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

INTERVIEW OF: TIMOTHY MURTAUGH

Thursday, May 19, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 9:10 a.m.

Appearances:

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

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For TIMOTHY MURTAUGH:

ROSS GARBER

Mr. [redacted]. This is the transcribed interview of Tim Murtaugh conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

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

Mr. Murtaugh. Timothy Michael Murtaugh. Last name is spelled M-u-r-t-a-u-g-h.

Mr. [redacted]. Now, Mr. Murtaugh, this will be a staff-led interview, though members may choose to ask questions. I will note at this time we are not joined by any members, and I will do my best to let you know if any members or other members of the committee staff join the interview.

As I said to you before we went on the record, my name is [redacted]. I am an investigative counsel with the select committee. I'm joined by [redacted], a senior investigative counsel with the committee. To my right is [redacted], a financial investigator. And [redacted], another investigator, is joining us remotely.

At this time, I'd ask that your counsel identify himself for the record.

Mr. Garber. Sure. I'm Ross Garber and I represent Mr. Murtaugh.

Mr. [redacted]. All right. Mr. Murtaugh, you are voluntarily here for this transcribed interview. Some ground rules for the interview.

There is an official reporter transcribing the record of this interview and the reporter's transcription is the official record of the proceeding. This proceeding is also audio and video recorded, and we ask that neither you nor your counsel audio or video record this proceeding.

Now, please wait until each question is completed before you begin to respond, and we will do our best to wait until your response is complete before we ask the next question.

The reporter cannot note nonverbal responses, such as shaking or nodding your head, so it is important that you respond to each question with an audible, verbal response.

Please give complete answers to the best of your recollection. If a question is unclear, please ask for clarification. If you do not know the answer, please just say so.

As this is a formal congressional proceeding, providing false information could subject you to criminal penalties.

As I noted, logistically, if you need any breaks or would like to discuss anything with your lawyer at any time, we are happy to accommodate.

Do you have any questions before we begin?

Mr. Murtaugh. No.

Mr. Garber. I'm just going to position the camera so Mr. Murtaugh's on the camera. If I speak, I'll try to duck back into the frame.

Mr. [redacted]. Great.

EXAMINATION

BY [redacted]:

Q Now, Mr. Murtaugh, can you provide us with your full name?

A Timothy Michael Murtaugh.

Q And what's your date of birth?

A [redacted]

Q And what's your address?

A [redacted] that's [redacted], Alexandria, Virginia 22309.

Q Now, from the period November 2020 to January 2021, what was your cell phone number?

A I had a campaign cell phone number which I turned in. I do not recall the number. I also have a personal cell number.

Q And what was that?

A [redacted]

Q And for that same time period, what was your Twitter handle?

A It's @timmurtaugh.

Q And do you have an Instagram handle?

A No. I may have an Instagram account that I began at some point, but I don't think I've ever used it.

Q Okay. And tell us a bit about your educational background.

A I have a bachelor of arts from Temple University in Philadelphia.

Q We're going to go just very broadly about your professional background, but I'm going to jump a bit ahead into your career, starting with your work for Representative Barletta.

Can you tell us a bit about what you did for Representative Barletta?

A I was his communications director in his official office on Capitol Hill in the House of Representatives for a period of about 4 years.

Q And what were your responsibilities in that role?

A I would promote the actions and positions and opinions of Congressman Barletta to primarily the local media back home in his district in Pennsylvania.

Q And then, moving forward, is it right that you next went to the U.S. Department of Agriculture?

A Yes.

Q And you were director of communications there?

A Yes.

Q And what were your responsibilities there?

A Pretty much the same. I promoted the activities and programs and positions, travel, of the USDA, and more specifically Secretary Sonny Perdue.

Q And then next you joined the Donald J. Trump for President, Inc., the President's reelection campaign, is that right, in February of 2019?

A That's right.

Q And you were there through January 2021?

A That's right.

Q And tell us a bit about what you did -- well, a lot about what you did for the campaign, if you could expand on your responsibilities there.

A Well, at the beginning when I joined it was early on. And so we had to build up the communications shop, working with the campaign itself of course and the campaign manager at the time Brad Parscale and also the RNC, because it was very much a joint effort.

And then the duties of it are to promote the successes of the Trump administration, President Trump in particular, to promote him as a candidate for reelection, and to also be the -- do communications aimed at the opponents.

At first there was a broad field of Democrat candidates, and so we did some opposition communications against those as opportunities arose.

And then ultimately of course it boiled down to Trump against Biden. And we served the role of any communications shop on any campaign where we promoted our candidate, President Trump, and were critical of the opponent, who ended up being Joe Biden.

Q Thank you. We'll expand on that as we move forward today.

I want to jump to the year 2020 and from July 2020 on.

Can you tell us a little bit about the reporting structure up from you and who your direct reports were?

A My direct -- up from me, I answered to the campaign manager, ultimately a deputy campaign manager. You may recall that the campaign manager changed at a certain point near the end of the campaign. It went from Brad Parscale to Bill Stepien. And then Justin Clark became the deputy campaign manager. So I would be answerable to both of them.

Jason Miller. I'm not sure how it would look or even if a flow -- an org chart ever existed really for the whole campaign structure. But Jason Miller, when he joined the campaign as I think he was called senior advisor, I also answered to him.

Or, naturally, because we were the campaign of the incumbent President of the United States, if there were people from the White House who instructed us to do certain things we would do that as well in conjunction -- in coordination with my superiors at the campaign.

My direct reports, I would have had three deputies and, depending on how you look at it, a fourth who was really employed by the Republican National Committee.

That one, since I just mentioned that, oversaw all of the regional communications people who were positioned in various States across the country, all the battleground States, and they had State staff in each of those States.

But for my purposes we considered the gentleman who oversaw all of those as a report to me. I think the RNC would probably differ and say that the RNC thought that he worked for them. Nonetheless, I talked to him quite a bit.

In my own communications --

Q Sorry. If I could just interrupt. What's that individual's name?

A Rick --

Mr. Garber. I don't think you want to do research now.

Mr. Murtaugh. Okay.

I'll come up with it.

Mr. [redacted] Okay.

Mr. Murtaugh. I'll come up with his name. First name is Rick.

And then in my own communications department I had three deputies who reported directly to me. That was Matt Wolking, Erin Perrine, and Zach Parkinson. And they oversaw different parts of the communications operation, as well as the national press secretary also answered to me.

BY MR. [redacted]:

Q And who was the national press secretary?

A At first it was Kayleigh McEnany. And then, after she left to go to the White House, I believe it was Hogan Gidley.

Q Okay. So let's go back to going up from you.

Who did you understand Jason Miller to report to?

A I can't say who he thought he reported to. I mean, on the campaign, the campaign manager is in charge by title and authority.

I do know that Jason had a longstanding relationship with President Trump himself, so I would imagine -- you'd have to ask Jason who he thought he ultimately answered to. I mean, we all ultimately answered to the President of course because it was his campaign.

Q What I'm asking is that from your vantage point did it seem like Jason Miller answered to the President directly, not ultimately but directly, if that makes sense?

A I know that he directly communicated with the President.

Q And you mentioned --

A I can't tell you what -- who Jason thought he answered to directly.

Q And you mentioned an individual at the White House you may take directives from. Was that a specific person or group of people that could give you directives?

A If the White House press secretary asked the campaign to do something, we generally would do it. And others who were -- not very many would reach out directly to me. Stephen Miller from time to time.

If it was someone high ranking, higher ranking than that at the White House, most

of the time they would have gone to someone above me.

Q Okay. Now, starting with Matt Wolking, can you tell us a little bit his responsibilities?

A Matt was in charge of rapid response and the war room on the campaign.

Q And what does that mean?

A War room, he had a team of folks in the campaign who would sit all day and watch cable news and look for things that would be useful for the campaign, either things that would promote the President's agenda or his record or things that some of the opponents were doing and saying that we could use as part of our campaign operations to also fight back as quickly as possible when there was incoming attacks on either the campaign or the President.

And so it was his job to gather those things and turn them into a product of some kind that we could then use publicly for the benefit of the campaign.

Q And what about Erin Perrine?

A Erin's role was initially to oversee the press shop, which means the assistant press secretaries, the deputy press secretaries, the people who actually interfaced with reporters either nationally or across the country. She managed them.

As she began to do more television appearances, her role sort of morphed into be more exclusively that and less of the day-to-day management of the press shop.

That fell then to Ali Pardo, who was another one who answered directly to me. I left her out the first time I went through the list.

Because Erin's job changed over time and Ali Pardo was the one who took over direct management of all the -- just to refer to them as a group -- all of the press secretaries. But that wasn't their title. They were either assistant press secretary, press assistant, or deputy press secretaries.

Q And lastly Zach Parkinson. What has his role?

A He oversaw the research department.

Q And what does that mean?

A Generally speaking, a lot of background research on either the President's record or the various Democratic candidates. When the field was so large, focusing -- we can't spend too much time focused on ones that you believe have no chance of becoming the ultimate nominee. But looking at the legislative histories, the vote records, just standard background research that campaigns conduct.

Q Now, generally speaking, did this, for a lack of a better term, structure, reporting structure up and down from you, remain intact post-election through early January?

A No, because at a certain -- first of all, I think it's important to understand that although there might have been an org chart in place, that in terms of the way that a campaign actually operates it's very rare for people to -- for requests or for information to always flow along the lines of what the org chart dictates.

So it's not always -- it's not structured and it does not operate the way a corporation would where the reporting lines are always followed and obeyed. That just doesn't happen and it's not possible in something as fast moving and as hectic as a campaign.

Post-election it was -- the campaign itself transformed. It was no longer a fully functioning political campaign. It became basically a legal operation with a much smaller and diminished communications aspect to help keep people informed as to what the legal processes were that were underway.

So at a certain point, at the peak of the campaign, I think that overall, campaign-wide, not just communications but campaign-wide across the country Donald J.

Trump for President, Inc. had somewhere in the neighborhood of 3,000 employees across the country.

Naturally, most of them were no longer needed once election day had passed. We weren't doing political things, we weren't doing campaign events. It was just the legal operation and a much smaller communications operation. So it was dramatically reduced in size.

Q All right. So let's go later into 2020 and the election is coming. Let's go to even the days before the election.

Tell us a bit about what you as the comms director, what kind of planning or preparation you were doing for election day and going forward.

A Can you restate that? What was I doing in what time period?

Q The days leading into the election. Tell us about how it works from a comms perspective. Was there preparation for different possibilities on election day, different outcomes?

A I don't recall necessarily preparing for different outcomes. In the closing days a staple of the Trump campaign was the rally, right, the Trump rally. And COVID had disrupted the rally schedule significantly of course and for a long time we weren't doing them. But as we returned to doing rallies, they picked up in frequency the closer we got to election day.

And then in the final week the President was holding several rallies a day, I think peaking close to the end, the final weekend and perhaps that Monday, as many as four or five, I don't recall exactly, rallies per day in different cities in different States.

So the communications, it's at that point really all you're trying to do is make it to the finish. And the President is the one who is going to draw most of the attention, and so he is really carrying the ball in the final days because he is going to draw all of the

media coverage.

In any campaign your most valuable asset is the candidate, him or herself. And in our case, it was the incumbent President and he was out campaigning. And that was the enormous bulk of the communications that we were putting out.

At the same time, we had been in, I'd say, the final 2 weeks of the campaign, we were holding press conference calls every day from the campaign, trying to get the media to write stories about what the New York Post had reported about Hunter Biden's laptop. That was a focus of the day -- of the final days as well.

And we may have been putting out press releases about -- I don't recall exactly what we were doing in the closing days, but new ads that maybe had gone on. We would usually do a press release about a new add if we thought it was notable.

But it was -- it's very difficult to describe exactly how hectic it is in the closing days of a Presidential campaign.

Q Going to election day, did you have an expectation about whether or not President Trump would win reelection?

A Well, I mean, I can recall -- when you are on a campaign like that, at least in my experience, I would talk to the political guys who were in charge of the political teams in all of the key battleground States, and I would just ask them, like, if I saw them on the elevator or in the hallway or something, I would say, how does it look?

And I can recall being advised by one of the guys that he thought that it looked pretty good, that it was going be tight but that he thought we would win. I mean, I think everyone goes into any campaign with the mindset that you're going to win.

Q Were you familiar with the concept of the "red mirage" that was discussed in the media leading into election day?

A I do recall that, yes.

Q And what was your understanding of what that was?

A My understanding of what that was, and I believe we did a press release about it a few days, I can't tell you exactly when, but it was just prior to the election, where someone had obtained a copy of a PowerPoint presentation from, if not the Biden campaign then a Democrat group, that indicated that they had, were at least considering a plan to run television ads talking about how -- anticipating the idea that the President's election day turnout would be so tremendous that they were going to try to encourage Democrats not to be discouraged by seeing such a giant Trump turnout on election day, to calm them down and say, everybody calm down, it will be better once the mail-in votes are counted.

And so their term, as I recall from this PowerPoint presentation, was to refer to election day and the giant Trump turnout that was anticipated as the red mirage, which in their view would fade once the mail-in ballots had been counted. That's my recollection.

Q So it's fair to say, as you said the press release was put out about that, that there was an understanding at the Trump campaign that President Trump might have -- might be ahead, seem ahead on election day, but potentially when all ballots were counted Joe Biden might make a comeback. Is that fair?

A I think what's fair to say is that we were characterizing what we understood the Democrat strategy to be.

Q Well, I want to get away from the memo. But was there discussions regarding the possibility that the President may be ahead on election day but that that number could change when all votes were counted?

A Our political team was very clear in that they expected the President's election day turnout to be huge, yes, and that the mail-in votes may tend to favor Biden.

I think that was understood by everyone on both sides.

Q Let's go to election day.

Mr. [redacted]. Actually, before we do that, when you say everyone on both sides, does that include President Trump?

Mr. Garber. If you know.

Mr. Murtaugh. I mean, I don't know what he understood. But I think in the campaigns our political people were telling us that we expected the President's election day turnout to be large, greater than Biden's. And by virtue of this PowerPoint presentation that someone had obtained, it was clear that the Biden campaign felt the same.

Mr. [redacted] And then an additional piece of that, as you were just discussing, is also that some of the mail-in votes or absentee ballots could be counted later and that those might be more favorable to Biden than the election day votes. Is that right?

Mr. Murtaugh. That was the thrust of the PowerPoint that was -- again, I don't remember exactly who the source of it was, but the red mirage was a phrase that was coined by the Democrats.

Mr. [redacted] And do you know whether that was ever either shared with or discussed with President Trump?

Mr. Murtaugh. I don't know.

BY MR. [redacted]:

Q Did you have any discussions with Jason Miller about this topic?

A I don't remember who asked me to draw up the press release.

Q Is it fair to say that it would be either Jason Miller, Bill Stepien, or Justin Clark, someone above the chain from you?

A It was someone above the chain from me, yes. I cannot recall who.

Q All right. Let's go to election day. Tell us about your election day.

A Well, election day is a weird thing on a campaign, there's not a whole lot else you can do as people are already out underway voting.

I was at the office. I was at the office I guess all day until deep into the night, into the morning of the day following election day. And I got a room at the hotel right next door to the campaign office and went and slept there for a few hours and returned to the office again Wednesday morning.

Q So let's go to the evening of the election day. I believe President Trump spoke around 2 a.m. Does that sound right to you?

A It was after midnight, early -- very early in the morning on Wednesday morning as I recall, yeah.

Q And by the time were you watching the President's speech, had your perception of the state of the race shifted from coming into election day? Did you think that the President was less likely to win or more likely to win than you had earlier that day?

A Well, look, heading into election day everything is inexact, right? And you think you're in a good position to win and you're optimistic.

I just came through an election in Pennsylvania just this week where I was -- I maintained some optimism that my candidate could win and in fact it wasn't even close.

So I think you always go into election day with the idea that you're going to win. And then, as events proceed, you deal with the events as they unfold. I mean, I don't think -- once people start voting, your preconceptions don't matter. You have to deal with the situation that you're presented with.

Q So let's go to that night then.

Prior to the President speaking, so whatever time he spoke in the early morning,

had perceptions shifted for you as to the state of the race, before he spoke?

A I mean, that's difficult to answer. I mean, certainly my perceptions had shifted because prior to that election day hadn't happened yet and you just -- you never know what's really going to happen. I think we had expectations that it was going to be a very close race in certain key States and that obviously turned out to be true.

And I know that the legal operation, as every campaign has, was prepared for any eventuality. And I'm not the one who was -- I'm not a lawyer, I'm not an elections lawyer, I had nothing do with the structuring or the creation of what's called election day operations and beyond.

So, I mean, I guess I figured we were in for some kind of post-election day battle. I had no expectation of what that might look like at that time.

Q On election night did you have any interactions with President Trump?

A No.

Q Did you have any interactions with Rudy Giuliani?

A No.

Q Did you see either one in person?

A I'd seen President Trump in person during the day on election day when he came to visit the campaign headquarters. And he gave a little pep talk to everybody, which I believe was televised nationally live, because he had the press corps in tow with him.

I don't think that I saw Rudy Giuliani in person, but I can't be sure.

Q Now, prior to the President speaking on election -- in the early morning, did you have any conversations with anyone about what the President should or should not say?

A I don't think so. It was not ever really the purview of my communications

shop or even within our abilities to suggest things that the President would say. President Trump was going to what he wanted to say.

