact on a -- just in the normal course?

19 A Over the Presidency?

20 Q Sure.

21 A Currently as an advisor?

22 Q Yeah.

23 A Well, I don't know, just because he was -- he had a newborn, so I don't know
24 how much they were in contact, yeah.

25 Q Mr. Miller had a newborn, right.

1 A Yeah, yeah.

2 [REDACTED] Okay. Fair enough.

3 Well, I'll just stop there and ask, any questions on that, on that topic?

4 BY [REDACTED]

5 Q Yeah. Speaking of Mr. Miller, recognizing that you were not involved in
6 drafting the content of speeches, as a general matter throughout your time as the special
7 assistant to Mr. Miller did you have conversations about the content of speeches?

8 A Yeah, sometimes, but it's mainly like -- it's mainly just making sure that it's
9 not an unacceptable product quality-wise, so like if there were frustrations about the
10 quality of a product. But it's not so much like policy or political messaging, if that makes
11 sense.

12 Q Okay. Yeah, no, that makes perfect sense.

13 And in terms of actually the election night speeches, do you remember having any
14 conversations with Mr. Miller about the content of the final speech before you put it on
15 the teleprompter?

16 A The final election night speech?

17 Q Yes.

18 A No, that's -- I don't recall that. An election night speech is a -- like a -- you
19 don't get much input on that type of thing. So I don't think he would have asked me for
20 anything.

21 Q Did you, through your conversations with him that night, do you have a
22 sense of when the final draft was finished before it went into the teleprompter?

23 A I don't recall sitting here, again, and that's like -- that's in the White House
24 archives, so it's hard to tell. I don't even really recall, like, what time the President went
25 out. I know it was, like, late or early morning, whatever.

1 But, again, like I wasn't even election night sitting mainly in the West Wing, so,
2 you know, yeah.

3 Q Oh, no, completely understood.

4 And just to close the loop on it, you don't -- do you remember seeing a lot of email
5 traffic about the final draft separate from the one we showed you with the three, A, B, C,
6 but any back and forth about the final draft?

7 A I don't remember. I mean, that was -- we had -- that was just another
8 speech for us or for me. That's just -- there's no way to remember if that one had, like,
9 extra emphasis, yeah.

10 Q Understood. Thank you.

11 A Yeah.

12 Q So we'll move on, fast forward in time a little bit to early December.

13 I want to ask you some --

14 A My laptop is low. Sorry.

15 Q Sorry, what?

16 A Sorry. I need to plug in my laptop to the wall.

17 Q Oh, okay. Do you need a quick recess to do that, or you just want to pause
18 for a second?

19 A No, no, it's fine.

20 Q Okay.

21 A No, it's fine. Hold on. Hold on. Let me find a wall plug. I'm sorry
22 about that.

23 Mr. Brothers. Hey, [REDACTED] why don't we take a brief recess while he does this?

24 [REDACTED] Sure. Well, it's 10:57. We'll go off the record for, say, 5 minutes,
25 come back at, I don't know, 11:02 roughly. Is that all right?

1 Mr. Brothers. That works.

2 ██████████ Okay. Thanks.

3 [Recess.]

1

2 [11:03 a.m.]

3 [REDACTED] Back on the record with Mr. [REDACTED] and his questions.

4 [REDACTED] Thank you.

5 BY [REDACTED]

6 Q We're going to fast forward a little bit to early December.

7 Were you aware of a lawsuit filed by the State of Texas in the Supreme Court
8 against States, including Pennsylvania and Wisconsin, in early December?

9 A At the time it was being reported, so probably. Wasn't significant enough
10 for me to recall until being sent the exhibits.

11 Q Okay. Well, we can just refresh your memory quickly, if we pull up
12 exhibit 3, just so we have an orientation of the dates, not expecting you to have looked at
13 this document when we pull it up.

14 So exhibit 3 is a docket printout for the lawsuit that Texas filed in the Supreme
15 Court. And you can see, if we scroll down just a little bit, that -- right there is fine -- the
16 motion for leave to file a criminal complaint, in lawyer speak, it basically means when the
17 lawsuit was filed, was on December 7th, 2020. So we'll keep this just for some dates
18 and some filings for you.

19 And then exhibit 4 -- if we can turn to that quickly, just so you can see what we're
20 talking about when it comes up.

21 Exhibit 4 is the actual complaint. And you can see in the Supreme Court, State of
22 Texas v. Commonwealth of Pennsylvania, State of Georgia, State of Michigan, and State of
23 Wisconsin. So that is the lawsuit filed on December 7th, just for your awareness.

24 Do you remember were people in the White House working on this lawsuit at that
25 time?

1 A I didn't have like -- wasn't really -- I wasn't engaged at all. So I don't know
2 who was doing it. Until you sent the exhibit, I recalled that the writers had written
3 something for it, but, again, like, I didn't -- I wasn't part of the efforts.

4 Q Understood. But maybe I can refresh your memory a little bit. We can
5 look at exhibit 5. And once it comes up.

6 I'll start explaining, exhibit 5 is a cover email, a couple of emails starting on
7 December 8th from Dan Scavino asking for what was drafted for POTUS.

8 Looks like Stephen Miller includes you on an email to send the latest version or
9 the last version. And you can see that the attachment at the top, States v. States
10 complaint, it's dated 2020-11-30.

11 Do you know if Mr. Miller was working on this lawsuit?

12 A Again, it would be hard for me to, like, recall who was working on it
13 specifically. So I don't -- that's -- it's hard to remember that. I was so focused on the
14 accomplishments book, like, at this point that, you know.

15 Q Right. And as you mentioned, you sort of kept the train running for various
16 tasks in the White House.

17 Would this have been one of those tasks?

18 A Speechwriting tasks. But this isn't like a -- this isn't a speech, so I don't -- I
19 think -- I don't recall doing anything, like, extraordinary for this.

20 Q Do you know if the speechwriting team was working on this lawsuit?

21 A Presumably to draft something for it considering -- looking at this email now.
22 Stephen says, "Robert to send our latest [sic] version."

23 Q Sorry. That's presumably, yes, the speechwriting team was working on this
24 lawsuit?

25 A I don't know why I would have a draft of it. So, yeah.

1 Q So as a normal course, would the speechwriting office work on lawsuits that
2 the White House was involved in?

3 A I don't know if they were working -- I don't know what they were working on
4 for this and the extent of their work on it. But we had the counsel's office for lawsuits
5 and everything.