Q Separate from discussions with the White House, did you have any internal discussions with anyone on your team about expectations or thoughts about what he should say or should not say?

A I don't recall. I don't recall. I mean, it was -- look, at that point in the campaign I had worked there for 2 years at that point. The idea that someone from my level or below was going to be able to influence what the President did or did not say, that's just not something that we knew was possible.

Mr. [redacted] On that, so I think you've implicitly answered this, but I just want to confirm.

So no drafts of any prepared remarks or anything like that for the President on election night were shared with you.

Mr. Murtaugh. I don't know if someone had sent me a set of remarks that the President was about to deliver or not. I did not write anything for him to say.

BY MR. [redacted]

Q Mr. Murtaugh, I'm going to show you what we've marked as exhibit 1, which is a text message that you sent Matt Wolking and Zach Parkinson at 2:29 a.m.

And you say, "Jason is gonna call a little after POTUS calls and run through what the plan is. When he calls you guys want to come in my office and we'll go through it?"

A Uh-huh.

Q Now, is the Jason here -- that's Jason Miller. Is that correct?

A I presume that's Jason Miller again.

Q Okay. Do you recall a conversation with Jason Miller in the early morning of election --

A No, I don't specifically recall a conversation.

Q Do you recall any interaction with Jason Miller where he expressed to you his thoughts about the next steps for you and your team?

A I don't recall.

Q Do you recall having any conversations with Zach Parkinson or Matt Wolking around this time about the next steps?

A I mean, those guys were in the office with me and on our floor. If we did have those conversations, I don't recall what the contents of them were.

Q That morning while -- before you went to bed, do you have any recollection of any discussion with anyone as to the plan going forward or your understanding as to what the next few days would hold?

A No. I mean, I have no specific recollection about what steps would be happening next. I mean, I think we all had the understanding that there would be a legal process that began. But the details of that and whether any of that was laid out to me or to anybody else on my team I don't recall.

At that point it would become a legal and courtroom fight, and those strategies and those plans are not something I was involved in formulating.

Q Mr. Murtaugh, around this time, November 4th and election day, we see in a variety of settings that campaign officials very much hone in on the language of stopping the steal, there's a steal going on, language immediately that's heavily focused on fraud, on putting forth to the public that there's a fraud going on, suggesting a coordinated fraud effort.

Did you have any discussions, either from this time or earlier, that that's a message that was effective and should be focused on by the comms team?

A I don't recall any actual discussions of that. I would say that in any

campaign the campaign reflects what the candidate is doing and saying.

Q Expand on that, on what you mean. Is it because President Trump is saying steal, therefore the rest of campaign officials will focus on the same language?

A I think that it would be common for any campaign to reflect the language and message that the candidate is using, yes.

Q Did you have discussions with anyone about pivoting to a steal message post-election?

A I mean, I don't recall any specific discussions of it. I think everyone was aware that that's the way that the President was framing it.

Q So is it fair to say that it was widely understood that because the President was claiming that there was fraud everyone else would also be claiming the same thing?

A It is -- look, a campaign is an extension of the candidate. And I think any campaign from any political party would hold to that description. And I don't think that anybody in America who was paying attention was confused as to what the President's position was.

BY MR. [redacted]:

Q Were you involved in any discussions about whether the President or the campaign should use phrases like "stop the steal"?

A I don't recall being in a discussion like that. But, again, this -- President Trump was going to use the words and the language that he wanted to use. Whether or not someone from the campaign thought that was a good idea or not was kind of immaterial and pointless because the President was going to do and say what he chose to do and say.

Q Were you involved in any communications or conversations in which anyone expressed concern about the President referring to "stop the steal"?

A I don't specifically recall.

Q Okay. I have not seen any times when Vice President Pence used the term "stop the steal." Do you know if that's correct, that Vice President Pence did not use the phrase "stop the steal"? And if that's correct, do you know why?

A I do not know if he ever used that phrase. And if not, I don't know why.

BY MR. [redacted]:

Q Now, Mr. Murtaugh, during this time period is it fair to say that your Twitter account was a professional account?

A Yeah, sure. There might have been some personal sports-related or music-related tweets mixed in there, I suppose, but it was by and large used professionally for the benefit of the campaign, yes.

Q I want to turn to an email. This is exhibit 2, Bates number -- that you produced -- 9197. And it is this same day, November 4th.

If we scroll to the bottom, Isaac Stanley-Becker says to you, "When you write on Twitter that 'the steal is on!' I'm just trying to understand what you mean by that, and how that's linked to a video of officials in Detroit not allowing additional people in the tabulation center? Why isn't the campaign exercising more restraint about putting out unverified and misleading claims on social media, given the high degree of uncertainty at this moment?"

Do you recall getting this inquiry from Mr. Stanley-Becker?

A Having reviewed the emails, I do recall this, yes.

Q And if we look at exhibit 3 -- and we don't have the -- we can show the video if you would like, but this is just a screenshot -- you -- it's a quote -- I mean your quote says, "The steal is on!" with an exclamation mark. And that is at November 4th at 2:10 p.m.

So tell us a bit about why you used the language "the steal is on" here?

A So having reviewed this, I don't have a specific memory. As you may know if you've gone through my Twitter feed, during the course of the campaign I tweeted a lot. And I don't remember each specific tweet from a year and a half ago.

But having seen this, the still shot here, Mike Roman, who is the original tweet, was one of our election day operations guys out in the States. I don't remember where precisely he was situated. But his tweet here is referencing Detroit. And my tweet echoes the language that he used, which is that "the steal is on."

Q Is it fair to say that this tweet from you was more about comms messaging to be in line with the President than it was about this video actually depicting an actual stealing of votes?

A I think -- look, it's in reference specifically to the video that is posted there, which depicts our poll watchers being tossed out of a precinct in Detroit, which is something that the campaign experienced in different States, and it raises concerns.

There had been for a year and a half leading up to the election, there was active litigation in all of the States, a year and a half prior -- not all of the States, in many States -- a year and a half prior to election day. And these were challenges to State laws which tightened election security.

And many of -- much of the litigation was brought by a Democrat lawyer named Marc Elias, and the campaign or the RNC was in court in a lot of States trying to protect security measures that the States had in place to protect the security of elections and election integrity.

Some of the issues that the lawyers had warned us about would be the access to counting locations by poll watchers, which is in many States a right that is guaranteed by law.

So taking Mike Roman's tweet here at face value that our poll watchers were being kicked out of polling places, that's something that, obviously, by my tweet I wanted to draw attention to.

Q But your use of the term "the steal is on," is it -- are you saying you used that just because you were mimicking Mike Roman? Is it fair to say that that was President Trump's -- the kind of language President Trump was using?

A That specific tweet is clearly -- it's verbatim from Mike Roman's original tweet.

Q Did you actually have any information that there was fraud going on at this location or that there were no Trump observers allowed at all?

A The information that I have is what you can see on the screen there. Mike Roman --

Q Is it fair to say that that information was limited?

A I think you're reading an awful lot into one little quote tweet here from a guy named Mike Roman, my quote tweet of Mike Roman's.

He tweeted video of people being kicked out of a polling location in Detroit. I quote tweeted it using the same language that he had used in his original tweet. These were Trump campaign poll watchers who were being evicted from a polling location to which they had lawful access, and I was drawing attention to it.

Mr. [redacted] So what was the basis? So this is on election day. What was the basis for believing, before you even knew the results of the election, that there was some effort to steal the election from President Trump?

Mr. Garber. I think he's already answered that. I think he said that his tweet was based on this tweet and that's where the language came from.

Mr. [redacted] Yeah, but I guess I'm asking a broader question, not just that specific

video there and what was going on there. I'm asking more generally, as you know, President Trump, even before the election, had been talking about the only way he could lose is if it's stolen.

What was the basis leading up to and including election day, so before you get the results of the election, for believing and asserting that there was an effort by the Democrats to steal the election?

Mr. Garber. If you know what the President's basis was for saying that. I think that's --

Mr. Murtaugh. Well, I mean, I don't know what briefings the President himself was receiving.

Mr. [redacted]. And so was your basis for saying it simply the fact that the President was saying it?

Mr. Murtaugh. I think we've just gone over this. This tweet in question, I've just explained. I was quote tweeting a tweet from one of our election day operations guys where he tweeted video of people being kicked out of a polling location in Detroit, and I mirrored his exact language from his tweet.

Mr. [redacted]. But more generally, was there an effort by the campaign to communicate as of election day or even earlier that there was an effort by the Democrats to steal the election?

Mr. Murtaugh. I think what we communicated consistently was the ongoing -- this is in the months leading up to the election -- ongoing legal efforts in a variety of States to loosen election protections, things like moving deadlines or -- I can't remember specifically what all the lawsuits were about. You could ask Marc Elias what he was suing to overturn, because that's what we were in court opposing.

And we did periodically publicize our efforts in court to protect, in our view,

election integrity and election security in a variety of States. And in Pennsylvania, for example, the secretary of state and the State supreme court actually moved deadlines in contradiction to what State statutes were.

For example, the secretary of state, I believe -- or I might have that wrong, it could have been the supreme court -- said that ballots could be received after election day if they had been postmarked by election day. But that's not what the statute says. The statute says they must be received by election day.

So there were actual changes to State law being made outside of State legislatures. Those kinds of things were what we drew attention to.

But, look, there is a candidate -- the Democratic candidate for the governor of Pennsylvania today is openly saying that he must be reelected -- or not reelected, he's running for an open seat -- but he must be elected and the Republican candidate must be stopped because the Republican candidate will try to steal the next election. That is the current candidate for governor of Pennsylvania today.

So to me this kind of a line of communication is something that's not uncommon. The current White House press secretary has tweeted in the past that the 2016 election where President Trump was elected President was stolen. She has also tweeted that Stacey Abrams' election as governor of Georgia was stolen.

And so I don't think that this type of messaging is something that was invented by the Trump campaign.

BY MR. [redacted]:

Q Mr. Murtaugh, just to put a fine point on it, at this time on November 4th, were you of the opinion that there was a coordinated effort to steal the election? Was that your opinion?

A I think what was clear and what we laid out over the course of months

through our legal filings and being involved in litigation in a variety of States, there was a concerted effort -- a publicly stated effort -- to loosen election protections in a variety of States across the country, as I just mentioned.

Q I'm asking you, November 4th, when this tweet goes out, the campaign in a variety of mediums is saying that a steal is going on. On November, were you of the opinion, not months later, that there was a coordinated effort to steal the election from President Trump?

A This tweet is specifically related to that specific piece of video and is a quote tweet from Mike Roman's tweet, using the exact language that he used.

Q Again, I'm asking you, were you of the opinion on November 4th that there was a coordinated effort to steal the election from President Trump? I think that's a pretty fair yes-or-no question.

A I think that the Democrats, like any political party, would be trying to use any legal maneuverings they could to ensure that their candidate won.

Q So when you say legal maneuverings, is that fair to say then that you're saying that, no, you did not think that there was a coordinated effort to illegally steal the election for President Trump at this time?

A I'm not an elections lawyer, so I don't know what our lawyers thought the other side was up to and I don't know what our lawyers thought were the proper and possible avenues.

Q I'm asking --

A I'm telling you, in this regard, and with regard to this one tweet where I used that language, it is in specific reference to the tweet that I'm quote tweeting.

Q All right. I want to move forward, Mr. Murtaugh, to exhibit 4, which you produced. It is an email on November 6th from Alex Cannon to you.

Can you tell us a bit about who Alex Cannon is?

A Alex Cannon is a lawyer who was affiliated with the campaign in some way. I'm not exactly sure what his position was officially in the campaign or in that orbit. But he was a lawyer working in conjunction with the campaign in some fashion.

Q And, Mr. Murtaugh, I will let you know that we've had several individuals join the Webex, but they are committee staff and no members have joined yet.

A Okay.

Q All right. So let's go to the bottom of this page, please, which Mr. Cannon writes to you, "Good morning, Tim. I'm running a post-election fraud detection program as directed by Eric and Jared. Can we sit down at some point this morning to connect on the comms side?"

And above you indicate, "Sure." And it appears someone working for you does a logistics of that meeting.

A Yes.

Q Do you recall receiving this email from Alex Cannon?

A No, I don't specifically recall receiving this email, but I see it, so yeah.

Q Do you recall having a subsequent conversation with Alex Cannon regarding what he calls his post-election fraud detection program?

A I would need to know more specifically what he's talking about. We did set up a hotline of sorts for people to call in and report their own experiences from election day or at the polls. So this is conjecture, but I'm taking a guess that that's what he's referring to.

Q Do you recall whether you met with him to discuss as is indicated here?

A No, I don't recall if I met with him or if -- we may have had a conversation, it may have been in person, it may have been over the phone, or maybe we didn't. I don't

know. But we did set up a hotline and had campaign people staffing them, receiving phone calls.

Q Separate from the hotline, are you aware of any other fraud-related work that Alex Cannon did post-election?

A No. I don't know what he was working on.

Q Do you recall any meetings with him post-election?

A I mean, he was around post-election. I don't know. It was all very unorganized, and from my perspective the lawyers were doing what they were doing. I was not in all those legal meetings. There's no reason why I would have been in those meetings.

But what I'm referring -- and I don't know, let me say clearly, I don't know what this email is referring to, the fraud detection program.

But what it calls to mind is the hotline that we set up where we had lower level -- everyone was encouraged do it, but it was primarily lower level staffers, perhaps interns, who manned a bank of telephones.

And we had put out a tweet or something from the main campaign account to say call this phone number and tell us your experiences on election day or whatever the phrasing was. And then these people sat and answered the phones and took down people's information.

Now, it turned out that almost all the phone calls were crank calls, as you might expect. And so in my mind it didn't amount to much.

Q I'm going to show you exhibit --

Mr. [redacted]. Before you move on, I just had a couple of questions on that.

BY MR. [redacted]:

Q So the Jared referred to I assume is Jared Kushner. Is that correct?

A I would assume that, yes.

Q And who's the Eric referred to there?

A I would have to speculate, but I suppose it means Eric Trump.

Q Okay. I wasn't sure if it was Eric Trump or Eric Herschmann. Do you know?

A I don't know.

Q Okay. Did either Eric Trump or Eric Herschmann end up having some role in this post-election fraud detection effort?

A You would have to ask them. I don't know.

Look, the thing that I'm thinking about, the bank of phones where people were answering calls from around the country, it was -- I mean, it was just a bunch of kids sitting around answering the phone. It didn't really require much strategy. So I don't know what they were or were not involved in.

BY MR. [redacted]:

Q I'm going to show you exhibit 5 and to see whether this refreshes your recollection as to what the last email is talking about. This is an email the same day, it's a few hours later. And Stephen Miller writes an email and says, "Has anyone done, or could anyone do, a mathematical analysis to show how astronomically unlikely the perfectly-tailored Dem vote results are in particular precincts and states."

And Jason Miller responds, which has you, Stephen Miller, and Justin Clark as the recipient, and he goes, "Yup -- Alex Cannon, working with Eric Trump, conducting that as we speak."

Does that refresh your recollection at all about anything that Alex Cannon was working on or Eric Trump?

A I mean, again, I don't know what Alex Cannon was working on.

You also have to understand how many thousands of emails over the course of time I received. Pulling out a few of these -- I mean, this is from a year and a half ago. I don't know what Alex Cannon was working on at that time and I still don't.

Q I want to turn to Zach Parkinson, the head of the research team that reported to you.

Generally speaking, what do you recall about his post-election efforts when it came to trying to uncover fraud?

A I recall there was some issue about voters' names who had turned up to match with people who had died that he was asked to look into. That I remember.

You also have to understand that, as I mentioned before at the very beginning, that the -- an org chart and the lines of report are very often -- most of the time -- not really observed in a campaign, or at least in this campaign.

But it's not set up like a corporation would be where if there is a request or what a corporation would call a work order or something that things get approved through channels before it rests with the person who it's assigned to.

So it is entirely possible or even likely that people from the campaign went straight to Zach or even to some of Zach's subordinates to say, here's something that I'd like you to look into.

So I can't say what Zach was or was not working on. I don't know.

Q And I think it would be helpful for us to understand, as you've been doing helpfully, is just what things folks like Zach Parkinson were working on but perhaps were not reporting to you on directly, even though the org chart might be what it is, and what he was reporting to you on or what you were kept in the loop on.

So you mentioned the dead people kind of point, which we'll come to. Any other topic areas regarding fraud that you recall Zach Parkinson working on?

[10:11 a.m.]

Mr. Murtaugh. You know, at this distance from that date, I don't remember what Zach was working on.

Mr. [redacted]. What about Dominion Voting Systems? Do you recall him working on that?

Mr. Murtaugh. I do recall that someone asked him to look into Dominion and its background and, I guess, other areas of Dominion, yeah. But I did not request that he -- I don't believe I requested that he do that. That request for him came from, I would assume, somewhere else.

Mr. [redacted]. Do you remember roughly when that was?

Mr. Murtaugh. No.

Mr. [redacted] Do you remember if it was pre- or post-election?

Mr. Murtaugh. I do not.

BY MR. [redacted]

Q Besides Dominion and the dead voters, any other things you can recall that Zach Parkinson might have worked on, any other related research regarding fraud claims that you were either actively participating in or just even aware of?

A No, I don't recall what else Zach -- as I said, I don't know what he was working on day to day.

Q All right, let's turn first to the issue of the dead voters. Tell me a bit about your understanding as to what Zach Parkinson was trying to investigate.