6 Q So do you remember being put on emails involving lawsuits very often in
7 your 4 years there?

8 A No. I mean, there's nothing significant.

9 [REDACTED] Maybe I'll ask this, Mr. Gabriel.

10 To your knowledge, prior to this lawsuit we're looking at, were you aware of the
11 speechwriting team ever having worked on a lawsuit previously during your tenure?

12 The Witness. No. I mean, not necessarily.

13 BY [REDACTED]

14 Q So you don't remember if this stuck out to you at the time?

15 A No. I mean, I was like -- I was working on my -- on the legacy book, so
16 these kinds of things wouldn't stick out to me.

17 Q Just the final question on this. Were you involved with conversations with
18 anybody else outside of the White House about this lawsuit?

19 A No. I mean, I would -- I don't even think it's fair to characterize it like I was
20 engaged in this with people in the White House, you know.

21 Q Okay. Understood. Thank you.

22 So if we pull up exhibit 8, please.

23 Exhibit 8, once it comes up, as you can see at the top, it's an email that you sent to
24 Ross and Vince, and it's on December 5th. [REDACTED] noted at the beginning that there might
25 be a problem with the timing. It could be UTC or it could be eastern time. Either way,

1 it's UTC and we subtract five hours, it's still December 5th.

2 And the top line of that email is "From Hannity." Would that be Sean Hannity?

3 A I would assume so, yeah.

4 Q Okay. Where did you get this information from? Did you have a
5 conversation with Mr. Hannity?

6 A No. I had not spoken to Sean Hannity.

7 Q So where did you get the information?

8 A I don't recall where I got it from. This is like an instance where I'm
9 forwarding things on.

10 Q Do you think you cut and paste, like, cut and paste something and forwarded
11 it along?

12 A Probably. Yeah.

13

BY [REDACTED]

14 Q How would Mr. Hannity have communicated that to you or gotten to you in
15 written format if not by email?

16 A I wouldn't have received it from him. Sean Hannity doesn't know me. I
17 don't know him.

18 Q So then who did you get it from?

19 A Well, I don't know where I would have gotten it from. This looks like
20 a -- this happens often where you're passing along things to the writers so they have what
21 they're told they're supposed to have.

22 Q What was this for? If it's for the writers, what was this for?

23 A Presumably for the writers for a speech.

24 Q And who did you know that you worked with to be in touch with Sean
25 Hannity to get something like this from him to give to you?

1 A I don't recall someone ever telling me they were working with or
2 coordinating or whatever, contacting, connecting with Sean Hannity. But Sean Hannity
3 certainly had access to the President, as public reports indicate. So it could have been
4 his assistant or anyone from the White House who would have sent it to me and I
5 essentially just forwarded it on to the writers.

6 ██████████ Would Mr. Miller have been a possible point of contact with
7 Mr. Hannity?

8 The Witness. Could have been. But there's no way of me remembering that or,
9 like, knowing that.

10 ██████████ But if this is for a speech, because you send it to Ross and Vince, is it,
11 I guess, generally, would have come from Mr. Miller, because it's -- or sorry. Let me
12 rephrase.

13 Would Mr. Miller have told you to forward this along to the speechwriting team?

14 The Witness. No. If I received something for a speech, I would send it to the
15 speechwriters, and they could do what they want with it.

1

2

BY [REDACTED]

3

Q Had you previously sent comments from Mr. Hannity to the speechwriters, or was this the first time?

5

A There's no way of remembering that over the course of 4 years, but I doubt it.

7

Q You don't remember any other time?

8

A No.

9

Q And you said you would just forward it along to the speechwriters, but the email as it's displayed is not a forward. It's a cut and paste. Do you know why that is?

11

A I mean, like, I mean, passing it along, yeah.

12

Q Sure. Okay. But you don't -- again, just to round it off -- you just don't remember how you received the words on the page?

14

A No, because you're always getting, like, talking points and messaging points from anyone in the White House. So it's not one that would stand out to me, like, how I received this particular suggestion.

17

[REDACTED] Did people in the White House know to send these types of things to you to get to the speechwriting team, or would they send it to Mr. Miller directly?

19

The Witness. It was a disorganized environment. So it's whoever comes to mind, whether it's me, his assistant, like, me being his, like, assistant, or him or to the writers. It just varied. Sometimes it goes to staff secretary. Like it just varies.

22

[REDACTED] Fair enough.

23

[REDACTED]?

24

BY [REDACTED]

25

Q So just then moving about another month in advance to -- we're going to

1 focus on January 6th.

2 Do you remember how and when you first learned the President would be
3 speaking on January 6th?

4 A No, I don't remember how.

5 Q Do you remember the first tweet the President sent about January 6th
6 saying to, "Be there, will be wild"?

7 A I don't remember it sitting here, like, but he tweeted about it.

8 Q Did you follow the President's Twitter account to see when he would tweet?

9 A Yeah, I was generally aware of his tweets, like, pops up on the TV, see it.
10 So yeah.

11 Q Do you remember the "will be wild" tweet being a point of conversation
12 within the office among you and others you worked with?

13 A No. I mean, you go through years of tweets, so you don't necessarily read
14 every tweet or focus on every tweet.

15 Q So then as best as you can recall, Mr. Gabriel, when did you start -- when did
16 you become aware that people were working on the speech for the President that he
17 gave on January 6th?

18 A Sitting here, I don't remember when they started working on it.

19 Q Were you a part of the process though? I understand you didn't draft it,
20 but were you part of the process to get that speech drafted and to the President for him
21 to give?

22 A I think to make sure, like, it's sent to staff secretary and it's -- the President
23 has a speech in hand and it's sent to the teleprompter, yeah.

24 Q What did you understand the purpose of the speech to be as it was being
25 drafted, the point of it?

1 A I don't recall. Huh?

2 Q The point of the speech, what did you understand as it was being drafted the
3 point of it was?

4 A I don't remember at the time what the point was. Again, January 6th is a
5 couple weeks before the legacy book is due, so I'm not intimately involved in all that stuff.
6 I'm just trying to make sure that, like, the speech is delivered, and, like, there is a speech.
7 So I don't recall what -- I don't know.

8 Q Would you characterize it, based on your knowledge and your time there,
9 was it a political speech or was it an official speech?

10 A It probably would have been political considering we used our personal
11 accounts, according to the exhibits. So probably would have been political.

12 Q And we understand --

13 A I think the organizer was not a White House organizer.

14 Q And we understand, and I think as you've seen in the exhibits, that Ross
15 Worthington was the lead drafter of the speech. Does that square with your memory of
16 how the speech was drafted?

17 A Looking at the exhibits and sending in the documents I sent in, it seems to be
18 that's the case, that Ross was the lead drafter.

19 Q Now, we've heard you describe what was going on with you professionally,
20 what you were working on. So we ask the questions, but you don't have to repeat that.
21 So just when I ask.

22 Do you know what, if any, direction was given to Mr. Worthington and the
23 speechwriting team about how to draft the speech, themes to hit, or what to say?

24 A No.

25 Q Do you know who did?

1 A No.

2 Q Do you know whether President Trump provided any input into what he
3 wanted in the speech prior to the draft being completed and circulated to him?

4 A Being circulated to who?

5 Q The President, that is.

6 A Being provided to the President?

7 Q Correct. Did he provide any direction on the front end, do you know?

8 A I do not know.

9 Q So based on records we have, it appears that Mr. Worthington started
10 working on the speech late on January 4th, which was a Monday.

11 Does that square with your memory or seem about right to you, a couple days
12 before, or you don't remember?

13 A I don't remember. It wasn't unusual to work on things a couple days
14 before. I also was, I believe, at home at that point, like, in New Jersey, so I don't know.

15 Q For the holidays?

16 A Yeah. I was home for New Year's.

17 Q Do you remember coming back, being back at work on Monday, January 4th,
18 and then through that week?

19 A I was at work that week, yeah.

20 Q As you look back on this process, and understanding what you've said for
21 context, is there anything about the drafting process for the speech on the 6th that
22 stands out to you as unusual or out of the normal course based on your perspective?

23 A No, I wouldn't have a recollection of that.

24 Q Prior to when President Trump gave the speech on the 6th, were you
25 involved in any discussions or present for any discussions about the potential risk of

1 violence on January 6th?

2 A No.

3 Q Did anybody tell you that they had discussions about the potential risk of
4 violence prior to the President speaking?

5 A No.

6 Q I'm going to ask the same questions for a few more topics.

7 So were you involved in any discussions or present for any discussions prior to
8 January 6th concerning the possible deployment of National Guard troops on that day?

9 A No, not that I recall.

10 Q Did anybody tell you that they had been involved in such discussions about
11 the possible deployment of National Guard troops?

12 A No.

13 Q Prior to the President giving the speech on the 6th, were you involved in any
14 discussions or present for any discussions about the President's plan to tell or encourage
15 attendees of the rally to march to the Capitol after he was done speaking?

16 A Prior to January 6th, like before he publicly gave his speech?

17 Q Right. Correct.

18 A I mean, I wasn't part of, like, planning, like, oh, we need to tell them to go to
19 the speech -- to go to the Capitol. But, like, I believe it was in the draft. So I probably
20 would have known, like, they were going to go to the Capitol.

21 Q And we'll get to the drafts, and I appreciate that perspective.

22 But separate from the words in the draft, were you involved in any discussions
23 about the fact that the President was planning to tell people or encouraging them to go
24 to the Capitol --

25 A No.

1 Q -- after he was done?

2 A No.

3 Q All right. And similar question. Were you involved in any discussions
4 prior to the 6th or were you present for any discussions about the President planning to
5 travel, himself, to the Capitol after he was done speaking on the 6th?

6 A No.

7 Q Did anybody tell you prior to the 6th that they were involved in such
8 discussions, that the President wanted to go to the Capitol after he was done talking?

9 A I don't recall having those discussions, no.

10 Q So then speaking about the drafting process, we've already touched on it,
11 but to the best of your knowledge, was your role in the process the standard role you had
12 with regard to speeches generally throughout your tenure, there wasn't anything unique
13 or different about what you did for this speech?

14 A No. The only thing unique was I was probably more disengaged in it
15 because I was so -- I was laboring over that legacy book.

16 Q Understood. When you received draft speeches, generally, would you read
17 them through to give them -- to understand what was being said and to provide any
18 comments to Mr. Miller or the speechwriters just on your views?

19 A I wouldn't read through them. Most of the time it's just have the draft, it's
20 got to go to staff secretary, process continues.

21 Q Well, if we look at exhibit 11, this will be the first draft that Mr. Worthington
22 sends of the January 6th speech. We'll bring it up on the screen.

23 And you see there, it's on January 5th. And this is at the correct eastern time of
24 3:30 p.m. And Mr. Worthington, from his Gmail account, sends it to Mr. Miller and then
25 cc's Vince Haley and yourself.

1 Do you remember receiving this first draft of the speech?

2 A I don't remember receiving it. I'm not surprised that I received it
3 considering it's Stephen's getting it, presumably for his review.

4 Q Now, this is the --

5 A So they're notifying me that he has it.

6 Q As describing the process, this would be the first time that Stephen gets the
7 draft to give his thoughts, right?

8 Would this be before it would be put into the staff secretary review process, Mr.
9 Miller would do a first cut, and then it would be his comments addressed, and then go
10 into that staff secretary process? Is that how it would work?

11 A I don't know for this speech if this is the first time he's looking at it.

12 Q But as a general matter, would Mr. Miller give a first round of comments and
13 edits, and then it would be addressed, and then it would come back to him and go into
14 the process, just as a general practice?

15 A Yeah. We spoke about that before, yeah.

16 Q So that's right?

17 A Yeah.

18 Q Okay. So if this -- and this is the first time Mr. Worthington is sending
19 it -- why -- do you know why you would be copied if it doesn't have to go into the staff
20 secretary process at this time?

21 A Again, like I said, it's a notification that Stephen has the draft, it's with
22 Stephen, yeah.

23 Q I see. Do you recall doing any review of the first draft, this one that's sent
24 to you?

25 A No.

1 Q Have you had an opportunity, since we sent it yesterday, to read through the
2 draft at least to familiarize yourself with it?

3 A I didn't actually, no.

4 Q There's no homework assignment. You didn't need to. But just asking
5 whether you did?

6 A No.

7 Q It would be helpful for context only because what we'll do is we'll work
8 through this and then look at red lines as it proceeds.

9 [REDACTED] If, maybe, Paul, could you take 5 minutes, however much time you
10 need, just to read it. And I'm going to highlight something for you on the front end. Is
11 that okay?

12 Mr. Brothers. That's okay, [REDACTED] And I was actually going to suggest we've
13 been going for, like, an hour and a half, minus our little power charging interruption,
14 maybe we take a little bit of a longer break, like 10 minutes or something.

15 [REDACTED] That's totally fine. And let me say -- and we're moving apace, so I
16 think the time estimate that I had is we're going to be just fine with, okay?