A Whether or not in fact people who were dead were recorded as having voted.

Q Okay.

I'm going to show you a document. This is exhibit 6. And it's a document you produced. And it's an email from Alex Cannon to Jared Kushner, Eric Trump, Bill Stepien, Justin Clark, Jason Miller, and Matthew Morgan, and another email address. I'm not quite sure who that belongs to. And the subject line is "PA Death Data."

And Alex Cannon says, "Attached is the PA death data. The QC process took the potential dead voters from around 130 down to these 15 confirmed."

I won't go through the additional -- if you want to read the email you can, Mr. Murtaugh, but I think, for our purposes, I'll just kind of proffer to you what's going on here --

A Uh-huh.

Q -- that Mr. Cannon has been engaged in an effort to uncover voters who seemingly have died but nonetheless cast votes in the 2020 election.

And Mr. Miller responds and says, "We're going to start highlighting one obituary a day of dead people who voted this year." And he says, "Zach - can you help please fill in the gaps here so we can start tomorrow?"

Is it fair to say that this is what we were talking about, Mr. Parkinson being tasked by someone who wasn't you with doing a little bit of research into the dead voter question?

A That's what it sounds like.

Q Do you have recollection of this?

A I remember the issue of the question of dead people voting. I don't remember this specific request or email.

Q Okay.

And I'm going to show you, then, what's exhibit 7.

Mr. Garber. Before we do that, do you have to renew your parking?

Mr. Murtaugh. Oh, maybe. Hang on. Yes. Hang on one second.

Mr. Garber. Sorry, [redacted] He's just got to renew his parking?

Mr. [redacted] No problem. Do you want to take a 5-minute break real fast? I mean, we've been going for an hour, 15. Maybe we'll take 5 minutes?

Mr. Garber. Okay.

Mr. [redacted] All right. We'll go into recess for 5 minutes.

Mr. Garber. All right. Thanks.

[Recess.]

BY MR. [redacted]:

Q So we just looked at an email where Mr. Miller assigns Zach Parkinson with filling in the gaps of an obituary a day.

Is it fair to say that Mr. Miller is suggesting some kind of comms effort where the campaign would be blasting out a dead voter every day going forward, was his hope?

A Seems to me that's what that email clearly expressed.

Q Yeah.

I'm going to then show you exhibit 7. Here -- actually, this looks like the same email. Mr. Parkinson gets asked for more information. He agrees to do this. He asks, "What specific info do we need?" Mr. Miller says, "Obituaries or other things that move" -- or I assume he means "must" -- "prove death," perhaps.

And then I'll show you exhibit 8, which, this subject line is regarding Georgia dead voters. And looking at the bottom, Mr. Cannon on November 8th sends an email about the Georgia voters. And, as you'll recall, we were just talking about Pennsylvania voters.

In this email, Mr. Cannon says, "All -- Attached is the GA data for 12 deceased individuals who actually cast ab" -- which I assume is "absentee" -- "/early voting ballots in the presidential election in GA that were received by the state up to November 6."

And then he highlights in bold and underlined, "We do not know whether these individuals voted for Biden or Trump."

And I will note to you, Mr. Murtaugh, in both the emails I'm showing you now and the email that I previously showed you, that an Excel spreadsheet-type document is attached listing the names indicated in Mr. Cannon's email.

And as you see, Mr. Miller at the top of this email says to Mr. Parkinson, with you copied as well, "Let's fill in the gaps here too please."

Now, when Mr. Parkinson started working on this project, did you have any conversations with him directly about the work he was doing?

A I don't recall if I had conversations with him or not. With these emails as prompting, I recall that this effort was underway. I remember now that this was happening.

Q Okay.

Just to help frame you, as you'll recall, in the initial email, Mr. Cannon indicated that -- I think they'd started at 130 names in the Pennsylvania data to 15. So it appears that there was an initial winnowing down of potential dead voters by Mr. Cannon before Mr. Parkinson got involved.

Is that a fair reading?

A Can you restate that? I'm sorry. I was resetting my parking thing.

Q No problem. I think as you'll recall, in the initial email I showed you, Mr. Cannon noted that the QC process took the potential dead voters from around 130 down to these 15 confirmed. And that's for the Pennsylvania data, what he asked -- what Mr. Parkinson is going to work on.

So I'm just framing your mind, that it appears 130 was winnowed down to a potential 15, and asking you to confirm whether that's a fair reading from you as well.

A I suppose so. I don't know what a QC process is.

Q I assume quality control, would be my -- what it stands for, but, you know, I won't proffer to you what it actually -- what the process in fact was.

A Yeah. I mean, you're asking me to interpret what Alex is representing. And, you know, I can only read it the same way that you do.

Q Okay. No -- and which is fair. I wanted to just confirm that you read it the way I read it, just as far as on the face of the document.

A Yeah, that's what it sounds like.

Q Okay.

So I'm going to show you what's exhibit now 9. And this is now Mr. Parkinson -- this is now a day later, on November 9th, where he now responds to Mr. Miller's email which asked for an obituary a day.

And Mr. Parkinson, with you also copied, says, "So out of the 27 names on those spreadsheets, we've been able to find something solid on 13 of them. Attached has obituaries, death notices, or other documentation that these folks are dead. Very degree" -- I assume he means "vary," but -- "very degree of confidence the info on the attached people matches the info from the spreadsheets. I think some of the other 14 may be errors, and others we just haven't found anything on. Can continue looking into those, but if we're planning on 2 a day, we've got enough for this week for sure. Can also look into any AZ or WI names if we have spreadsheets there as well."

Did you have any understanding as to what Mr. Parkinson -- how he was going about examining these individuals to see whether or not a dead voter had in fact voted?

A No. I don't know by what methods he was conducting his research.

Q Looking at this email, would you agree with the reading that Mr. Parkinson, again, has -- we've gone from the 130 names down to the 27 names, and his initial cut

brings that number down to 13 individuals that potentially had votes cast on their behalf after they were dead?

Mr. Garber. I think the email says what it says.

Mr. [redacted]. Well, I'm asking Mr. Murtaugh.

BY MR. [redacted]

Q Do you agree that that's what the email says?

A It sounds like it, but I'm -- I didn't conduct the research, I didn't write this email, so, you know, I can only read it and interpret it, same as you have.

Q Now, do you have a recollection as to this process by which a number of dead voters -- like, a broader group were first considered and, as due diligence was done, that number became small and smaller?

A I don't have very clear recollection of any details of this. I mean, I recall being aware that they were trying to identify dead people who had voted. And I know that I'm copied on these emails, but this is quite clearly something that they were working on.

Q Now, I'm going to show you what has been marked as exhibit 9, Bates number 9566 -- or, sorry, I think we're on -- that was 9. Excuse me. Exhibit 10. My apologies. Which is 9634, the Bates. And it's an email that you -- excuse me -- that not you get, but that's sent to you.

I'm going to start at the bottom of the email. And this is now November 9th. And if we scroll all the way to the last email, please, on the second page. And it's Lindsey Graham. It's an email from a Robert Farley at FactCheck.org to Zach Parkinson, copying Matt Wolking, and indicates that Senator Graham went on television and said that the Trump campaign canvassed Pennsylvania mail-in voters and found numerous instances of dead people voting.

And the reporter -- and notes that Senator Graham says, "But I do know that we have evidence of six people in Pennsylvania registering after they died and voting after they died. And we haven't looked at the entire system."

And the reporter asks, "Can you provide some detail about that? Which voters did the campaign review exactly? And what exactly did you discover about dead people voting? Can you provide names? Possible to speak to someone about the details of how folks did the research and what you found?"

This email was forwarded to you by Matt Wolking, you can see at the top. And then you respond to Matt Wolking's email, saying, "Adding Matt Morgan. I think we'll have to let our lawsuit do the talking."

Do you see that?

A Yeah.

Q What did you mean by that, if you recall this email?

A I don't recall that email specifically, but, interpreting what I wrote there, it is our -- on the Republican side of the fence, it is our longstanding belief that FactCheck.org and the other self-proclaimed fact-check organizations are, in fact, partisan and are intent on writing stories that are negative for our side.

And so there are many times where -- for any reporter inquiry, the very first decision you have to make when you receive the inquiry is whether or not you're going to answer it at all. Regardless of what the topic is, the first question is, do we even reply to this?

And so, with regard to this one, I interpret my email there as saying that, look, if we're going to be using this information in an actual court filing -- the information about dead voters -- that we should allow the court filing to do what its supposed to do and make its way through the legal process.

Q All right.

Now, in a response like this, when someone just questions -- well -- withdrawn.

Matthew Morgan then responds, adding Alex Cannon, saying, "Alex can speak to the certainty (or lack thereof) regarding potential dead voters."

And Alex Cannon responds to you at the top of this email and says, "Tim -- I provided that information to Senator Graham (per Trump family instructions) and it is 100% accurate. Attached is the PA death data. The QC process took the potential dead voters from around 130 down to these 15 confirmed."

Later on, he notes, "I note that this is a conservative view of the results: If there was any real question about whether the team had the correct person, we tossed the result. If we spent substantially more time researching each potential dead voter and manually confirming we could possibly confirm up to an absolute maximum of 20 more, but my view is the team needs to move on to GA."

Is it fair to say you don't recall this email?

A No, I don't recall it specifically, no.

Q Reading this email now, is it fair to say that Mr. Cannon was very confident in the work that he had done regarding confirming dead voters?

Mr. Garber. I think the email says what it says.

Mr. Murtaugh. It says "100% accurate." How would you interpret that?

BY MR. [redacted]

Q Well, I'm asking how you'd interpret that, but fair, Mr. Murtaugh.

A On its face value, it says "100% accurate." I'm not sure there's a lot of room for misinterpretation.

Q All right.

I'm going to next show you what's been marked as -- well, let me ask you this

question: Do you have any recollection as to what the purpose of this exercise was, why the campaign was working so hard to prove that it could find people whose votes had been cast after they had died?

A To publicize the fact that dead people had voted would be to draw attention to the fact that the election system is imperfect.

Q Is it fair to say that -- to suggest that -- to undermine a potential claim to victory by Joe Biden?

A I think it is to -- the effort all along, as we stated publicly dozens and dozens and dozens of times, was to make sure that everybody who is eligible to vote be able to legally vote and vote once and have it be counted.

If there are dead people who voted, that obviously runs contrary to that. I don't think you'd find too many people who would be publicly willing to say that they support dead people voting.

Q I'm going to show you what's been marked as exhibit 11. You've seen the earlier half of this email, where at the bottom you see Mr. Parkinson noting he's taken the 27 names down to 13.

Do you recall that portion of the email from an earlier document?

A I recall it from this conversation that we're having today.

Q Okay.

And above, Mr. Miller responds, "For these 13, do we have party identification for them, and if not, can we quickly look that up and add to the mix?"

And Mr. Parkinson says, "We should be able to pull those, let me have someone do that."

And then Mr. Miller responds, "Perfect, then let's meet after that. Much prefer to only announce dead D's who are voting, if possible."

Is it fair that here that "D's" refers to Democrats?

A Yes, that's fair.

Q And do you have an understanding as to why Mr. Miller -- Well, actually, is it fair that Mr. Miller wanted to announce Democrats are voting because it would be more likely to suggest that this was a Democrat -- like, a Democrat-focused problem, the dead people voting?

A Well, you would have to ask Jason Miller what his intention was for that. But, you know, I think anyone could read Jason's email there and draw their own conclusions.

Q Well, I see here that you are one of the recipients of the email. So what conclusion do you draw?

Mr. Garber. Are you asking what conclusion did he draw at the time?

Mr. [redacted] Well, let's do both.

BY MR. [redacted]:

Q Do you recall what conclusion you drew at the time?

A Look, this was a campaign to reelect one particular candidate. Naturally, that campaign is going to be engaged, for the length of its existence, to promote things and ideas that benefit that particular candidate.

Q And that's fair. So, with that understood, is that -- do you say that because, here, the effort here is to show purely dead people who would've voted for Joe Biden and not for President Trump? Is that fair?

A Look, you'd have to ask Jason Miller what he means by this email. But, again, I say, this was the Donald Trump campaign, and so I think it's expected that our efforts, whether it's on this question or a million other questions, are intended to benefit Donald Trump. That's the way any campaign operates. You don't -- there aren't very

many campaigns who will conduct and publicize research purposefully to benefit the opponent.

Q I'm going to turn to exhibit 12.

So here is an email from Zach Parkinson and Jason Miller, CC'ing you. This is now on the evening of November 9th. And it appears to be an update of Mr. Parkinson's efforts.

And he says, "Top section is Georgia, bottom is Pennsylvania. Forgot that in Georgia, they don't have traditional party registration, so everyone's unaffiliated. In process of going through these, weeded out a couple more where voter reg stuff didn't match what we were looking for, or where we couldn't find voter reg at all. Brings us down to eight solid examples on hand with voter reg info along with some type of proof the person is dead beyond the SS death index."

So would it be a fair read of this that Mr. Parkinson's efforts have whittled down the number of potential dead voters even further?

Mr. Garber. I think the document says what it says.

BY MR. [redacted]

Q Well, Mr. Murtaugh, you were copied on this email. Do you remember receiving this email or having any conversations regarding this topic?

A No.

Q Do you recall that Mr. Parkinson's efforts resulted in a smaller number of potential dead voters?

A No, I really don't recall the details of this process. But from reading of this email, it appears to me that Zach is endeavoring to do a thorough job.

Q Sitting here today, do you have a recollection as to whether Mr. Parkinson was successful in his efforts to uncover dead voters who cast ballots?

A I don't recall.

Q I'm going to note just some of the names here. You'll see in the first name there a James Blalock; a second name, Deborah Christiansen. And then you'll note on the second set of names is the name Elizabeth Bartman, which we're going to come back to. But I just wanted to highlight those names, and you see that they were a result of Mr. Parkinson's further diligence in trying to uncover dead voters.

All right. So then we go to exhibit 13, and here it looks like there's a mocked-up potential press release.

You can go to the second page, please. And, at the top, it's an email from Matt Wolking to Zach Parkinson and you and Andrew Clark and Jason Miller and Matthew Morgan, subject line, "Victims of Voter Fraud."

It says, "Thanks to Zach for drafting the bulk of this. Still waiting on Alex Cannon to confirm these people voted/registered. Thoughts?"

And is it fair to say this is a mock press release announcing that these individuals were both deceased but nonetheless voted?

A I would call it a draft, but, yeah, that's what the press release generally looks like.

Q Okay.

And then -- excuse me one second. Sorry.

And then you respond to this and say -- this is the bottom of the first page. You respond and say, "Good by me." Do you see that?

A Not yet.

Q It's at the bottom of the first page of this email.

A Oh, yeah. Okay. Sure. I see it.

Q All right. So, when you say "good by me," that's indicating that you had

reviewed the draft release and you were basically giving your signoff as comms director? Is that fair?

A That's fair.

Q Okay.

And then at the top of this, Zach Parkinson says, after some edits from Mr. Miller, "Gonna give Alex a ring, he asked us to hold."

Any recollection as to any issues with this press release before it would go out?

A No.

Q Now, just more broadly, in any other prior campaign you've worked on, have you seen any efforts such as this, this level of effort to uncover potential dead voters? Or would you say that this process was unique in your experience?

A Well, I've only ever worked on one Presidential campaign, so I can't say that I have any experience to compare this to.

Q And which campaign was that?

A One. I've only ever worked on one.

Q Oh, this one. Okay. Sorry. I thought you were suggesting a different campaign. My apologies.

What about any other campaign you've worked on, separate from Presidential? Any efforts like this?

A Not that I recall.

Q And while this was going on, do you recall thinking whether or not this process was typical, or did you perceive as abnormal the amount of effort and time spent trying to find a handful of dead voters?

A Well, having never worked on a Presidential campaign before, I didn't really have anything to compare it to.

Q From any discussions you can recall, was there any suggestion that there was a systemic problem with dead voters being cast as opposed to isolated incidents? Give us a sense of your understanding of what the theory was here as to why to conduct this effort.

A I'm not an election lawyer and I'm not one who conducts research on who is represented in the voter rolls in States, so I don't have any breadth of experience or knowledge to know the extent of the problem of dead people voting.

Q Well, no -- well, I'm asking you, as the comms director, though, who would be tasked with messaging this, was it your understanding that the messaging here would be to suggest that these handful of people would suggest a systemic problem or not a systemic problem?

A Well, I haven't read the press release. What does the press release say?

Q Well, before we read that, do you have any recollection as to whether or not the campaign thought there was a systemic problem with dead people voting that could impact the election results?

A On its face, this appears to be pointing out that dead people had voted, which, of course, should not be possible.

Q Now, when you say "should not be possible," I mean, is it fair to say there's some level of fraud that's possible in any election? I mean, is that not presumed? There's no zero fraud in an election, right?

A I think it's -- it ought to be accepted as fact on its face that dead people are not capable of voting.

Q Well, to be clear, it's not a dead person voting; it's someone illegally casting a ballot on behalf of a dead person, right? So the theory is that, can someone illegally vote in an election? Which no one thinks is impossible by 100 percent. Is that fair?

A It is clearly not impossible to illegally vote. Correct.

Q Right. So wouldn't it be impossible to find a handful of examples theoretically of someone casting a vote on behalf of someone who's deceased, right?

A It might be possible, yes.

Q Are you aware of any indication or even any discussion among the campaign that anyone thought there was a systemic problem with dead people voting?

A I mean, look, having grown up in Pennsylvania, Pennsylvania, as I've heard throughout my lifetime, there have been reports of dead people voting through decades. So I don't know what defines "systemic" or not or "isolated" or not, but fraud is fraud.

Q Okay.

A So how much fraud is supposed to be acceptable?

Q Well, you said, just so we're clear, throughout your life, in a variety of elections in Pennsylvania, you're aware that --

A I -- no. Let me be clear. I don't have any factual, actual knowledge from my own research. But it is a colloquialism, if you will, in Pennsylvania that --

Q Yeah.

A -- dead people vote, particularly in Philadelphia. That is the reputation of Philadelphia.

With respect to these specific examples? Fraud is fraud.

Q Yeah. Now, do you --

A I haven't heard anyone set out exactly what the limits are of an acceptable amount of fraud.

Q Well, Mr. Murtaugh, in your role as comms director, is it fair to say that you kept yourself apprised of President Trump's public statements in the election?

A I would say most of them, yes.

Q Yes. And do you recall President Trump saying that thousands of people across battleground States -- thousands of dead people across battleground States had voted, dead people had voted?

A I don't recall that specific statement, no.

Q Do you recall him -- and if you don't recall, I'm happy to pull up a quote from him if you'd like, so please let me know. But I will proffer to you that President Trump said thousands of people -- dead people voted. Does that sound correct to you, or do you --

A I don't know what he -- if you have a quote where he said those words, I won't dispute it.

Q Okay. I'll ask our team to pull up a quote while I'm talking, but I'll proffer to you that he's indicated thousands of people voted -- dead people voted in battleground States.

Are you aware that Rudy Giuliani also said something to the effect of over 10,000 dead people voted in battleground States as well?

A I'm not aware of that, no.

Q Are you aware of any statements made by President Trump regarding dead voters?

A Not specifically, no. I can't recall everything that the President said about the election.

Q Well, I'm asking about post-election on the issue where you were copied on these emails that Zach Parkinson is working on. But your testimony is that you have no recollection that President Trump made any comments regarding thousands of voters, dead voters, in battleground States?

A It would not surprise me if he said that, but I have no clear recollection of

him saying that, no.

Q Besides the thousands -- and I want to, just so the record is clear -- do you recall him even discussing dead voters at all? President Trump.

A Look, President Trump said a lot of things a lot of times about the election. I don't have a mental inventory of all the things that he said.

Q Fair. But this claim would be directly relevant to the work that has very senior people working on. You see on email, you have Matt Morgan, the campaign counsel; you have Justin Clark, the deputy campaign manager and senior counsel; you have you, the comms director; you have Matt Wolking, your direct report; you have Alex Cannon, the deputy campaign counsel; Jason Miller, who's in touch with the President directly, as you testified.

You have all these people working trying to find examples of dead voters that the campaign is going to put out hopefully on a daily basis. And you're saying that you are unaware whether President Trump had talked about dead people voting?

A I can't conjure up an exact quote that you're referencing from President Trump. If you're proffering that he said it, he said it. I'm not going to dispute it.

Q Well, I'll give you a quote here. President Trump on his January 6th speech said, "Over 8,000 ballots in Pennsylvania were cast by people whose names and dates of birth matched individuals who died in 2020 and prior to the election. Think of that. Dead people. Lots of dead people. Thousands."

So that's a quote from President Trump. Do you recall him saying that on January 6th? Well, let me ask you this: Do you dispute that he said that on January 6th?

A I don't dispute that he said that, no.

Q All right.

So we've looked at Pennsylvania data and what Mr. Parkinson has been working on so far, and I think, if I'm not mistaken, with Georgia and Pennsylvania combined -- well, for Georgia, I think he's down to two names of people that Mr. Parkinson believes that he could substantiate in his efforts.

Is it fair to say that he was undercutting -- that what he was finding was not consistent with President Trump's statements?

A Look, I don't know what Zach was continuously working on, and I don't know what President Trump was saying publicly, and I don't know where President Trump was getting the information that he was using to say those things publicly. I don't know.

Q I'm going to show you exhibit 14, please, which is Bates number 11074, an email that you're on. And, again, this is a mockup of a press release to do with Georgia voters that is noted there.

And the second email is from Jason Miller, saying, "Alex, Bill has approved running the Michigan data." And then it goes, "Andrew, header/subheader needs to make more clear that this is just the tip of the iceberg, per POTUS. Does this work?"

And, sorry, let me see whether -- this is the first page of exhibit 14. Do you see what I'm reading from?

A It's still scrolling.

Q Down, please. Down, down. Can you scroll down, please, Camisha?

Oh, there we go.

So what I read to you was Jason Miller's line ahead of the draft press release. And do you see where he says that the "header/subheader needs to make more clear that this is just the tip of the iceberg, per POTUS"?

A Okay.

Q "Does this work?"

And then Alex Cannon responds, "I'm going to stay in my lane on the comms party about the 'tip of the iceberg.'"

So when Mr. Cannon says he's staying in his lane on the comms side, does that mean that's more for your team to work on? Or how do you read that?

Mr. Garber. Again, the letter says what it -- the email says what it says.

Mr. Murtaugh. Yeah, I don't know.

BY MR. [redacted]:

Q Well, let me ask you this. When an email like this would come to you that specifically talked about comms, would you understand that to be referring to you and the work that you do?

A Sure. My arena. Yeah.

Q Okay. Do you have any recollection of receiving feedback from President Trump that this should reflect that this is just the tip of the iceberg on the dead people voting?

A I personally received no feedback from President Trump on that.

Q But from a comms perspective -- we're going to talk in a bit about pushback that the media came to you directly with on numerous occasions and asked you about these dead voters that Mr. Parkinson's work had produced, because they were being debunked. And I'll show you several examples in a minute.

But is it fair to say that when you got pushback from the media on these issues that it would've been your job to go back to the relevant stakeholder -- let's say, here, Zach Parkinson -- and understand what the true facts were? Is that fair?

A I mean, it depends -- look, we got pushback from the media on everything that we did for 2 whole years. And so, to have a reporter questioning something that we were doing or saying was a daily occurrence. So, for me to sit here and try to recall

specific pushback from a specific reporter on a specific topic 2 years later, that's just -- that's not going to be possible.

Q I'm going to show you exhibit 15. And it's November 16th. And Daniel Dale says, "Tim, I'm looking for a response" -- sorry, 15, bottom of 15.

Thank you.

"Tim, I'm looking for a response from the campaign to something Fulton County, Georgia is saying regarding the campaign's claim that a Deborah Christiansen cast a ballot despite being dead." And it has a tweet from the Trump War Room.

"The county says Christiansen simply did not vote in this election and did not re-register to vote on October 5. The county says they have no idea why the campaign 'picked this poor woman and made these claims. Usually there is a tiny kernel to these kinds of claims. There's nothing here.' Could you respond and provide any evidence for the claims in the tweet? Thank you very much."

You forward that email to Zach Parkinson.

And then Mr. Parkinson responds, at the top of the email, "Not that Daniel Dale is worth our time, but Alex Cannon oversaw pulling voter lists and comparing those with the SS Death Index, so I don't know process around that. I tried to find her reg in the Georgia Secretary of State's website to confirm it, but couldn't find her. As far as the re-registering on October 5, GOP Data Center has someone registering in that name on that date though. Again, not making it up. Let me check with Alex though and see if there's more info for us to figure this out.

One second, Mr. Murtaugh.

Now I'm going to show you -- now, again, with this, any recollection as to, here, CNN indicating that officials in the State had shown one of those final eight names, again, was not someone who in fact had voted?

A I don't remember this specifically, no.

Q Okay.

And I will tell you -- I will proffer to you that, here, it was just the wrong person, that there was just a different Deborah Christiansen that had voted.

Any recollection as to that being the conclusion of these efforts?

A No.

Q Broadly speaking, separate from these specific individuals, do you recall that the media on these issues that you've been copied on repeatedly then came back to you and knocked down these claims of dead voters one by one? Like, not the specific people, but do you generally remember that happening?

A No. With regard to emails from Daniel Dale, I would generally just disregard emails from him, as just a matter of routine.

Q But -- okay, so that was your normal routine. But I guess in this instance you acted out of that routine, and you then forward it to Zach Parkinson, and he gave you a substantive response. So I guess with this Daniel Dale email, you didn't disregard it like the other ones.

So, broadly speaking, do you have a recollection -- do you have any recollection as to the conclusion of Zach Parkinson's efforts with regard to dead voters?

A No. I don't know if we answered Daniel Dale or not.

Q And we'll talk about this in detail further, but in instances like this where the campaign has made a public assertion, like, an illegal vote was cast in this person's name, when the media pushes back, is there any effort by you to go back and either confirm whether the prior statements should be retracted or fixed or otherwise corrected?

A Well, as you can see there, I forwarded the email to the guy who was in charge of the research.

Q So would your expectation be, though, that he would come back to you either confirming Daniel Dale was correct or incorrect? Was that your expectation?

A Just, to forward him the email is to imply that, could he look into the question that's being raised.

Q And the idea is, what would you do with that information after he came back with it?

A Well, I don't know what ever became of this.

The question of whether or not to -- if we are -- and I don't know this to be the case, but if we are, in fact, persuaded that what the reporter is alleging is true, then the question of whether or not to issue a public correction or retraction would not be my decision.

Q Whose decision would it be?

A Someone above me. I don't know -- I don't know if that was ever undertaken or not.

Q So do you recall any time the campaign retracted a statement that had been proven to be false?

A I don't recall.

Q Do you recall any time that you wanted the campaign to issue a retraction but you were denied?

A I don't recall.

Q Do you recall anyone ever coming to you to suggest the campaign should make a retraction but that you either denied the request or you took it up the chain and it was denied by someone else?

A I don't recall.

Q Do you recall anyone at any time on any issue ever indicating that the

campaign should issue a retraction for a false statement?

A From inside the campaign?

Q Yeah, that the campaign -- no, that the campaign should retract its own false statement.

A You mean the request that it be retracted came from within the campaign?

Q Yeah, from within the campaign.

A No, I don't recall that.

Q And, just to be clear, do you recall yourself ever recommending a retraction on this or any issue?

A I don't remember.

Q I'm going to show you exhibit 16, which is another -- we've just talked about Deborah Christiansen, which is a Georgia voter, one of those eight. Exhibit 16 now is in regard to Pennsylvania deceased voters press release.

You'll see on page 2 of this, at the bottom, Andrew Clark has a draft -- a little further down, please -- Andrew Clark here has a draft release. And it says, "Same intro copy and style as the last one. Link to the GA release."

And I would just to point out -- because we're going to discuss these individuals. We're going to go to the last page of this document, and you'll see, "Here are several examples in Pennsylvania that should be investigated."

Sorry. If you could scroll up? Right. Thank you.

And it indicates the name John Granahan of Allentown, Pennsylvania; Judy Presto of Southpark, Pennsylvania; and Elizabeth Bartman of Drexel Hill, Pennsylvania.

Now, in your experience with the Trump campaign, is it fair to say that when the campaign put out a press release like this, noting specific examples, that the campaign would try to make sure that those were the most airtight, solid examples?

A That would be the general practice, yes.

Q So we're going to scroll up further on this email, and you respond to the email. Andrew Clark notes a slight change of registration details. And then you write, "This is fine with me."

So that's you signing off on this draft press release. Is that fair?

A Yes.

Q And we go to the first page of this document. At the bottom, Andrew Clark said, "This is sent."

Mr. Miller says -- scroll down, please.

Mr. Miller says, "Pls share the Twitter links and we'll blow those up too!"

And that basically means he's going to amplify this for a broader audience. Is that fair?

A Yes, that's what "blow this up" generally means.

Q Okay.

A Amplify it on social media or through some other means.

Q And then we go to the first page, and it says, "Link to the release" and "Link to tweets."

And that's showing that this went out, correct?

A Just based on the URL there -- I have no way of knowing what those tweets say. But, based on the URL there, that appears to be what that links to, yes.

Q All right. I'm going to show you what's been marked as exhibit 17, which is a further pushback from a media source.

At the bottom of the first page, a reporter, Davey Alba, from The New York Times says, "Hi Tim, I'm a reporter with The New York Times, where we looked into claims of dead voters by the Trump campaign -- the first social media posts on this went up last

Wednesday." And it has a tweet to a Trump War Room tweet.

"Since that list was tweeted, we found that at least three of the alleged dead voters either did not actually vote in the election, or were alive and well and cast legal votes - those were Christiansen, Blalock and Kesler. I saw you deleted the post about Mr. Blalock on Twitter. I was wondering if you had a statement and any more formal retraction of these claims?"

You then send that to Zach Parkinson, Jason Miller, and Matt Wolking, and you say, "See below."

Scroll up, please.

And I will just clarify for you, Mr. -- excuse me. You know what? I think I got -- I want to make sure I didn't get turned around. Give me one second, sir.

You know what? Actually, before we do that -- and I apologize to do this this way -- we can go back -- I got turned around in my documents, and there's something I wanted to -- you know what? Let's stay here. I'll finish this point, and then we'll go back on something.

So, just to be clear, we're talking now about the Georgia voters. We previously had talked about Pennsylvania, which I'll come back to.

And, then, so here, Mr. Parkinson responds. He adds Andrew Clark. And he says, "Kesler -- no one has shown that this claim is wrong; the Atlanta reporting on this conflated two different people (Andrew had pitched couple folks on how we haven't been disproven on that)."

"Blalock," he says, "this one does appear to be wrong, since they found her and said she registered under Husband's name."

It says, "Christiansen -- this one is unclear; we confirmed she is dead, GOP Data says she is a registered voter. Legal team that generated the list I believe went off that

data, and said that she'd voted, but now there's reporting saying she didn't vote."

And I'm going to show you, just on these points, what is exhibit 18, that CNN had -- Matt Wolking had forwarded to you all on November 12th, that, with regard to Blalock, he says, "This is also incorrect." He says, "A spokesperson for the board told me Blalock's wife voted as 'Mrs. James Blalock' which caused the mix up."

So what Mr. Wolking appears to be saying is that the Trump campaign said that James Blalock was dead and he voted twice, when, in fact, his wife had voted and she voted as Mrs. James Blalock.

And then here he says, "This is false. The Elections & Voter Registration director in Jackson County, GA tells me that Linda Kesler did not vote -- she was removed from voter rolls in 2003, when she passed. According to the director a completely different person, Lynda" -- with a Y -- "Kesler, did legally vote."

So here you have two examples coming to you indicating how Mr. Parkinson's efforts resulted in the campaign publicly stating that a dead person voted when the dead person, in fact, had not voted. Did you do anything in response to getting this information that the comms team was pushing out false information?

A I don't recall doing that, no.

Q You don't recall doing anything. Is that fair?

A Yeah, that's fair. I really don't recall much about the details of this whole thing at all.

Q I want to go back to the --

A As you can see, this was largely being driven by others. I was copied on a lot of these emails. And, ultimately, when I approve the press release to go out, I'm trusting the underlying research. I, myself, do not conduct the research.

Q Now, you didn't conduct the research, but you would have been tasked with

the comms portion and overseeing that, correct?

A Sure.

Q And did you at any time tell the comms team that we are no longer going to be publishing obituaries, the one a day that Mr. Miller had previously had a plan for?

A I would not have been in a position to overrule Jason Miller.

Q Did you express any opinion as to whether the campaign should continue to rely on the work that had been done so far regarding dead voters?

A I don't recall doing that.

Q Did you ever tell anyone that, hey, guys, I'm getting a lot of -- we're getting a lot of pushback and this looks really bad, that we are claiming people voted that didn't vote?

A It would've been -- we never experienced a day on that campaign where we didn't receive media feedback. So I don't think it would necessarily raise red flags, that CNN was upset with us.

Q But when you say they were "upset," it wasn't that they were upset with you; it was that the statements the campaign was making were false. That's what they were noting, correct?

A In Daniel Dale's opinion, I suppose.

Q Well, the last email I showed was from Matt Wolking, not Daniel Dale, right? And he's telling you about mistakes the campaign is making.

I also showed you an email where Zach Parkinson confirms that there were mistakes, for example, with regard to Blalock, the same thing that this email indicates from CNN.

So your own fellow colleagues on the campaign were saying that the campaign had messed up. Isn't that right?

A They appeared to be providing further information, yeah.

Q Further information that the campaign had put out false statements, correct?

A They were, I guess, passing along refined or updated information about those names.

Q And the updated information was that those people had not illegally had votes cast on their behalf, right?

A That's what it says.

Q I want to go back to -- in exhibit 16, we talked about specific individuals. And I'll go back to the last page of exhibit 16, if we can have that, please.

And you testified that the normal protocol would be for the campaign to put out its strongest and best evidence when putting out public examples, correct?

A It stands to reason.

Q Yeah.

And I don't know if we're having technical issues, but I pointed out some names for you earlier, and one of those names was Judy Presto of Southpark, Pennsylvania, who the campaign claimed died in 2013, but someone registered to her voted in September 2020 and cast a ballot under her name in last week's election.

There we go.

Did you know that subsequent reporting indicated that it was Mrs. Presto's husband that cast a vote on her behalf and that he, in fact, had publicly stated that he voted for President Trump?

A No.

Q And did you know that the Trump campaign -- well, let me ask you this. Did you have any efforts to retract -- and I think you said no, but you didn't have any efforts

to retract the public statements regarding Judy Presto that the campaign had made, correct?