17 But in terms of your review as you look at it, Mr. Gabriel, I just ask that when you
18 look at the exhibit 11 and the first draft, if you can look to see whether there's any
19 mention of Vice President Pence, whether there's any mention of the attendees, the
20 people there at the rally themselves, quote, "stopping the steal."

21 Just look for those two things, if they're there or not there, and we'll use them as
22 reference points going forward, okay?

23 The Witness. Yes.

24 [REDACTED] So why don't we -- it's 11:30. Why don't we just say we'll come
25 back at 11:45. And like I said, Paul, we're be moving -- we're moving quickly. I fully

1 expect we'll be done by 1 easily.

2 Mr. Brothers. Appreciate that. 11:45 it is.

3 [REDACTED] Okay. We'll see you in 15. Thank you.

4 [Recess.]

1

2 [11:46 a.m.]

3

BY [REDACTED]

4

Q Thank you for joining us again, Mr. Gabriel.

5

Before we broke, I just asked you to look at exhibit 11, the first draft that Mr.

6

Worthington circulated, just to familiarize yourself with it.

7

And so I'll ask, on the two points I asked you to look for, did you see anywhere in

8

that first draft a mention of Vice President Pence?

9

A Sitting here, I did not see any mention of Vice President Pence, no.

10

Q Okay. And did you see anywhere in that speech a reference to the crowd

11

or the attendees there, quote, "stopping the steal"?

12

A I saw a reference to them to march peacefully and patriotically.

13

Q Right. And I'm going to get to that.

14

But in terms of the crowd stopping the steal, did you see that in this first draft?

15

A I actually did not see that, no.

16

Q Now, focusing on the language you just referenced, it's on -- if we can bring

17

up exhibit 11 -- it's on Page 9. Just wait one moment.

18

Okay. So there's exhibit 11. We'll go to the last page.

19

All right. So at the bottom of that page, if we could, the language you just

20

referenced, Mr. Gabriel, is in the next to last paragraph starting with the second

21

sentence, "Now, go make sure that Congress hears your voice, sees your peaceful protest,

22

and knows that here in this country, the American People Rule!"

23

Is this the language you were referring to earlier when you talked about how you

24

saw in the drafts that the President would tell or encourage people to go to the Capitol

25

after he was done speaking?

1 A When I just reviewed it, there was an earlier instance that I was referring to
2 in which he said to peacefully and patriotically.

3 Q On page -- so we can look at page 2 of the exhibit. And at the bottom of
4 page 2, it starts there. So if you see in the last -- the carryover paragraph and the
5 carryover sentence starting, "I know that everyone here will soon be marching --" and it
6 goes on, go to the next page, to the top, "-- up to the Capitol to peacefully and
7 patriotically make your voices heard. We will not remain silent while the Democrats and
8 the media try to steal this election!"

9 That's what you were referring to?

10 A Just now, yes.

11 Q Okay. But in terms of the language we saw at the end of the speech, about
12 saying, "Now, go make sure that Congress hears your voice," do you remember that being
13 a point of conversation among yourselves and others in the White House about the
14 President possibly saying that to the crowd?

15 A No.

16 Q Okay. Do you recall being present for any meetings -- whether virtually,
17 given the COVID circumstances, or in person -- on January 5th to discuss this speech?

18 A No.

19 Q Do you know whether Mr. Miller met with Ross and/or Vince about this draft
20 to discuss it?

21 A I don't know.

22 Q Do you recall whether you provided any comments over the phone, by
23 email, or otherwise to Vince or Ross or Stephen about this draft?

24 A No, I do not recall that. In fact, I'm not even sure I opened the draft when
25 they sent it.

1 Q Okay. If we look at exhibit 12 then, we'll move to the next draft. So still
2 on January 5th. If you'll recall, this first one was sent at 3:30 p.m. And we'll bring it up
3 in a moment here.

4 This is exhibit 12 on page 1, and we'll just start -- leave it right there for the
5 second. You see that Ross Worthington sends at -- and this is the UTC issue we talked
6 about -- it's at 7:48 p.m. on January 5th.

7 And the title of the -- the subject is just "Revised." But in the body of the
8 language, you see he says, "Can everyone please proofread given the length and the
9 turnaround time?"

10 And if you go down further just on that first page, just for context again, you'll
11 see that -- we can just scroll down on that a little bit further. There we go.

12 You see that at 7, just a few minutes earlier, Ross, from his Gmail account, had
13 sent a revised copy of the speech to Stephen and Vince, and you're not copied. Okay?
14 Again, this is all for context.

15 If we go back up, Ross sends it to his official White House account, and then he
16 sends it around asking people to proofread it.

17 I just want to ask about who the people are, and then why this would have been
18 done, to your knowledge.

19 The first person included on the "to" list is Brittany Baldwin. Do you know who
20 Brittany is?

21 A A speechwriter, yeah.

22 Q The next was Theodore Royer.

23 A Same. Speechwriter. I know him.

24 Q William Bock.

25 A Speechwriting office. I think technically a researcher.

1 Q Patrick MacDonnell?

2 A Another speechwriter.

3 Q And then you are cc'd. You're the first cc. You see that?

4 A Yes.

5 Q All right. And then Vince Haley is also another cc.

6 A Speechwriter, yes.

7 Q Do you recall whether you, yourself, proofread this next version?

8 A I don't recall.

9 Q And given that you're on the cc line, would you have been expected to
10 proofread yourself? Was that your role?

11 A No. It's more of a notification, like, "Here's a draft."

12 Q Before we look at the draft and the redline, I'll just show you another email,
13 again for context. It's at exhibit 14. And when it comes up we'll go to page 2 of the
14 chain, start from the beginning.

15 All right. Right there so we can see.

16 You see on January 5th -- and this is the correct time, at 5:11 p.m. -- Austin -- how
17 do you pronounce his last name?

18 A Ferrer.

19 Q Ferrer. He writes to Vince and Ross, copied staff secretary and Molly
20 Michael, and saying, "Is a draft available for POTUS' speech tomorrow a.m.?"

21 Now, you're not on this email, you're on later in the chain. But who is Mr. Ferrer
22 and what was his role?

23 A He worked with Molly. Molly is the President's -- well, the President's
24 assistant. So he was like another assistant.

25 Q Out of the ordinary for Austin and/or Molly to be asking for a copy of the

1 speech before it's gone through the staff secretary review process?

2 A I don't know if this was before the review process, but it wouldn't be out of
3 the ordinary for them to ask for a draft.