A Not that I recall.

Q Are you aware that, even in front of me now, that the Trump War Room Twitter account still has a public tweet on its page that Judy Presto of Southpark cast a ballot, and that's still on the Trump campaign's Twitter page, about pushing out the Judy Presto claim?

A I'm not aware of what's on their Twitter page.

Q Do you have any information -- are you aware -- excuse me -- that Judy Presto's husband was prosecuted for voting here illegally?

A No.

Q Do you have any information that -- did you know that Elizabeth Bartman -- that her son voted on her behalf and that he indicated that he voted for President Trump with that illegal vote?

A No.

Q And did you know that he was also prosecuted for that offense?

A No.

It would seem to support the notion that those were illegally cast votes, though, would it not?

Q It would. But it would suggest that that perhaps might fit what you said; that happens in every election. Isn't that fair?

A Doesn't mean it should be tolerated.

Q Well, here it was prosecuted. It wasn't tolerated. Is that fair, Mr. Murtaugh?

A I suppose. I was not aware of the prosecution, but if so, good.

Q Now, here, the two examples the campaign pushed out, you do recall that both Mr. Giuliani and Mr. Trump had publicly stated that these fraudulent votes were cast for President Biden. Do you recall that?

A I recall that you just told me that a few minutes ago.

Q Well, let me ask you. Do you have any recollection of President Trump saying that votes were illegally cast for Joe Biden?

A It would not surprise me. I don't have any specific recollection of a specific quote.

Q Well, I'm not asking -- are you saying --

A It would not surprise me that he said that.

Q Well, I'm going to push you a little bit on that. Are you saying you don't remember President Trump repeatedly saying and still saying that illegal votes were cast on behalf of Joe Biden?

A Sure. I'll agree that he said that. Yes.

Q All right. And, here, when the campaign -- and do you have any recollection of him saying it about dead people, specifically?

A Not specifically, but you just read me a quote from him before, so, I mean, I'm not going to dispute that he said that.

[11:17 a.m.]

Mr. [redacted]. So it's fair to say, based on what I told you, that when President Trump was telling the American public that dead people votes were being cast for Joe Biden, his campaign was pushing out dead people votes are actually cast for President Trump. Is that fair?

Mr. Garber. I think these are different time periods that we're talking about, [redacted], right?

Mr. [redacted] No. This is all the post-election period. This goes out in November, and President Trump makes repeated statements in November, December, and through January 6th that dead people votes were casted for President Biden.

BY MR. [redacted]:

Q So my question, Mr. Murtaugh, is it not accurate that as President Trump was falsely claiming that thousands of people -- dead votes were cast for Joe Biden, his campaign actually published press releases showing individuals who had cast dead votes for President Trump?

A Look, I'm not going to dispute what you've run in front of me, and I have no information about the prosecution or what those who were prosecuted said. So I'm going to rely on the things that you just told me and say that in these, what, two examples, that appears to be correct -- which, I would point out, could not have been known at that time.

Q All right, Mr. Murtaugh, we're going to shift gears a bit and talk about the efforts regarding Dominion Voting Systems.

Can you tell us generally what you understood Mr. Parkinson's efforts to be regarding Dominion?

A Nothing any more specific that -- and I only remember this from having looked through the emails retroactively, retrospectively, just a general looking into Dominion, its reputation, and its involvement in elections. I don't know what specific guidance he got, who gave it to him, or what he actually subsequently looked into.

Q Are you -- were you aware in post-election, like November 2020, that there were theories being circulated publicly that Dominion Voting Systems had been engaged in some kind of fraudulent effort to impact the 2020 election?

A I was aware of things regarding that, yes.

Q And are you aware individuals associated with the campaign had been publicly discussing and supporting those theories?

A It depends on how you define associated with. But, sure, I was aware that people were out in the public talking about that.

Q Okay. Are there any -- for example, are you aware that Rudy Giuliani was talking about Dominion Voting Systems?

A Yes.

Q And is it fair to say that he was publicly associated with the campaign and President Trump?

A Sure.

Q And are you familiar that Sidney Powell was talking about Dominion Voting Systems?

A Sidney Powell talked about a lot of things.

Q She did. But, specifically, do you remember her talking about Dominion Voting Systems?

A Yeah. I heard something about that, yeah.

Q And is it fair to say that she was also publicly associated with the campaign?

A I think she was never employed -- or I don't have knowledge of her being specifically employed by the campaign, and I don't know that she ever formally represented the campaign. I don't know that.

Q Well, I was asking about --

A I think at one point didn't President Trump publicly disavow her?

Q We'll talk about that. But I'm going to be a little bit earlier in the process.

A Okay.

Q So I'm going to show you what has been marked as exhibit 19. And this is an email from Zach Parkinson to a variety of individuals, including -- it looks like it's the comms team. It has Andrew Clark, you, at least Hogan Gidley.

Who's Chadwick Carlough?

A He was involved with our surrogate operation, which is people who would go on television or in the public to speak on behalf of the campaign.

Q And then it has Ali Pardo, who you told us about earlier, and Erin Perrine, and Francis Brennan.

Who's Francis Brennan?

A Francis Brennan was in the war room. He worked for Matt Wolking.

Q Now, he sends an email and says, "FYSA if you need any info about Dominion Voting Systems. Was asked to pull this together last night for background. Runs through what's real and what's not."

And here he has what he's attached, the top lines. We can scroll through this if you like.

Camisha, you can just scroll through it?

And it also attaches a more fulsome memo that goes further than these top lines into more detail.

Do you recall receiving this information from Zach Parkinson regarding his research into Dominion?

A I don't remember receiving it at that time. In having seen this email, I don't dispute that I received it.

Q Okay. And when Zach Parkinson says "FYSA if you need any info about Dominion Voting Systems," is it fair to say in him sending that to the entire -- it looks like the entire comms team basically -- is it fair to say he's sending that because he wants the comms team to be armed with the facts as to Dominion Voting Systems if that were to come up?

A I suppose that's fair. He's just showing us the results of his research.

Q And you'll see here -- I'll just read to you some of the things that he says here, but if you'd like me to show you specifically, I can.

He has a section under "Rumor/False Allegations," that's what the section's called, which is on the second page of this document.

He says, "Allegations connecting Dominion to Democrats and prominent liberals are based on some real connections, but have been overstated."

It talks about the conspiracy theories and says that, "Machines from Dominion Voting Systems did experience technical failures on election night, but these errors were reportedly fixed and did not lead to improper vote counts."

Do you remember the kind of gist of this memo and Zach Parkinson's findings being that the conspiracy theories espoused by Rudy Giuliani and Sidney Powell and the like were baseless?

A I don't recall it from that time period. But having seen it now, I mean it's -- I have a recollection of it, sure.

Q So is it fair to say that around this time, November, mid-November, when

these Dominion claims were being publicly discussed, that with the help of Zach Parkinson's research, that you had concluded that what Mr. Giuliani and Ms. Powell were espousing publicly were not supported by facts? Is that a fair read?

A Well, I don't know what Rudy Giuliani and Ms. Powell were espousing publicly. I don't know whatever became of this document. I don't know if it reached them or not.

Q Do you recall -- and it's quite -- I don't know whether to use the word famous or infamous -- but a November 19th press conference where Rudy Giuliani and Sidney Powell made claims about Dominion Voting Systems? And it got a lot of press coverage, so I presume it would have come across your desk.

But do you recall that press conference November 19th?

A I can't tell you the date. There were several press conferences that Mr. Giuliani held, some of which Ms. Powell attended. So I can't be sure which was which.

Q Do you remember is there one press conference that stood out more to you than other press conferences?

A There was one at the RNC that I recall, which was widely publicized and made fun of hair dye running down Mayor Giuliani's face. I remember that one.

I remember the one in Pennsylvania because it was held at the -- for some reason held at the landscaping company.

Q That would be the Four Seasons Landscaping?

A That's the one.

Q So let's go back to RNC --

A The campaign did not select that location, by the way. I'd like that to be on the record.

Q Duly noted.

Let's go back to the RNC press conference.

What do you recall about that press conference substantively?

A The substance of it, not much at all. I recall the visual image that it left.

Q Do you recall discussions of Dominion Voting Systems at that press conference or around that time by Mr. Giuliani and --

A Around that time, sure. As I said, I don't remember specifically what he said in that press conference.

Q And is it fair to say that the claims that Mr. Giuliani was making around that time were the same claims that Mr. Parkinson was writing about in this memo and trying to highlight your team to be prepared for? Is that fair?

A Well, again, I don't remember specifically what Mayor Giuliani said in that press conference. So I can't say.

Q My understanding is that press conference was squarely focused on the role of Dominion Voting Systems and that was a core theme of the press conference.

So do you recall watching it while it was happening or getting read into what happened after the fact?

A It was on TV, so I recall watching it, and I remember standing up and going over to get a closer look at the TV to see if I could figure out what was running down his face.

Q And while you were watching it, does that help refresh your recollection that -- because I think what I recall is that he spoke extensively regarding Dominion Voting Systems, and Ms. Powell did as well, and these are the same kind of issues that Mr. Parkinson wrote this extensive memo about.

A Okay. It would not surprise me. But I do not recall specifically what

Mayor Giuliani was talking about during that specific press conference.

Q Do you recall generally that it was about Dominion Voting Systems?

A Again, I don't recall the nature of the information that Mayor Giuliani was using or saying in that press conference. I just don't.

Q What about Ms. Powell? Do you recall what she was talking about and it being about Dominion Voting Systems?

A Look, in the campaign communications shop we had no control over what Mayor Giuliani or Sidney Powell would do or say publicly. None.

Q And we're going to talk about what the comms team did.

Is it fair to say you recall claims that she made regarding Venezuelan dictators and things of that like --

A Yeah, I heard that.

Q -- [inaudible] Dominion?

A Yeah, I recall that.

Q Okay. I'm going to show you an exchange you had on November 16th. So this would be 3 days after Mr. Parkinson's email. It's exhibit 20. And it's an exchange between Jason Miller, Matt Wolking, you, and Mr. Parkinson, and you'll be on the left.

And Mr. Wolking sends a tweet to you, and I'll show you the tweet in a second. And you say --

A A text. Wait. Okay. I'm sorry.

Q Okay. And then you say, "It seems the fact that there's no evidence is the evidence."

And then Mr. Parkinson responds, "The entire thing is a horror movie where the call is coming from inside the house."

And on the next exhibit, the tweet that Mr. -- on exhibit 21 -- and maybe it's not

cued up, but I will read you the tweet. It is -- oh, there we go. Here's the tweet that Mr. Wolking had sent. It was about Sidney Powell releasing "an explosive affidavit on November 16th from a whistleblower who purports to have witnessed how election software secretly manipulates votes without leaving a trace."

So if we can go back to exhibit 20, please, and your words. So here in response to that tweet being sent to you, you say, "It seems the fact that there's no evidence is the evidence," which I appreciate the humor in the statement.

But if you could expand to us what you meant here.

A Well, I don't have any actual recollection of this exchange, but it seems to me that what I am saying there is it's a direct reference to the tweet that you just showed me, that the allegation is that the software deletes any evidence that anything occurred. And so my response here, I think, should be read somewhat sarcastically as being critical.

Q Critical of who or what?

A Can you show me the tweet again? I presume it's being critical of Sidney Powell and her argument.

Q Yeah. And I think that's how I read it as well.

A Okay.

Q And so is it fair to say that you found Ms. Powell's claims about Dominion to not be credible or based in fact?

A Well, I don't -- look, again, I'm not a campaign lawyer and I didn't conduct any of this research. And I'm certainly not an expert on Dominion voting machines.

I think what was generally going on inside the campaign at the time was to not treat Sidney Powell's accusations with a great deal of credulity.

Q And then Mr. Parkinson responds, "This entire thing is a horror movie where the call is coming from inside the house."

A Yeah.

Q What did you understand him to be saying there?

A That Sidney Powell presented herself as being part of the campaign team and that she's out there doing things that could be perceived as harmful.

Q And is it fair to say that Ms. Powell, as we saw with the November 19th press conference, was very much, at least at that time, associated with Rudy Giuliani? Is that fair?

A Sure. That's fair.

Q And so when you express here this kind of criticism of what Ms. Powell was saying, did that extend to Rudy Giuliani as well?

A Well, I think in this instance that's a direct comment on that one specific tweet.

Q Well, I'm asking more broadly, because around this time Mr. Giuliani -- and as we'll see, you provided us a variety of messages expressing your opinions about Mr. Giuliani. So I'm not hiding the ball here.

But is it fair to say that around this time you took issue with how both Mayor Giuliani and Sidney Powell were presenting purported claims of election fraud to the public?

A Yes.

Q And is it fair to say that you found Mayor Giuliani's claims, based on just your vantage point, to lack credibility?

A Yes. I thought they lacked credibility. I did not know any specific -- if he was making specific allegations about actual occurrences that happened in other States. I had no way of knowing personally, specifically, whether they were true or not.

I did, and I think you probably have an email to this effect, there was at least one

time where I did find what I believed to be a factual error in what he was saying.

I did come -- I was of the opinion at a certain point, I can't say exactly when, that Sidney Powell and Mayor Giuliani were not either giving the President good advice or saying things in public that I could personally stand behind.

Q Do you recall who you discussed this conclusion with, if anyone?

A You know, the remaining -- again, after the -- as we were into this legal phase post-election day there was a much -- there was a much smaller staff, a much smaller circle in the campaign of the people who were left.

On that text exchange, you're seeing a few of them, Wolking and Zach Parkinson and me and Ali and Erin Perrine and some others.

I would venture to say -- I hesitate to speak for everybody -- but I'd venture to say it was a widely held position from among the people -- we had all been together for 2 years on this campaign.

Q And I see on this thread we're looking at here, it has Jason Miller as well. Is it fair to say that he held that view as well?

A I don't want to speak for Jason. I know that he's had a relationship with Mayor Giuliani, so I don't know what his disposition towards him was. But I know that Jason was, let's say, skeptical of Sidney Powell and, in addition, Jenna Ellis.

Q Did you have discussions, though, with Mr. Miller regarding Mr. Giuliani's work regarding the fraud search?

A I suppose we did. I can't pinpoint or tell you the contents of any of those conversations, but I imagine we probably talked about how it wasn't always defensible.

Q So is it fair to say that Mr. Miller agreed with -- generally agreed with your position that Mr. Giuliani's work lacked credibility?

A I can't say whether he agreed or not. I don't know. You'd have to ask

him.

Q Well, I'm asking your understanding from speaking with him. When you spoke with him did you understand --

A It was my impression that among the core group of us who had been on the campaign all that time and were still there, that it was unanimous that a lot of what was going on was not credible and supportable.

Q Did you have those discussions with Bill Stepien?

A I mean, Bill had largely removed himself from all of this at the time. So I can't say if I did or not.

Q What about Mark Meadows? Did you have any conversations with him about --

A No. I wouldn't have. Unless he was on a text exchange that I got added to, I did not have a direct pipeline to the White House chief of staff, I don't think, I mean, not to my knowledge. I don't think so. I don't recall any of that.

Mr. [redacted]. Do you know whether the concerns regarding the credibility of some of these statements by Mayor Giuliani and Sidney Powell and others were ever conveyed to President Trump?

Mr. Murtaugh. I don't know that. My communications with President Trump were limited to when the President wanted to communicate with me. I did not have a position where it was okay for me to pick up the phone and call him.

Mr. [redacted]. I understand. Do you know whether anybody else conveyed the campaign staff's concerns about Mayor Giuliani and Sidney Powell's comments to the President?

Mr. Murtaugh. No, I don't know if anyone did or not. I think there's been some public reporting that he was getting competing legal advice from other lawyers, but I'm

not personally party to any of that.

BY MR. [redacted]:

Q And when you mentioned the President might reach out to you, did the President reach out to you post-election?

A I don't recall. I don't know.

Q When's the last time you recall speaking directly to President Trump?

A The last time?

Q Yeah.

A Would have been sometime in 2021, middle of the year, I guess, after Jason Miller had left. This was well post-White House. Jason Miller had been still doing communications work for then former President Trump and was leaving to go pursue another business venture. And Jason called me and gave me a heads-up that the President was going to call me to offer me the job to replace Jason, to do his post-election -- post-Presidency communications.

And so the President did subsequently call me and offer me that position. So I can't tell you when that was. It was mid-yearish, late spring, perhaps, 2021.

Q And what was your response to the President's offer?

A I said that I was honored and I'm very flattered and thank you, but I had just spent 2 years of my life working 20 hours a day, and it was my wife's turn to be able to work. And so I politely and gratefully declined.

Q Now, prior to that midyear -- and did you talk about anything else in that conversation with President Trump besides the job offer?

A No. He asked me to go find and recommend someone who would take the job.

Q Did you make a recommendation?

A I did.

Q Who was that person?

A First, I recommended Erin Perrine. And then he asked me to check with her, and I did. And she already had also other commitments and couldn't do it.

And then I found Liz Harrington, who had previously worked at the RNC, and she subsequently, I assume, talked to the President because she still works there now.

Q Now, prior to that conversation, do you recall the last time, the time before that, when you spoke to the President directly?

A I can't tell you when that was. It was very, very infrequent. I don't know when the last time was before that.

Q Were there any times when the President would send you directives, directly to you, but through someone else, what he would -- Jason Miller would say --

A Yes.