4 Q And if you go up to the next one -- again, you're not copied on the next email
5 in the chain. But I think we have to go up to the bottom of page 1 to see the timing.

6 But you see Madison Porter writes at 5:28 p.m. on the 5th to Austin, Vince, and
7 Ross, and again copying the staff secretary and Molly Michael.

8 Who is Madison?

9 A She's in the staff secretary's office.

10 Q She says, "Ross and Vince -- we got some feedback from POTUS regarding
11 the remarks. Will give you a call."

12 Do you know, did you ever come to learn whatever that feedback was from the
13 President about this draft? Did anybody ever tell you, that you can recall?

14 A No.

15 Q If you then go up to the next email in the chain, Vince writes back at
16 6:02 p.m. to Madison and the other people who had been on the initial email to say,
17 "We're finalizing the draft. We anticipate delivery by 8 p.m. at the latest." Okay?

18 But as you see in the chain, nothing, no draft at least, had been sent in this email
19 chain to Madison or Austin prior to Vince saying that. Did you see that? There was no
20 attachment, right?

21 A [Nonverbal response.]

22 Q Okay. Was that yes?

23 A Yeah. I saw there was no -- yeah.

24 Q And if we continue up, we can just go to the top email. And you see that
25 at -- again, this is now UTC -- but at 7:46 p.m., right around the time that the earlier email

1 I showed you on the 5th, Ross sends to a collection of people. What he says is, "The
2 draft of the Save America March speech." And he includes Austin, Molly Michael,
3 yourself, Stephen Miller, and Vince Haley.

4 So, again, we'll go back and look at the draft. But at any point did you ever,
5 yourself, before the President gave his remarks, did you ever hear his feedback directly
6 on the speech?

7 A No.

8 Q Okay. And what we'll do is we'll look at exhibit 13, which is a redline
9 against the first version sent at 3:30 and then this updated version sent at 7:40-ish, 7:45.

10 It's a redline. If we just go a little bit further down to see the first blue
11 paragraph. Okay.

12 Now, the updated speech from the redline, you can see that in the first paragraph
13 the last sentence says, "Our country has had enough, we will not take it anymore!" next
14 to last sentence, "And together we will" -- in all caps -- "STOP THE STEAL." So that's now
15 been added in. And as you saw earlier in the first draft, there was no talk about we
16 collectively stopping the steal.

17 Do you know who provided the feedback to make that edit to the speech to add
18 that language?

19 A No.

20 Q Okay. Can you say as you look at -- as you think about it, who gave any
21 feedback between the first draft and the second draft other than seeing the comment
22 that the President had comments. Do you know whether Stephen provided feedback at
23 all?

24 A I don't know if he did, but I don't recall like -- I don't recall anyone -- I don't
25 recall knowing if anyone did.

1 Q Do you remember whether you even looked at this second draft?

2 A Again, there's a chance I didn't. Like, just like the first one, I probably
3 didn't. This one, I probably didn't.

4 Q I'll represent to you, and you can check if you look, but there's still no
5 mention of Vice President Pence in this draft, okay. We'll just use that as a -- put a pin in
6 it.

7 But just moving to January 6th, the day itself.

8 Did you come to the office that day?

9 A I did, yes.

10 Q Do you remember approximately what time you arrived at the office?

11 A I don't know what time, but it would have been before the President's
12 speech.

13 Q It wasn't in time -- you're going to see exhibits. I know you've seen them
14 last night.

15 Were you in the office as you were working to help finalize the speech and get it
16 to the person with the teleprompter as part of that process? Were you at the office
17 while you were doing that work?

18 A Yeah. I would have always made sure I was at the office and not, like, at
19 home rushing to get to the office while dealing with it.

20 Q And prior to the President going to the Ellipse to give his remarks, so from
21 the time you arrived in the morning to the President leaving, were you in the West Wing
22 at all during that time frame?

23 A Maybe, because to go to staff secretary's office. So, like, probably. But I
24 wasn't stationed there.

25 Q So that day --

1 A I was still huddled in that EEOB office for the duration.

2 Q And I know you've talked about it more generally, about your interactions
3 with the President, but specific to that morning of the 6th before he left, did you see the
4 President at all that day?

5 A No.

6 Q We provided exhibit 15, the daily diary, excerpts from the daily diary of the
7 President for January 6th. And we'll bring that up now.

8 But before that even comes up, were you aware that Mr. Miller was talking with
9 the President the morning of January 6th to finalize the speech? Do you remember
10 that?

11 A No, I don't remember that.

12 Q Would that be in the normal course for Mr. Miller to work with the President
13 to make revisions to whatever speech he was going to give?

14 A Yeah.

15 Q But just for context, then, if you look at the third entry on the daily diary in
16 exhibit 15, you see that it lists from 9:52 a.m. to 10:18 a.m., "The President talked with his
17 Assistant and Senior Advisor for Policy, Stephen Miller."

18 Do you see that?

19 A Yeah.

20 Q Do you recall Mr. Miller ever talking to you about his discussion with the
21 President at any time on January 6th, even specific to them? Did he ever share with you
22 any discussion he had that day?

23 A No.

24 Q If we look at exhibit 16, again, keep that bookmark of 10:18 a.m. it said the
25 meeting lasted -- or the discussion with the President.

1 If we look at exhibit 16, and we look on that first page with the first email on it, a
2 little bit lower, you see that at 10:22 a.m. Mr. Miller with high importance writes to Ross,
3 Vince, and yourself, in the subject line in all caps is "EDITS," and he says, "Start inputting
4 these changes asap?"

5 And then he follows up a minute later to say, "Then have a new version with red
6 highlights marking POTUS edits sent back to him ASAP as well."

7 And if you continue to page 2, you actually see that what Mr. Miller sent was a
8 redline.

9 Do you remember receiving these in the morning and having to work as part of
10 the process to incorporate edits and finalize the speech?

11 A Yeah. It would have been like any other speech, you have to get them in
12 the teleprompter and you have to make sure his assistant receives a copy.

13 Q For the diary, although it doesn't say it, the entry prior to the discussion, it
14 talked about between Mr. Miller and the President, says that the President reached out
15 to have his assistant call Mr. Miller.

16 So I ask that by way of this. In your experience, would there be times where Mr.
17 Miller would have the President on the phone getting his feedback and would input
18 changes to a speech draft and redline to then pass to the team to incorporate?

19 A Yeah. Not unusual.

20 Q All right. And if we go down to the bottom of the first page -- I'm sorry, on
21 page -- of the speech. So page 2 at the bottom. That's my fault.

22 I'll ask first, do you recall looking or focusing on the red -- the edits that Mr. Miller
23 sent at this time in the morning? I mean, you were on the email, but so were Vince and
24 Ross.

25 Do you recall going through those, or whose job was it to handle them?

1 A To make sure they get into the teleprompter.

2 Q So in terms of actually inputting the changes, was that your job or was that
3 Vince and Ross, and then once they got that done, you would get the final version to give
4 to the teleprompter?

5 A Input changes into what?

6 Q The actual document itself. I'm just trying to figure out who takes the lead.
7 Stephen sends this and there's three of you on there, it's Vince, Ross, and yourself.
8 Who's taking the lead of this version of the document?

9 A They take the lead, and I'm making sure that they, in fact, do see the email,
10 they, in fact, take the lead.

11 Q Were you aware that morning before the President left for the Ellipse that
12 he had spoken with Vice President Pence?

13 A No, I was not aware.

14 Q And at the bottom of that page 2 of this exhibit, but the first page of the
15 speech, you see added in, in the last sentence, "And we will see whether Mike Pence
16 enters history as a truly great and courageous leader." We carry on to the next page.
17 "All he has to do is refer the illegally-submitted electoral votes back to the states that
18 were given false and fraudulent information where they want to recertify."

19 Do you recall seeing the language at that time first mentioning Vice President
20 Pence and that standing out to you?

21 A I don't recall it standing out to me, no.

22 Q At any point since January 6th, Mr. Gabriel, has Mr. Miller talked to you
23 about whether he was present or a conversation between the President and Vice
24 President Pence on January 6th? Has he ever shared that with you?

25 A I think that's out of bounds. But in an effort of transparency, no, he hasn't

1 shared that with me, no.

2 Q If we look back at the diary, which is exhibit -- I apologize -- 15, and just at
3 the bottom of the first page of that exhibit -- keep going down -- you see there, it says
4 that the President met with members of his family, but then also Mr. Miller.

5 Do you see that?

6 A Yes.

7 Q Were you aware on January 6th that Mr. Miller personally met with the
8 President and his family before the President left for the Ellipse?

9 A No, I wouldn't have been aware of that, no.

10 Q So if we look at exhibit 19 then -- rather, 17 -- I think you would have seen
11 this exhibit yesterday. We'll bring it up. But the subject is -- you'll see is most of the
12 iterations, you look at least on that first page, the second email on the page, the subject is
13 "TP -- Save America Remarks."

14 Does "TP" refer to teleprompter?

15 A Yes, sir.

16 Q And so I understand you were able to at least review these exhibits, not for
17 homework last night, but see them.

18 Is it right that this chain is generally the final polishing of the speech and taking
19 care of the last edits to get it ready to go to the teleprompter just in the normal course?

20 A This chain is where edits that are made to the speech are relayed to the
21 teleprompter operator to make sure they're incorporated in the teleprompter.

22 Q If you look at the bottom of the first page, you sent an email at 11:15 a.m.,
23 for instance, that says, "Make sure this line is correct." And you -- and then it carries on
24 to the next page. That one line.

25 And if we go down to page 2, at the bottom of that page, there's another email

1 you send at 10:51 a.m., "Make sure these edits are made. Sending more shortly," you
2 got from redline.

3 How are you getting these, and why are you the one sending them? Do you
4 remember?

5 A Yeah. This is an hour before the speech, which is close. And I'm helping
6 the teleprompter operator input the changes quickly so that he doesn't have to re-upload
7 the whole speech. So these line edits seem to be from Stephen's draft. I'm just
8 highlighting what changed in his draft.

9 So speech edits are not made to this teleprompter chain. They're just relayed to
10 him, if that makes sense.

11 Q Can you try to explain a little more? I didn't quite understand what you
12 meant by that.

13 A So we wouldn't send the teleprompter the first iteration or revisions. This
14 is me just relaying Stephen's previous edits to his draft, so that he knows what to change
15 in the teleprompter.

16 Q And "he" being the person operating the teleprompter?

17 A Yes.

18 Q And you refer to it as Stephen's draft. By that, do you mean that these are
19 all changes that Stephen made, or do you know whether the President was providing the
20 edits to be incorporated?

21 A You can compare this exhibit from the previous document you just sent.
22 But looking at it, this "12 million more votes than four years ago," that was in the
23 previous exhibit, which is why I refer to it as Stephen's draft.

24 Q In the sense that Stephen is the one who sent it for the changes to be
25 incorporated?

1 A Yeah.

2 Q Right. And I'm just trying to make clear, do you know who was
3 actually -- who directed the language changes themselves, whether it was the President,
4 Mr. Miller, or both?

5 A I don't know, because Stephen sent the draft.

6 Q Okay. Now, did you, yourself, go to the Ellipse rally that morning to watch
7 the remarks be delivered by President Trump?

8 A No.

9 Q Do you remember where you were while he was giving the speech?

10 A I was in that vacant office in the EEOB.

11 Q Were you watching the speech?

12 A I wasn't watching it really because my job's over once he hits the podium.
13 So I was -- I had an interview that afternoon, so I was probably preparing for that.

14 Q As a normal course, did you have a TV on, or did you have a TV in your office
15 if you wanted to monitor the news or what was going on?

16 A Yeah, there were TVs around, yeah.

17 Q Do you remember whether you had your TV on that morning even if you
18 weren't listening to it?

19 A I don't remember. But it could have been on, yeah.

20 Q If we look at the -- I can show you -- I can show you a redline of the remarks
21 the President actually gave versus the last version of the speech that was given. But I'll
22 just ask [inaudible].

23 Do you know whether, based on what you know about the speech as the
24 President delivered it, whether he ad-libbed a lot of what he said versus giving the actual
25 text of the speech?

1 A It was common for him to ad-lib, yes, in his speech, and he did so that day.

2 Q There's comments -- are you aware of the fact that in the remarks he
3 actually gave the President that said he, himself, would go with people from the Ellipse to
4 the Capitol?

5 A In what he said?

6 Q Yes.

7 A I don't recall it, but if you're telling me he did.

8 Q So you don't remember that coming up on the day of, of hearing that he said
9 he was going to go to the Capitol?

10 A Oh, no, no, no.

11 Q The one time you said you spoke with the President, January 18th, did you
12 have occasion to speak with him about his speech on January 6th, or was it about just
13 farewell and pleasantries?