Q -- the President wanted me to tell you this? Was that a thing that would happen?

A No. It came from someone else, through someone else.

Q There were times when it came through someone that the President had a message for you? Is that what you're saying?

A Well, usually it would say something like per POTUS or POTUS wants us to do X, Y, and Z. Somebody would convey to me that this was something that POTUS had directly requested.

Q Now, earlier you talked about the campaign staff having these concerns that were universally shared.

Did you have any discussions with Kayleigh McEnany about the same concerns?

A About Rudy Giuliani and Sidney Powell?

Q Yes.

A Perhaps, I might have. She was at the White House at the time, of course, and wasn't always responsive. I don't remember if I did talk to her about that. I don't know.

Q Do you ever have any recollection of her expressing any views as to Rudy Giuliani or Sidney Powell?

A I don't remember that.

Q Okay. All right. I'm going to move forward through a topic of, do you remember claims being circulated that there were more votes cast in Pennsylvania than there were voters?

A I remember a claim that Mayor Giuliani made that there were more mail votes cast than mail ballots requested in Pennsylvania.

Q And what do you recall happening with that claim, if anything?

A So I didn't -- I recall that I didn't really -- I was not aware day-to-day or paying very close attention to day-to-day all of the things that Rudy and Jenna Ellis and Sidney Powell, if she was involved, were saying day-to-day in the hearings that they were having across the country. I didn't watch them. I wasn't paying attention much.

And I got a couple of press inquiries on that one point that apparently Giuliani had alleged that there were more votes cast by mail in Pennsylvania than there were mail ballots requested.

And I forget the numbers, but they obviously didn't add up, that the number of ballots that had been requested by voters who wanted to vote by mail was a number substantially lower than the number of ballots that were subsequently actually cast.

And so the question was, where did all those extra ballots come from if they weren't even requested? And reporters wanted to know, where did that information

come from, where did those numbers come from? And I remember I asked Jenna about it.

There was also -- I should point out that at a certain point there was a change in the campaign hierarchy really in practice, in that Jenna and Rudy Giuliani and Boris Epshteyn really became the ones in charge. And the remaining comms staff, me and the others who were left, we were -- it was largely just administrative, right, fulfilling the function of getting things posted to the website or the actual act of a press release going out, not the writing of it, but the actual act of sending it, and that press inquiries that came in, more often than not, I forwarded them to Jenna or Boris and said here you go.

So on that one, I said, hey, where do you think that the mayor got these numbers? And I couldn't get an answer. And so finally, I looked -- I remember I did get an answer once, that she, Jenna, said something along the lines of the mayor says it came from the secretary of state of Pennsylvania.

So I looked at the website and determined that my best guess was that what he was doing was taking the number of ballots that had been requested in the Democratic primary, months before the general election, and comparing that to the number of mail ballots that were cast in the general election.

So you can't compare ballots requested in a primary election with ballots cast in the general election. Those are not going to be the same number necessarily. It's just they're not the same election, two separate and distinct elections.

So I didn't know if that was where he got the information or not, but just looking at the secretary of state's website, I came up with the possibility that maybe this is where these numbers came from.

And I sent that to Jenna, and I don't recall exactly what her response was, but it was effectively "so noted" or -- I can't remember exactly. I hesitate to characterize what

her response was, but it was an acknowledgment that I had sent it, but not much beyond that.

Q Okay. We have the media inquiry you're talking about, but you, I think very correctly, described the question posed. So I'm not going to show you that.

But I want to go through a little bit of the exchange you have with Ms. Ellis and basically your read of what happens.

And I'm going to show you a document. It's marked as exhibit 23, which is a -- there was a technical issue with some of the documents you produced where -- I won't get into the details of it now. But I'm going to show you what are different slices of the same email chain, but because of how you produced it, it'll come out a little -- it may come out a little odd.

So starting in exhibit 23, and page 5, please. Now, if we scroll down here, here at the bottom, in the middle of this page, you have the email from the AP about the fact check as to what you just mentioned.

So then we can stop here. Let's stop here.

And then here Ms. Ellis says, "That data was from the PA secretary of state's website that was pulled down on the date of the hearing."

Then scrolling up, you respond to her, "Can anyone substantiate that?"

And then we scroll up, and then Mr. Miller responds with a document with some data, and it says, "Jenna, should we send them this?"

And then Jenna Ellis responds, "Sure."

And then you say, "Do you have anything better than a screenshot of that sheet?"

When you're asking that, is that basically you wanting to make sure you're giving something that's a little more professional? Or give us some insight as to why that wasn't good enough. Or did you just not trust it?

A Because to me a screenshot of a piece of paper with a bunch of numbers printed on it doesn't prove anything. Anybody could have created that document.

Q And did you have -- well, let's keep going with this.

And then earlier up, Jenna Ellis says, "Can we just pull the info out of it and send them that clean in an email response?"

And then you respond, "If no one has the actual links, I'll manually type in those URLs and see what they show. I'm not going to just send them the numbers because by themselves they don't prove anything."

And Mr. Miller goes, "Jenna -- who did the initial tabulations, and can they share their calculations so we can guide the fact-checker? That would be ideal if possible?"

Ms. Ellis responds, "Definitely that would be ideal. Need that from the mayor. He's on media now but will ask him."

Mr. Miller responds, "Thank you."

And then Ms. Ellis responds, "He just said those numbers and calculations were directly from Pennsylvania's own data."

Mr. Murtaugh, you say, "It would be nice to be able to point to a source of the data, otherwise, we're just asking them to take our word for it. I'm not going to just send them numbers in an email. There has to be documentation somewhere."

Ms. Ellis responds, "Those are the links at the bottom."

A Yes.

Q And then at the top of page 1, Ms. Ellis -- you write -- and the documents are a little messed up. It jumps a bit, but it's the same chain.

You say, "I don't think those links say what you think they say. The one that lists 1.82 million ballot requests is for the primary."

And she responds that, "The Primary numbers we understand. I'm providing

what the Mayor had. You may want to talk to him."

And then we're going to jump to page 7 of this document, which is going to show your response on a different chain without Ms. Ellis involved.

Actually, let's go to page 8, please, of this document.

And then you say in the big paragraph there -- and this is, I believe, to Mr. Clark, Mr. Murtaugh, and Mr. Stepien -- you say, "I don't know if someone needs to pass this along to others, or POTUS, but this thing that Rudy is waiving around about 700,000 unexplained absentee ballots returned in PA is just wrong. It appears to be based on the number of absentee requests (1.82 million) and then Rudy says that 2.5 million people voted absentee by mail, so where did the extra 700,000 come from? That's Rudy's point. The problem is that the 1.82 million figure is from the PA PRIMARY," in all caps, "election, and the 2.5 million is from the GENERAL," in all caps.

"Quite obviously, the fact that 1.82 million people requested ballots in the primary has nothing at all to do with what happened in the general. I don't know who it was who first came up with this idea to claim there were 700,000 unexplained ballots, but it's just wrong. This is a pretty bad error that the fact checkers are now picking up on. There's no way to defend it."

Mr. Clark responds, "Thanks, Tim. We have been saying this for a while. It's very frustrating."

And then I'm again going to jump to page 7, which is another -- it's another email chain, but the same email chain, but it's just how it works with the documents.

And here you then say to just Mr. Miller it appears, "I can't" -- this is in response to an email from Ms. Ellis, "I can't. She insists that we should just send them the stupid numbers from the stupid screenshot, including the links that you can't click.

"Then when I point out that one of the links takes you to the PRIMARY," in all

caps, "and not the GENERAL," in all caps, "election, she said, 'I don't know. Ask Rudy?'

"Are they this dumb? They actually listed primary election information as one of their data sources. Does no one on our elite strike force understand the difference between primary and general elections?"

And Mr. Miller responds, "It's bad."

I know just read a lot there. But I want to talk first, when you bring these concerns to Mr. Clark -- well, is it fair to say that you were very frustrated at the efforts of -- the statements of Mr. Giuliani concerning potential fraud in Pennsylvania?

A I was frustrated by what appeared to be a very obvious mistake, yes.

Q And was this kind of mistake or lack of attention to detail something that you found to be consistent with Rudy Giuliani's legal team?

A You know, with regard to different claims they were making about eyewitness statements and affidavits and different things that were involved in whatever lawsuits they were filing, I would have no way of knowing the accuracy of the things that their witnesses were claiming.

This is one of the only times where an allegation was actually researchable. And I had become consistently frustrated with Jenna and Sidney Powell and Mayor Giuliani in that I did not think that they were serving the President's interests very well.

And I think you can see my frustration coming through from these emails about how something so simple as a basic mixing up of a primary election and general election and how there seemed to be -- there didn't seem to be any -- I don't know, no one seemed to be worried about that -- not no one. That team, Jenna and Rudy Giuliani. I don't think Sidney Powell was involved in this. But, yes, it was frustrating.

Q Now, you to Mr. Clark and Mr. Stepien, you say that, "I don't know if somebody's going to pass this along to others, or POTUS."

Did you get any feedback besides what's in this email as to whether Mr. Clark or Mr. Stepien or Mr. Miller or anyone else expressed concerns that the campaign staff was having about Mr. Giuliani or Ms. Ellis?

A I don't know if this was ever passed along.

Q Did you get any feedback from Clark, Miller, or Stepien about them having conversations with the President about issues with Mr. Giuliani?

A It was never their practice to describe to me -- or I don't think anybody else -- what their personal conversations with the President was about. I think after the fact it has been reported by the media what the content of some of those conversations allegedly were.

I was never witness to them or party to them. And those guys didn't describe their personal conversations with the President to me.

I am aware, though, that there was competing legal advice being given to the President.

Q Explain what you mean by that.

A He was provided with legal views that did not agree with Mayor Giuliani and Jenna Ellis' view of the world at the time.

Q And who provided him that legal advice, and how do you know that?

A Well, just because I know from being inside the campaign at this point that there were other lawyers who were giving him conflicting advice or at least advice that differed. Justin Clark. Matt Morgan. For sure those two that I know of.

Q Is that because --

A I never witnessed it, but it is my impression from having lived through that period of time that those lawyers, Matt and Justin, did not agree with the tactics that Rudy and Jenna were taking.

Q And your understanding, is it from speaking to them directly, is that they shared those with the President?

A I don't know if they shared that. I don't know what they said to the President.

Q What did your understanding come from that they had provided conflicting advice to the President?

A That was just my impression, that they were at odds with Rudy's advice.

Q And was your impression based on conversations with them just generally or something else?

A I think just general conversations. I think there was even contemporaneous reporting going on in the media about what conversations were actually occurring.

I can't -- I don't remember precisely where or how I formed that impression. But I had the clear impression that there were two competing batches of legal advice that he was getting.

Q What was your understanding as to what the conflict in the advice, in fact, was? Was it just purely about how to do this or was it about the objectives? Can you expand a little bit about what you understand the disagreement to be?

A You know, I hesitate to really characterize that because I'm not a lawyer and I was not in those conversations. So I can't tell you what the specific disagreements were.

It had to do with the approach, the feasibility of it, the likely chance of success. I can't be any more specific than that.

Q Would it be fair to say that Rudy Giuliani was making -- that you understood Rudy Giuliani to be making claims to President Trump that he could successfully overturn

the results of the election and Matt Morgan and Justin Clark were not asserting that same level of confidence that that result would come about?

A I would say that's generally accurate, yes. Again, that was my impression. I don't have any firsthand knowledge that that's what the actual conversation with the President was actually occurring. But that is my impression, yeah.

Mr. [redacted]. So if we can go back to the passage -- and I can just reread it to you -- from November 28th, 2020, where you wrote, "I don't know if someone needs to pass this along to others for POTUS, but this thing Rudy is waiving around about 700,000 unexplained ballots returned in PA is just wrong."

So I know you said a moment ago that you don't know whether somebody passed that along to the President. But did you make any effort beyond what's in that sentence to encourage someone to raise with the President your concern that Rudy Giuliani and possibly the President himself were relying on inaccurate information?

Mr. Murtaugh. I mean, that was an email -- if you could pull it back up again, who I sent it to?

Mr. [redacted]. Well, it's page 8 of exhibit 23. It's Justin Clark, you, and Bill Stepien.

Mr. Murtaugh. Yeah. Okay. So that's me sending an email to the campaign manager and the deputy campaign manager, who is also an accomplished elections lawyer, Justin Clark. That is the channel that I should use to do that, exactly that.

There was no other means really. I had already expressed to Jenna that this was wrong because she was working very closely with Rudy Giuliani who is the one who made the claim.

And then I subsequently -- obviously, Jason Miller has been included in this who was in leadership in the campaign. And then I alerted the campaign manager and the

deputy campaign manager, who is also an elections attorney.

Those are the avenues that were available to me.

BY MR. [redacted]:

Q And do you recall whether you then had any conversations with Mr. Clark, Mr. Stepien, or Mr. Miller about your concerns about this data?

A I don't know if we ever discussed it further or not.

Q Did anybody ever come back to you and say, no, they were not going to share this information with the President?

A I don't recall anyone ever telling me that they were not going to share it with him, no.

Q Did anybody express similar concerns that this needed to be raised with the President?

A Just what you see there in the reply from Justin. And I think in the other email traffic, you can see Jason Miller also replying with a similar level of frustration.

Q Okay.

BY MR. [redacted]

Q Were there any times that the communications department was asked to put out statements coming from Rudy Giuliani or Jenna Ellis that you pushed back on because you thought the content would not be true?

A I don't remember any specific instance of -- I don't recall. I don't know if there were any things that we were asked to actually physically disseminate that we objected to. I don't remember.

Q Okay. One second, please.

A This claim about the ballots, the requests versus the ballots cast, I think that was something that Mayor Giuliani raised in one of his public hearings that he had

somewhere around the country, probably Pennsylvania, but it could have been somewhere else. So that was not a claim that surfaced somewhere else. I think that happened during a public hearing. I think.

Q Okay.

A Again, there was a lot of stuff happening at all times during this thing, and it was at that point -- at this point when we're in late November, these were the days when Rudy Giuliani and Jenna Ellis and Boris Epshteyn had largely assumed control of the legal maneuverings and also communications.

Q All right. Thank you, sir.

We're going to switch gears here.

Mr. Garber. Before we break, are you okay, Tim? Do you need a bathroom break or anything?

Mr. Murtaugh. It depends how long we're going to -- I have 20 minutes until I refresh my parking again. I'm okay.

Mr. [redacted] Should we go for another 20 and taking a break when it's time to refresh parking?

Mr. Murtaugh. That's fine.

Mr. [redacted] Okay. And if you need a break --

Mr. Murtaugh. I hope I only get a ticket and don't get towed. You guys will cover that, right? Will you cover it?

[Laughter.]

Mr. [redacted] I'll defer to Mr. Garber on that front.

BY MR. [redacted]

Q Mr. Murtaugh, do you recall that there was discussions regarding an effort to have the Trump-Pence electors cast votes in contested States regardless of the

outcome of the election?

A I had a very vague understanding that there was something about that, and I believe it was described to me as a necessary step to preserve the President's rights should a lawsuit or litigation at some point go in his favor, that there needed to be a slate of electors in existence should litigation go his way.

Q Now, there was an article that ran in the Atlantic prior to the election that suggested that the campaign may test the assumption that electors be chosen by the popular vote.

Do you recall some of these discussions happening pre-election?

A No. If there was -- I mean, I don't know. I'm not an elections lawyer, and there were post-election plans for contingencies if this happens, then we'll do that. I was not focused on what was going to happen with the electoral college when the election itself had yet to happen. I don't know. Conversations could have been going on. I don't recall being involved.

Q I'm going to show you a document, what's been marked document 24. And this is an email from December -- around December 10th. We'll start on page 2 of the email.

And here there's an email from Josh Findlay.

Do you know who that is?

A I do not.

Q All right. So Josh Findlay writes to Matt Morgan and Nick Trainer.

Do you know who Nick Trainer is?

A I do, yes.

Q And who is he?

A He was -- I guess he was the director of battleground States, I guess. He

was on the campaign.

Q And then here, Mr. Findlay has this longer email. If you'd like to read, you're welcome to.

But in short, at the top, he says, "The states have had a day to process what we're asking of the presidential electors in the litigation states, and it seems like a lot of questions are arising. The main issues that we need to address so far seem to be as follows," and he notes both a section about the process and regarding what he calls the replacement electors.

And in the process, he specifically notes that, "The process for voting is very basic, but some states seem to want to skip steps. Therefore, I think we should send each state a packet with the following," and he indicates different items in there. Then he writes about the replacement electors.

And then, under "Comms," there's a question. He goes, "How do we want to handle comms for voting, and there are a lot of issues around this?" And he indicates, "In Arizona, state legislators want to be at the vote to prepare a letter of support. In Pennsylvania, it seems that many electors are against this, so we may not want anyone talking to the press. There is some concern about general media criticism in other states.

"At a minimum, I think we need to address the following: Voting must take place at the capitol under most state laws. Do we want to make this an official event, even if it is not public? Do we want to make it public in any way? We could invite some combination of the public, elected officials, and the press. Or do we want to do any comms on this? Most states are keeping quiet so far, but my guess is at least PA will get out at any time."

Then, and I'll pick the last paragraph, you see at the top of page 2, Nick Trainer

responds and he goes, "Adding in Justin," naming Clark, "for the legal strategy, and Tim to guide on Comms."

And then you respond in an email, which starts at the bottom of page 1, and you say, "I guess I'm late to this convo, but I'm unclear of specifically what we're asking the electors to do. This would be Trump electors gathering in these states to vote for Trump, so that we have rival slates in place?

"If that's the case, I think at a minimum the President would want a press release announcing that occurs be from HQ. Individual letters signed by the electors in the states would be good to have and release locally. Having the votes themselves available for coverage as news events in the states would be nice. The cherry on top would be a press call hosted by us with one or two electors in each State involved, led by Justin, probably. That part may be too much and unnecessary."

You say, "If we were going all-out, that's what I'd recommend. Or maybe just parts of it if there's not the appetite to blow it out."

Later on, Justin Clark says earlier, up on page 1, "We have alternate slates that will vote Monday." And he goes, "This has morphed into something bigger than originally planned so I wouldn't build press into it. Matt, any thoughts?"

And then you respond, "There will no doubt be reason for us to say something about it, though. How about a statement from Justin or Bill?"

Do you recall these conversations indicated in this email?

A With the refreshment of this email traffic, yes, I recall it.

Q And when you say here that, "I guess I'm late to this convo," is it fair to say that you were surprised by being brought in when you were brought in?

A No, I wouldn't say I was surprised. I mean, I was just learning of it at that time and trying to figure out what it is that was going on and what would be expected of

a communications plan around it, if any.

You know, lots of things happened in the campaign before they brought the communications team into it.

Q Yeah.

BY MR. [redacted]:

Q So a couple questions.

So from the December 10th, 2020, email from Joshua Findlay at 12:12 p.m., under the heading, "Comms," it says, "In Pennsylvania, it seems that many electors are against this, so we may not want anyone talking to the press."

Do you know what Mr. Findlay was referring to there when it says, "In Pennsylvania, it seems that many electors are against this"?

A I do not.

Q Okay. Did you have any discussions with anyone about any electors in Pennsylvania having concerns about meeting?

A I don't recall any, no. I mean, as you can see from my response here, it's clear that I didn't really have much visibility on what all of this was.

Q And then when Justin Clark wrote on Sunday, December 13th, "This has morphed into something bigger than originally planned, so I wouldn't build press into it," do you have any understanding of how it morphed into something bigger than originally planned?

A I don't.

Q Do you know anything about how the plan morphed or changed over time?

A No. I'm not really clear on what the plan was anyway.

Q Did anybody discuss with you that the electors would be used in a different way than originally planned?

A My basic understanding, which again is very basic, is that a different set of electors was a good idea to preserve the campaign's rights should the campaign prevail on key litigation down the road.

If the campaign won a certain case, and then we turned around and looked and there was no slate of electors that had been elected by whatever the deadline was, then that would cause a problem. That's my understanding, that it was all about preserving the rights of the campaign should litigation prevail. That's about the extent of what I understand.

Q Was that your understanding of what the original plan was or what it morphed into?

A That is the extent of my knowledge about what this effort was about.

Q Okay. At some point --

A That it was done -- that it was undertaken to preserve the rights of the campaign in the event that litigation succeeded.

Q At some point, did you learn that these alternate electors were going to be used even if the Trump campaign did not succeed in litigation?

A I don't know about that.

Q Okay.

[12:17 p.m.]

BY MR. [redacted]:

Q Let's go to document 25, please, which is an email the next day, on December 14th.

And starting on page 2 of this document, there is an email from Boris Epshteyn, which looks like to Jason Miller and Jenna Ellis and Mayor Giuliani. And it is a proposed statement, a draft statement for him to make regarding the event of December 14th.

And, here again, it notes that "Pennsylvania counted more than 700,000 illegally and in secret." It also notes that "the Dominion software and voting data shows mathematical impossibilities with spikes for Biden faster than the machines' ability to process."

And feel free to read the whole message, but it seems like this message effectively is justifying why the electors are going to move forward.

And on page 2, Mayor Giuliani says, "Looks good to me."

And then Mr. Miller goes, "What's your plan here?"

And on page 1, we see Mr. Epshteyn responds to Mr. Miller. He goes, "Hey my man - Mayor going to discuss with POTUS and if they decide it should go, thinking we'll put it out as we have other statements? Can you give me a call on something else?"

Mr. Miller responds, now this time dropping off Mr. Epshteyn, and adds Mr. Herschmann, Mr. Clark, and you. And he says, "Please see below. Statement on hold until further notice, pending Rudy's talk with the President. Additionally, I just got this inquiry from Bloomberg, in case you didn't see Stephen Miller on Fox this AM."

It says, "'Stephen Miller said this morning on Fox that an "alternate set of electors" will send results up to Congress. Trying to get more clarity. You all having

your own electoral vote?'"

And then you respond, "Getting those inquiries about the electors also but not answering."

Let's start with the discussion about Rudy's talk with the President. Did anyone follow up with you about the results of any talk between Rudy Giuliani and the President on these topics?

A Not that I recall.

Q Did you come to learn in any way whether or not the President did in fact meet with Rudy Giuliani to talk about the press regarding the alternate slate of electors?

A No, I don't know. I don't recall.

Q When you note here that you're getting inquiries about electors but you're not answering, why were you not answering?

A Well, I mean, it was a common practice, to not reply to media inquiries.

Q Did anyone direct you here to not answer media inquiries?

A I mean, in the previous email that we just looked at, Justin had advised that there wasn't going to be a comms strategy about this, as you'll recall. So, if that was the case, when somebody says, "Hey, we're not really going to do comms around this," I tend to stop worrying about it.

Q And here, when you say it was common practice, are you saying that you generally don't respond? Or was it, in this instance, you didn't have enough information yet to respond?

A Well, as I said before, when you get a media inquiry, the first question that a campaign asks itself is, are we going to respond at all or not, regardless of what the topic is.

And, in this case, this was -- and I'm trying to place myself now back in the

timeframe when all this occurred. I don't really understand what all was being contemplated here as far as actions that the campaign was going to be taking. Regardless, to publicly discuss internal deliberations is not something that the campaign would ever do.

Q I'm going to show you a document, what's marked as 26, which is Christina Bobb -- do you know who that is?

A I know who she is, yes.

Q And who is that?

A She was a reporter -- she may still be -- someone who works for OAN, One America News, who turned up one day at the campaign office as an apparent addition to Rudy Giuliani's team.

Mr. Garber. Before we go on, are you okay on parking, Tim?

Mr. Murtaugh. Yes.

Mr. [redacted] Yeah, I will say, after this document, I think we'll be at a good -- we're almost at a good place for a break. I think maybe two docs, and then there will be a natural breaking place.

Mr. Murtaugh. Okay.

BY MR. [redacted]:

Q So Ms. Bobb sends an email to Boris Epshteyn and Jenna Ellis and Jason Miller, subject line, "Electors statement." And she says, "Team, here's a rough draft of a statement. Please take a look and make edits." And it's basically, effectively, the statement we looked at earlier. And it has the mention regarding 700,000 ballots and Dominion.

And Mr. Clark responds, "None of that is true," to the subject.

And you respond, "In particular, the thing about the 700,000 ballots in PA is

comparing the number of ballots mailed out in the PRIMARY with the number of ballots received in the GENERAL. It is an embarrassingly obvious mistake."

And then Mr. Herschmann weighs in. He goes, "I never heard this stuff. Who is Bobb? If Rudy and his team want to put out any statements that they're prepared to stand behind, let them do so. I have nothing to do with this stuff."

So is it fair to say that you, Mr. Clark, and Mr. Herschmann, reading Rudy Giuliani's claims in the statement, basically disavowed the statement and thought it was not a credible or factual statement?

A That's fair to say.

Mr. [redacted]. And what's your understanding of what Mr. Herschmann's position was? Not his position on this issue; I mean his title and role.

Mr. Murtaugh. I think he was in the White House Counsel's Office. I could be mistaken, but I think that's where he worked.

Mr. [redacted]. Yeah, so he -- this is sort of a technicality. He was a lawyer working in the White House, technically not within the White House Counsel's Office, but --

Mr. Murtaugh. Okay.

Mr. [redacted]. -- a lawyer in the White House.

Did Mr. Herschmann ever give you any indication of whether or not he was going to raise these concerns to the President himself?

Mr. Murtaugh. I don't recall if he did or not.

BY MR. [redacted]:

Q Lastly, I'm going to show you document 27. It's again -- it's a response to Mr. Epshteyn with Rudy Giuliani's statement.

And he says in the second email, "I don't want to have anything to do with this stuff. I don't understand the good faith basis for their factual allegations."

Mr. Clark says, "Yeah, I agree. Do they have authorization from all members of 'the Trump Legal Team' to sign it that way?"

Do you recall discussions regarding how Rudy Giuliani should be presenting his association as a Trump legal team or whether that should be permitted? Do you remember discussions about that?

A No, that doesn't -- I mean, that, to me, sounds like a lawyer being concerned that he's going to get lumped in with them. But I can't speak to that really, because, no, I don't know.

Q And when Mr. Giuliani put out statements, would that come through the campaign's press shop, or was that handled differently?

A When we put them out, I think it went through the campaign system. Yeah.

Q And do you recall ever having put -- like, here, it appears Mr. -- well, let me ask you this. Do you know whether this statement was ever released?

A I do not know that.

Q Do you recall any discussions about -- from the campaign staff who didn't believe in the statement refusing to publish it or anything like that?

A No, I don't recall. I don't know.

Mr. [redacted]. All right. Unless members of our team have anything, I think this is a natural breaking point for -- if you're okay, Mr. Murtaugh, I think we should -- if we take a 5-minute break, a comfort break, and then I think we can push through some more.

And I think we're in a pretty good position, but we have a lot to get through, so we'd like to keep pushing, if you're okay with that.

Mr. Murtaugh. Yeah, that's fine.

Mr. [redacted] Okay. All right. Let's come back at 12:30?

Mr. Murtaugh. Sure. That's only 4 minutes, but, yeah, okay.

Mr. [redacted] Okay. Let's come back at 12:35.

Mr. Murtaugh. Okay.

Mr. Garber. Okay.

Mr. [redacted]. All right. Thank you, sir.

[Recess.]

BY MR. [redacted]

Q So I want to shift gears a bit and talk about fundraising emails, Mr. Murtaugh. And the campaign in the post-election period sends out hundreds of fundraising emails and text messages.

What we understand from our investigation so far is that, through TMAGAC, the joint fundraising committee, that the copywriters often relied on President Trump's tweets, relied on comms messaging of the day, relied on press releases to draft the copy for fundraising emails and texts, and then those fundraising emails and texts were sent to individuals tasked with approving them before they could be published.

Did you have any involvement, let's start first, with the approval of the copy for fundraising emails or texts?

A No. It is possible that from time to time somebody might've asked me about phrasing or something, but the fundraising operation was -- it was an entity unto itself within the campaign.

Q And can you explain what you mean by that, "an entity unto itself"?

A It was -- I'd say, let's take -- I joined the campaign in February of 2019. It had existed since 2015. So, when I joined the campaign, it was already 4 years into its existence.

The fundraising operation -- digital ads, fundraising emails, if there was direct mail fundraising, whatever the fundraising communication was -- that was all run by vendors who were attached to the campaign. They were operations unto themselves.

Q And who did you understand those vendors to be?

A Gary Coby of -- I think he's had a variety of companies over the years, but the one that sticks in my mind, because it was his email address that he used, was -- it's called Opn Sesame.

What other fundraisers they may have used I don't know, but Gary Coby is the one that I'm most familiar with.

Q So here's what I understand, Mr. Murtaugh, and tell me if this either is consistent with your understanding or you don't know: that the primary fundraising vehicle for the campaign, besides direct donations to the campaign, was a joint fundraising committee with the RNC called TMAGAC.

Are you aware of that?

A I'm aware of TMAGAC, yeah.

Q And is my characterization a fair one?

A I think so. There might have been another one. The fundraising and which buckets the money raised went into, that's not my ballpark, so, I mean --

Q Got it.

A I thought -- for example, things like merchandise that was sold on the website, I think that that went into TMAGAC. Like, it all goes into different buckets, and that's not -- that wasn't my end of the campaign.

Q Now, with regard to the approvals process, understanding that you weren't on these approval emails, what we've seen is, copy is drafted, and both the campaign had individuals from comms, legal, and research on, representing those three, or, depending

on how you count comms and research, two, and the RNC also had individuals from comms, legal, and research, and, when these emails were drafted, those individuals would say "approved" or offer edits, and then the email would go out.

Before I just told you that, did you understand that that's how the process worked?

A I didn't really have an understanding of the process. Fundraising emails were not my job.

Q Did you understand Zach Parkinson to have a role in the approval process of fundraising emails?

A I did not understand that he had a formal role in it. It would not surprise me if people asked him to look at certain things.

Q What we can confirm is that, post-election, Mr. Parkinson did, in fact, serve as the comms research approval person for the campaign in approving fundraising both emails and texts.

A Okay.

Q During that time, post-election, were you aware that those were part of his responsibilities?

A I don't remember if I was aware of it or not, but it would not be uncommon for people to approach Zach and ask him to look at and to fact-check things. So it's not surprising. I can't say that I know that I was aware of it.

Q Okay. So it is fair to say that this -- was this something that he was discussing with you in real-time?

A I don't recall discussing fundraising emails with him.

Q Now, the fundraising emails, obviously, they go out to millions of supporters and provide them with at least some insight into the campaign's messaging. Is that fair?

A Sure, I suppose that's fair. That would be the case with any fundraising email for any entity. Why would it not contain messaging, right?

Q Correct. So, as the comms director, did you play any role in ensuring or otherwise guiding messaging in the campaign emails or even being aware of what those emails were saying?

A No. There were dozens of -- as far as I could tell, there might be 10, 12, I don't know how many, fundraising emails that went out every single day. I was not involved in that process.

Q Do you know of anyone in the communications department who was involved in that process?

A Well, you just told me that Zach was asked to look at at least some of them, so, you know, I now know that to be the case. But I don't recall anyone being tasked with or asked to be a consistent part of that process. That's not to say that they weren't, but I just don't recall being aware of it.

Again, this is not -- it's not -- this campaign -- and I -- well, let me limit what I say to my knowledge of this campaign and not others, because I don't know how other campaigns are structured.

But there is not what you would consider, like, corporate line of reporting. Anyone in the campaign leadership or hierarchy was -- it was possible that they could walk in or email Zach and say, "Can you look at this? Can you look into this? Can you research X, Y, and Z?"

I may or may not be aware of any or all of those requests, you know. People would just take them straight to him and not go through me. That's just the way that it worked.

Q And did you consider it part of your responsibilities to ensure that the

fundraising emails were on message, or would you have seen that as someone else's responsibility?

A Fundraising was not my area.

Q Sitting here today, are you aware of any consistent themes in the fundraising emails post-election?

And, just before you answer, by that I mean, what we see is that, from November 4th on, there's a heavy focus on "the Democrats are trying to steal the election," a big focus on election fraud, claims that really mirror President Trump's voice and messaging that go from the day after the election through to the 6th and include either messaging like "Joe Biden would be an illegitimate President" and things of that nature.

First, let's start with, at the time, post-election, were you aware that those kind of messaging were going out through the fundraising channels?

A I mean, I can't say that I ever really paid attention to what the fundraising emails said, for the entire 2 years that I was there. It's not something that I ever had time to be concerned about.

So it would not surprise me that the fundraising emails contained messaging that was similar to what the campaign was doing. That's what fundraising emails do.

Q Yeah.

On a very specific point, do you remember any discussions regarding whether the campaign should preemptively declare victory in Pennsylvania before it was announced by either the State or the media?

A I can't -- I don't recall. I mean, I know that that is -- I really don't remember if there was any discussion of that or not.

And, again, there is -- the President was going to say what the President was going to say --

Q Okay.

A -- regardless of what discussions did or didn't happen in the communications shop at the campaign.

Q Are you familiar with the Save America PAC?

A Sure.

Q What is it?

A It's the PAC that President Trump set up to support candidates that he supports, is my understanding.

Q And do you recall that that PAC was formed around November 9th? That's a Monday.

A I remember that it was formed after the election. That's about the extent of it.

Q Well, I will proffer to you that that's the date.

A Okay.

Q Do you recall getting -- and I'll also proffer to you that, after the PAC was formed, the joint fundraising committee and the joint fundraising agreement between the Trump campaign and the RNC that we discussed, with TMAGAC, was revised to include Save America as a recipient of donated funds.

Do you recall that?

A No.

Q Okay. Do you recall getting media inquiries about Save America receiving donated funds?

A I recall them because I have looked through some of the emails that I provided to you guys. So I am now reminded that I got some inquiries about it.

Q Now, during this time period, the fundraising emails often talked about

raising money for the President's legal efforts and an election defense fund.

Do you recall that, not specifically for these emails but generally, that the fundraising was publicly seeking to raise money for legal efforts?

A Yes, I recall that.

Q Okay. And do you recall that that fundraising effort was successful and, in fact, raised over $200 million in the post-election period?

A I know that it was raising money. I don't know how much.

Q Do you recall the sentiment, though, that it was very successful? Because, I mean, I could show you documents later --

A I mean --

Q -- but there are press releases that indicate that. Is that a fair characterization, from your view, that it was successful?

A I think so. It would be in line with -- you know, I think -- I don't know who rates things as successful or not, but I was aware that it was raising money and a significant amount, I suppose. I don't know who is going to decide whether it's successful or not, but, sure, I'm aware of that.