14 A Farewell, pleasantries.

15 Q Did you ever speak to Mr. Miller after the President gave his remarks at any
16 point about Mr. Miller's reaction to the speech the President actually delivered, the
17 words he actually said?

18 A No, I don't -- no.

19 Q So after the President was impeached for the speech, did you ever speak to
20 Mr. Miller about his views on the speech that the President actually gave and whether it
21 was a cause or incited the crowd to commit violence?

22 A No. I don't think that would have come up, no.

23 Q Where were you when you first learned there was violence at the Capitol on
24 the 6th?

25 A In the EEOB probably still.

1 Q Do you remember how you learned about it?

2 A I don't recall having, like -- being, like, informed of it, but probably from the
3 TV, the news.

4 Q Approximately when did you go home that day, if you remember?

5 A I don't know. Probably normal time, like -- it was a workday.

6 Q You said you had an interview that day. Was that an interview for a job
7 outside of the administration, I imagine?

8 A Yeah. Yeah.

9 Q All right. And was that an interview you took at your office in the EEOB?

10 A Yes. In that office, yeah.

11 Q So between the time that you first learned there was violence at the Capitol
12 and when you left to go home for the day, did you ever go to the West Wing?

13 A Probably not. I don't know if there would have been a reason for it.

14 Q Did you discuss with anyone working in the White House during that time
15 frame whether they were in contact with the President?

16 A No. No one told me that they were in contact with the President, no.

17 Q After the fact, since January 6th, have you talked to anyone who's told you
18 about their interactions with the President on January 6th while the violence was
19 occurring?

20 A No.

21 Q And were you aware while the violence was taking place that the President
22 was sending tweets?

23 A Yeah, because I think they were on TV and --

24 Q At any point were you asked to or did you assist in drafting those tweets that
25 he sent on January 6th?

1 A No. No.

2 Q Are you aware that that day at 4:17 p.m. the President tweeted out a video
3 telling the rioters to go home?

4 A Yeah.

5 Q At any point did you or were you asked to work on the draft of the remarks
6 he gave in that video?

7 A Nope. First time I saw it was on TV.

8 Q Do you know who did work with him on those remarks?

9 A No, I don't know.

10 Q Before President Trump tweeted that video and as you're watching the
11 events and seeing the tweets on TV, did you have a view about whether the President
12 should be doing anything different or more to try to get the people at the Capitol to
13 leave?

14 A I don't recall having a view. I just remember it being, like, an unbelievable
15 event, like, how is it happening type thing.

16 Q To your knowledge, have you talked with anybody who said that they tried
17 or did convey to the President that he needed to do something more to try to get the
18 violence to stop?

19 A No.

20 Q So if we look at exhibit 22, these are -- we'll bring them up, but these are
21 text messages exchanged between yourself and Ross Worthington.

22 A Yes.

23 Q Do you recall did you see Ross Worthington on January 6th at the office that
24 you remember?

25 A I don't remember seeing him, but, like, I maybe could have, like, coworker.

1 Q If we look at exhibit -- if we look at page -- I apologize, the type is small, the
2 font is small, as you can see. We'll zoom in, but I need to see it myself here in hard
3 copy.

4 If we look at page 4, just direct you to a few messages the two of you exchanged
5 on the 6th. We can zoom in.

6 And we'll look at -- the first one is -- and this is in UTC, which means you subtract
7 5 hours. And at 2:14 p.m. -- so probably a little bit too zoomed in -- but there's a
8 message that Mr. Worthington sends you with a link to a tweet by Alyssa Farah?

9 A Yes.

10 Q Okay. Who is Ms. Farah?

11 A She was in the communications department of the White House.

12 Q If we look at the exhibit 23 real quick, we'll just go back and forth, exhibit 23
13 is the tweet that Mr. Worthington sent you by Ms. Farah.

14 Do you see that?

15 A Yes.

16 Q Okay. And do you recognize that as a retweet of what Vice President
17 Pence sent the afternoon of the 6th, a letter saying that he, in his view, he did not have
18 the authority to reject electoral votes or send them back to the States for
19 reconsideration?

20 A I see that now sitting here.

21 Q Do you recall whether this is the first time that you learned that the Vice
22 President had said that that was his position on his authority?

23 A I don't recall.

24 Q Prior to the joint session of Congress starting at 1 p.m. that day, did you have
25 an expectation whether the Vice President would be rejecting electoral college votes or

1 sending them back to the States?

2 A No.

1

2 [12:20 p.m.]

3

BY [REDACTED]

4

Q Now, if you go back to exhibit 22, and right around -- it's page 4, in the same

5

place we were looking at -- so maybe that's about the right size right there.

6

At 2:45 p.m. Mr. Worthington texts you to say, "This is insanity?"

7

Do you see that?

8

A Yes, I see it.

9

Q You understood at the time that to refer to the attack on the Capitol?

10

A I think that's a safe assumption, yeah.

11

Q Right, because you respond back, "They evacuated Pence."

12

A Yeah, yeah.

13

Q Okay. And you're referring to Vice President Pence at the Capitol being

14

evacuated?

15

A Yeah.

16

Q And then Mr. Worthington writes back to you, "They are roving around

17

inside the capitol building?" and then puts two exclamation points.

18

A Yeah.

19

Q And then at 2:49 p.m. you say, "I think so. Unbelievable." And then you

20

say, "POTUS, I'm sure, is loving this."

21

Do you see that?

22

A If you could scroll down. Yes, yes.

23

Q Okay. So when you said POTUS was loving this, what did you mean by

24

that?

25

A Well, I don't have firsthand knowledge of him -- of his reactions or feelings

1 that day. So I think it was probably just a dumb text to a colleague and a friend. Yeah.

2 Q Understand, but were you trying to convey that you thought the President
3 would be happy with what was happening at the Capitol?

4 A No, because reading it, I don't know the context of the message. Like it
5 could have been sarcastic, it could have been -- I don't know what I was reacting to. So I
6 don't know what my -- I don't know what the motivation was to send that then.

7 Q Okay. The next message that Mr. Worthington sends is right there below
8 that. It's at 3:15 p.m. It's a link to another tweet by Ms. Farah?

9 A Yes, I see that.

10 Q And if you look at exhibit 23, page 2, the tweet that he sends you is at 2:54
11 p.m. on January 6th. And Ms. Farah says, "Condemn this now, @realDonaldTrump" -- in
12 other words, the President's Twitter handle. "You are the only one they will listen to.
13 For our country!"

14 And if we -- given your four years in the administration and involvement with
15 speeches and rallies and the like, did you agree with the sentiments that the President's
16 voice was important to the people who were at the Capitol?

17 A Say that again?

18 Q I mean, with your experience with the President for four years and --

19 A Yeah.

20 Q -- speechwriting and rallies --

21 A Yeah.

22 Q -- did you agree with the sentiments that Ms. Farah expressed, that the
23 people at the Capitol would listen to the President?

24 A No, no. I think he was just sending it because we often sent messages to
25 each other about her, that she would tweet out.

1 Q That's fine, but the substance of what she's saying, that the people at the
2 Capitol while they're attacking would listen to the President, did you agree or disagree
3 with that?

4 A At the time I don't know, like, if they would have listened to him. Yeah.

5 Q If we look at exhibit 22, page 5, you do respond to the tweet that he sent
6 you.

7 If we can pull that up. Can we bring up exhibit 22, page 5? There we go. And
8 just at the very top.

9 So at 4:38 p.m. the response you have is you, I guess -- this is -- did you have an
10 iPhone at the time?

11 A Yeah.

12 Q All right. And so you can do one of those responses when you click on it.
13 It says that you laughed at the tweet that Ms. Farah had sent. And then you followed up
14 with, "Hahaha."

15 So just asking if you recall why your reaction to what she said about the President
16 speaking to people at the Capitol, why you thought it was funny at the time.

17 A I don't think it's fair to say I thought it was funny at the time. I think I was
18 probably just reacting to the sender of the tweet, as we often did with Alyssa. We had
19 developed a relationship with her and an opinion about her. So it was just a joke
20 between Ross and I whenever she would poke her head up to just, like, send it to each
21 other and laugh at it.

22 So it's not fair to make that characterization. I think it was more a reaction to
23 her, not the content of the tweet.

24 Q So why is it funny that she was sending it?

25 A Because she is a former staffer at this point who is just poking her head up

1 and being vocal.

2 [REDACTED] Okay. I think that's -- I'll ask my colleague, Mr. [REDACTED], do you have
3 any follow-up questions?

4 [REDACTED] No, I'm all set.

5 [REDACTED] And I'll ask my colleague, [REDACTED] if you can see me, I think you
6 can, do you have any questions to follow up on?

7 [REDACTED] Yeah, actually, I will ask some questions, if you guys don't mind, to
8 wrap things up.

9 So, Mr. Gabriel, thank you so much for taking the time with us today. I just have
10 a few questions that are less about the logistical side of things and a bit more about your
11 thoughts and feelings about various things that occurred between election day and
12 January 6th, if that works for you.

13 Mr. Brothers. [REDACTED] I'm just going to interpose here for a moment. I'm not
14 sure what the questions are going to be, and perhaps I should hear them one by one.

15 [REDACTED] Of course.

16 Mr. Brothers. But I do have strong concerns about asking this witness -- this
17 witness has testified all morning, very transparently, very candidly about what he saw,
18 what he heard, what he didn't see, what he didn't hear, what he knows, what he doesn't
19 know.

20 I have strong reservations about now we're going to go into this witness' personal
21 opinions and beliefs about what may have happened from election day through
22 January 6th or the inauguration.

23 We can take this question by question. But I just want you to know we're in an
24 area where I'm likely to object and instruct the witness not to answer.

25 [REDACTED] We appreciate that, Paul, and we understand. And so just hear

1 the questions, and then we can take them as they come. But I don't -- I don't know, but
2 I don't think there are many. So we'll see.

3 [REDACTED] There are not many.

4 So as far as President Trump's decision to claim the election was stolen, what did
5 you think of that decision?

6 Mr. Brothers. Objection. This question does not serve a legislative purpose
7 that coincides with the function of this committee.

8 This committee is assigned to look into the causes of January 6th and lessons that
9 can be learned from January 6th. Mr. Gabriel's personal opinions about the President's
10 claims regarding the election serve no purpose to help Congress draft legislation.

11 And, further, these questions are beginning to infringe on Mr. Gabriel's First
12 Amendment rights.

13 So for those reasons, I am instructing Mr. Gabriel not to answer that question.

14 [REDACTED] Thank you for that. All right. Then, I think we can wrap up there,
15 because the rest of the questions kind of follow suit.

16 [REDACTED] Okay.

17 [REDACTED] So all good.

18 [REDACTED] So Paul and Eddie, as I know you know from prior clients in a
19 discussion at a deposition, I'm going to ask the question that we've asked before, and just
20 understand that's it's part of our process.

21

BY [REDACTED]

22 Q And so I'll preface it by saying, Mr. Gabriel, when I ask these questions, I
23 imagine your lawyers will say something they know I'll ask, but I'm not asking for you to
24 disclose any conversations with your attorneys. I'm not interested in that.

25 But we'll start with, did you talk with anybody prior to today who has been

1 subpoenaed by, to your knowledge, the January 6th Select Committee about their
2 testimony and what they were asked?

3 A No.

4 Q Did anybody, putting your attorneys aside, talk to you -- apologies. I didn't
5 have my phone on silent. Sorry about that.

6 Did anybody try to influence your testimony here today?

7 A No.

8 Q Did anybody talk to you or offer to you about paying for your legal fees?

9 Mr. Brothers. Objection. This question does not serve a legislative purpose,
10 nor is it aligned with the function of the committee. I'm going to instruct Mr. Gabriel
11 not to answer this question.

12 Again, and just for the record, counsel, you have now asked if anyone -- if Mr.
13 Gabriel has spoken to anyone about the subpoena, if anyone has spoken to him about
14 how he should testify in response to a subpoena, and the answer to both questions were
15 no.

16 Going into Mr. Gabriel's legal fees, whether he's paying them on his own or
17 whether someone else is doing it, serves no purpose at this point.

18 So I'm objecting to no legislative purpose, not aligned with the function of the
19 committee, and I'm instructing Mr. Gabriel not to answer this question.

20 Mr. Greim. And hold on. I'm sorry. This is Mr. Greim. We also assert a First
21 Amendment privilege on that as well.

22 ██████████ Okay. We appreciate you putting your objections on the record.
23 We understand them.

24 And so unless my colleagues have any other questions? No.

25 All right. We came in at 12:30, so right between -- the two hours we said we

1 would, between 12 and 1.

2 So thank you, Mr. Gabriel, for taking the time, and to Paul and Eddie for being
3 with us today.

4 Eddie, good luck with your trial.

5 And we will adjourn the deposition.

6 [Whereupon, at 12:32 p.m., the deposition was concluded.]

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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