Q I'm going to show you a variety of emails that I think will reflect that, after the Save America PAC was formed and had joined the joint fundraising agreement and began receiving funds from the Trump campaign's fundraising efforts, that the media raised questions as to that to you. And I want to get your take on what your response was.

So we'll start with exhibit 39, and this is an email on November 11th. So, as I told you, I believe Save America was started Monday, November 9th.

And on the bottom of page 2 of this document is an email from Joseph Tanfani, or Tanfani perhaps, from Reuters, and it's to saveamerica@redcurve.com. And the email

says -- I'll start with the second paragraph. He says -- well, I'll start with the first.

"I'm a Reuters reporter working on a story about the joint fundraising effort between the Trump campaign and the RNC that now includes Save America. We hope that someone from Red Curve or the PAC can address some questions about this effort. Donors are being asked for money to 'defend' election integrity and stop an attempt to 'steal' the election. But in fact, the legal disclosure says, all money is being routed to Save America and the RNC, until donations reach an individual's legal limits. Is the fundraising campaign misleading? Why is the president and the campaign setting up a leadership PAC? What do you anticipate will be the purpose of this fundraising? Can you say how much has been raised so far, either by the joint committee, or in money sent to Save America? Can you provide information on how much of that money has come from donors giving $100 or less?"

And then, in response, someone named Jason Young -- and who was Jason Young?

A He was in the finance office of the campaign. He was a number-cruncher kind of guy.

Q This is exhibit -- this is exhibit 39. Just, I saw it wasn't up.

Mr. Garber. Is this a different one or the same?

Mr. [redacted]. I'm still on exhibit 39. I'm just hearing from my team that they don't have the -- well, hold on. No, I -- one second, Mr. Murtaugh.

Oh, I see what happened here. It was a printing issue. I'm actually reading exhibit 40, because I see it as the beginning of the email but it is actually two exhibits.

So what I read to you, Mr. Murtaugh, was exhibit 40. I'm going to ask that 39 be pulled up, and I'll show you 40 for the sake of just the record. But let's start with 39, please.

BY MR. [redacted]:

Q So, at the bottom, a reporter emails you directly, subject line, "Save America," from CNN. And she says, "I see the paperwork at the FEC and that Save America has been added to the fundraising distribution. Why start fundraising for it now -- when the focus, solicitations have been on legal challenges?"

And then there is, I assume, no response. She re-ups and says, "Just reupping this. There are some campaign-finance folks who say this is bait-and-switch, given that the priority on the allocations is for the leadership PAC."

Then you say, "FYI again" to Mr. Clark, forwarding it to him. And he says, "We frankly should have started it a week ago. The President is committed to helping elect candidates that share his vision for America."

And I'm going to then show you -- I've just read to you exhibit 40, so I'm going to actually hop to 41, which is all on November 11th. And it's an email from Politico, Maggie Severns -- Severns perhaps -- at the bottom of exhibit 41.

And she says, "Hi Tim, hope you're well. I'm writing a story on the president's new leadership PAC, and the fundraising solicitations that raise money for the PAC and the recount. I'm wondering -- Experts who I've spoken to say that President Trump can't spend money out of his PAC on the recounts or other post-election legal proceedings. Does he disagree have a different interpretation, or plan to spend any of the PAC money on the recounts? What are the plans for the PAC -- to help candidates? Travel and host rallies? Some are saying it's misleading to raise money for a committee marked on the website as 'election defense fund' if it's going to a leadership PAC, what is the campaign's response to that?"

And then you seem to forward to Mr. Clark, and you say, "Still ignoring?" And Mr. Clark responds, "Do we care?"

So, looking at these emails together, let's unpack them. I want to just set the

stage first, and then we'll unpack them. But I want to just tell you where I'm going.

So, first, do you recall these discussions where you got repeated media inquiries as to Save America PAC?

A Now I do, yeah.

Q And is it consistent with your recollection that the media was asking repeatedly why the President was both raising money for a purported election defense fund but then that money was in fact going to an entity not set up for that purpose?

A I do recall that that was the nature of their question, yeah.

Q Okay.

And then you took those questions to Mr. Clark. Is that right?

A That's what these emails indicate, yes.

Q And why Mr. Clark?

A He was the deputy campaign manager and an election lawyer.

Q And tell me what you recall. So, here, you -- these questions come, and Mr. Young notes there were several inquiries that they've been getting. You tell Mr. Clark, "Still ignoring?" So is it fair that Mr. Clark -- he told you to ignore these inquiries about the PAC?

A I don't remember what, if anything, I did with this specific Politico inquiry, whether I replied to it or not. But, looking at Justin Clark's response, that seems to me to be an indication of "we don't care if we answer this question or not." So I don't know what I eventually did with it, but I think it's a pretty clear indication that Justin is not concerned with whether we answer it or not.

Q What about the substance of the assertions made? There are very specific assertions made. You had previously said that you understood, right, that the fundraising being put forward to the public was being framed as to fund election-related

litigation. But the reporters would clearly note that now -- this is less than a week after the election -- that the campaign is now routing the money, not to the campaign, which is set up to fund the recount efforts, but is instead routing the money to the President's PAC for his future political life.

So did you consider the substance of these claims, that there was, as one reporter called it, a bait and switch?

Mr. Garber. Well, just to be clear, I believe you characterized what Mr. Murtaugh understood the fundraising communications to be about. I think what he's said repeatedly is he did not review the fundraising communications.

BY MR. [redacted]:

Q Well, Mr. Murtaugh, I'll let you clarify. What I understood you to say earlier in your testimony is, while you were not reviewing the specific communications for approving them, you did understand that, broadly, the fundraising solicitations were regarding raising money for litigation efforts. Is that fair?

A That's fair, yeah. I was aware generally of efforts to raise money and how it was described, yeah.

Q And --

A But that's not to say -- I don't know if that was the totality of our solicitations or not. But I am aware that there were efforts to raise money for the legal effort.

Q And I think at the beginning of your testimony here today, you said that this campaign could have 3,000 employees, effectively, post-election, turn into almost a litigation shop. Did you effectively say that at the beginning of your testimony today?

A Yeah, because it was no longer a fully functioning campaign. There was no reason to have political staff in every State.

Q All right. So here --

A Post-election, it was basically a legal --

Q I'm sorry.

A Post-election, it was basically a legal effort and a sort of shoestring communications staff.

Q So we have -- the campaign is raising a lot of money telling people that it's raising money for election-related litigation. From your vantage point, it, in fact, has become stripped-down to a litigation shop. And then, a mere week after that, that money that is being raised, which I will proffer to you ends up being over $200 million -- but there's a press release here that your team put out, indicating that. A week after, that money is now being routed to the President's leadership PAC, which, by Mr. Clark's representation, is looking to the future, potentially helping elect other candidates.

So did you consider the substance of whether there was a bait and switch going on? You got repeated emails from reporters. Tell me about your consideration of the substance of what they were saying.

A Look, we get accusatory emails from reporters every day. So receiving an email like that in the Trump campaign I don't think gives anybody pause.

Q But isn't part of your job to consider whether or not the accusations are true?

A I'm not a fundraiser. I'm not an election lawyer. Generally speaking, if someone asks a question about ongoing fundraising, my position will be, is, that we will file the reports as required by Federal law; you can look it up when the FEC reports are filed.

Q Is it fair to say, though, if a Reuters reporter emailed you with something that was demonstrably false, that your goal as the comms department would be to rectify

that so the campaign isn't getting unnecessarily bad press? Isn't that part of your responsibilities? Isn't that why people give you the opportunity to comment?

A No, I think a lot of times people ask the question because they already have the story written, and they have to.

But we don't -- again, as I said, one of the first things you do when you receive a reporter inquiry, here, this period, post-election, or at any time, on any campaign, is you ask the question, are we going to reply this at all or not?

Q And do you ask the question of whether or not it's true?

A That's why I forwarded it to Justin.

Q To find out whether it was true. Is that fair?

A Just to get his thoughts on it, to get his read on it. Because --

Q And --

A -- again, I am not a campaign finance lawyer, I'm not a campaign lawyer, I'm not an elections lawyer, I'm not a lawyer of any kind. I don't have any idea whether or not the allegations in this email are true. I forward it to someone who might know, to see if we care to weigh in. I got the guidance from him that we really don't care. So that's that.

I don't know -- I don't recall what happened to this particular inquiry, whether we replied or not.

Q Well, the people asking you the questions are, themselves, not lawyers. The disclaimers that are meant to give the general public an understanding of where the money is going are not intended to be read by lawyers; they are read by the donors. So what the reporters here are talking to you about are not -- I mean, respectfully, I would not say are legal determinations.

They're asking you to weigh in on whether or not the campaign has effectively

engaged in a messaging bait and switch by saying, donate for this purpose, we need the money for this litigation shop -- that you say, effectively, there is no a campaign; it's really a litigation shop. That's what they're telling the public to donate money for.

They ask the comms team to weigh in. And is your view that you didn't engage on the substance, you never considered whether or not -- whether the campaign was engaged in a bait and switch to millions of supporters?

A I mean, I think I just answered that questions. I am not a campaign finance attorney, not an attorney of any kind. I forwarded the inquiry to someone who would review it under that kind of lens. And the indication was, it's of no concern.

Q Okay.

I want to show you -- I'm going to stay on this topic. I'm going to show you what's been marked as exhibit 42.

So that was an email on November 11th or thereabouts. And then this email, if we start at the bottom, it's a reporter from CNN, Jeremy Diamond. And I think -- you may not know, but reports end up starting to get published regarding the Save America PAC publicly.

And then Jeremy Diamond responds on November 24th and says, "Hi Tim - I see that the election defense fund is directing an increasingly large share of donations to the Save America PAC, rather than toward the legal efforts advertised in large print to supporters. 75% of contributions are now going to Save America -- up from the 60% that was being funneled to the PAC last week. Previously, 60% of contributions were going to retire campaign debt. And before that, 95% of contributions were going to the RNC's operating account. Why is the campaign telling its supporters they are contributing toward an 'Election Defense Fund' if only a small percentage of those funds are actually going toward funding legal efforts? How can the campaign justify directing

75% of contributions intended for a 2020 legal fund toward the President's political action committee? Is Save America doing funding any of these 2020 recount efforts or legal challenges? How much money has the Trump Make America Great Again Committee raised for the legal efforts related to 2020 election challenges and recounts? How much money has TMAGAC raised total since the election? Hope to hear back from you this morning."

And then Mr. Diamond responds again to you later in the morning and says, "Circling back on this. Any comment?"

And then you forward to Mr. Clark, and you say, "FYI -- Still not answering."

And then Justin Clark says, "Good. Don't."

So now the inquiries have continued. Save America is taking more money. And is it fair to say that -- well, let me ask you this. Are you getting your directives not to answer these questions from Justin Clark, or are you making them yourself?

A Well, I wanted to run it past him again to let him know that it was still happening, and he advised not to answer, so --

Q And so, just to put a fine point on it, would you say you were taking directive from him, or was it a decision that was up to you?

A It was not up to me.

Q And who was it up to?

A Someone senior to me in the campaign, which would include Justin.

Q Did you understand anyone besides Justin Clark to be making the determination here not to respond?

A I don't recall that.

But, you know, it would not be -- if you look down at Jeremy's questions there, he's asking about the amounts raised and so on and so forth. Those are things that

would get answered for him when the FEC reports are filed.

Q Well, his question -- his first question, though, wouldn't get --

Mr. Garber. Let him finish.

Go ahead.

Mr. Murtaugh. So these are accusatory questions from a hostile news outlet, from a reporter known to me. And throughout the course of the entirety of the campaign, again, the first question we would ask ourselves is, are we going to reply to this at all? CNN has no oversight authority on a political campaign.

BY MR. [redacted]:

Q And that's fair, Mr. Murtaugh. But is it fair to say that your goal as the comms director was to ensure that there was truthful information about the campaign in the public space? Is that fair?

A The job of a campaign communications person is to best represent the positions of the campaign.

Q While being truthful, right?

A Hopefully you can be truthful, yes.

Q But sometimes not truthful?

A There is no requirement for us to answer any media questions.

Q I understand that, but you said hopefully being truthful. I'm just asking why the qualifier of "hopefully" being truthful?

A Well, that's the goal. You know, I would never purposely say something that I knew to be false.

Q So, here, just to put a fine point on it, here when Mr. Diamond says, "Why is the campaign telling its supporters they are contributing to an 'Election Defense Fund' if only a small percentage of those funds are actually going to funding legal efforts," did

that trouble you in hearing that at that time, knowing what you knew about that it was purely a litigation shop, there was no campaign anymore, and you're on notice that the campaign is funneling the millions it's taking in to a Presidential PAC? Did that bother you at the time, when you learned that?

A I don't know how the campaign was raising money, what buckets -- of the different committees that existed, what buckets the money was going into. I'm not a campaign fundraiser. I'm not an elections lawyer. I'm not a finance lawyer.

I do know that CNN was hostile to us every single moment of the campaign, and I don't owe Jeremy Diamond an explanation for anything.

Q Well, at this point, sir -- and we haven't shown you all the emails, but we can show you more. You have CNN, and you have Politico, you have Reuters, and, you know, the list goes on. So it's not a CNN-alone inquiry. You have a variety of media sources asking you, Mr. Murtaugh, whether or not the campaign is effectively defrauding its supporters by taking millions from them for an election defense fund and the money is going to the President's PAC.

So I'll ask you again. Did you, at that time, think it was okay for the campaign to be doing this? Did you even consider that?

A I ran these inquiries past the person that I was supposed to have run them past. And the obvious conclusion was, we weren't going to respond.

Q And you mentioned that, as a communications director, you aimed -- the goal is to be truthful.

A Sure.

Q Do you have that same understanding, that the goal of fundraising emails, which message your same supporters, should also be truthful?

A I never really give fundraising emails much thought.

I see a lot of fundraising emails come into my inbox today from all sorts of campaigns from across the spectrum politically -- Republican campaigns, Democratic campaigns. Every one of them is written in a breathless term, as though, if I don't contribute right now, immediately, the world is going to end. There is, I think, liberties taken in every fundraising email.

There is one that says, "We're at our end-of-month deadline. We need you to contribute today because we're up against our end-of-month deadline." There is no end-of-month deadline. There's a quarterly deadline, but there's no end-of-the-month deadline that's routine.

This idea that there's going to be six- and seven-times matching of a donation. "If you donate right now, we'll have one of our super-donors match your donation by six times." I don't even -- I don't even know what that means.

So, if you're going to say that this committee believes that there needs to be 100 percent adherence to only the facts in fundraising emails, then I would say that you're indicting every single political campaign that exists today.

Q One, I'm not here to represent the views of the committee, but, two, what I'm asking you is something specific to the Trump campaign. And I want to stay on the facts that we have in front us, specifically that you've noted that it was a litigation shop, not a campaign, effectively, it was a litigation shop, and you've agreed that was publicly raising money to fund that litigation shop.

And then, here, as the numerous reporters have established, those funds are, in fact, not going to that litigation shop, but are going to a fully distinct entity that's separate from the litigation shop.

Is that a fair characterization of what we both agree on?

A That's a fair characterization of your question, but I have --

Q No, I'm asking you -- wait a minute, just to interrupt. Is there anything that I said that is incorrect in that last statement?

Mr. Garber. I don't think he's said that the reporters established anything. I think he's already explained what he did and what he thought with these emails and that he wasn't in charge of the fundraising operation.

Mr. [redacted]. Well, I appreciate that, Ross, but one thing I still don't understand that I want to unpack is Mr. Murtaugh's own analysis of what's happening here.

BY MR. [redacted]:

Q So you said, regarding the contributions being directed to Save America, do you dispute that to be true, that the contributions were in fact for Save America?

A I don't know where the contributions were going. It wasn't my job to know it or to be involved in that.

Q So do you have any reason to dispute me telling you that these numbers are accurate that are represented here, that those funds, in fact -- on the 24th, the contribution limits went up, 75 percent go to Save America, and that Save America raised tens of millions of dollars off these fundraising efforts post-election and before January 6th? Do you have any reason to dispute any of that?

A No, I have no reason to dispute it, because I have no personal knowledge of any of it.

Q If you would like, we can have the team -- there is a press release that you're involved in that puts out and says that $207 million was raised in the first 3 weeks after the election, and it lists Save America PAC in that press release.

So is it fair to say, based on that, that at the time you were aware the Save America PAC was raising millions of dollars from these fundraising efforts we've been

talking about? Is that fair?

A I suppose that's fair, sure.

Q All right.

So, now that we've established the facts that we have so far, I want your own judgment as to what the reporters are asking you. So the questions these reporters have posed to you, I effectively want you to answer them today, please, which is:

Knowing the facts we've just both agreed on to be true, do you think, sitting here today, that it was problematic for the campaign to raise money by claiming it was going to an election defense fund but they in fact were going to the President's PAC?

Mr. Garber. You're asking him to make a legal conclusion?

Mr. [redacted]. No, it's not legal. It's not a legal conclusion. There's no legal judgement required here.

Mr. Garber. Okay.

BY MR. [redacted]

Q It's asking -- these folks are saying that the President's supporters -- that there was a bait and switch. Basically, folks were led to believe one thing, when in fact a second thing was happening. Right?

And we both agreed with the facts I've laid out, that there was one thing said and the second thing was at least in part happening. So what I want it know from you is, do you find that problematic?

A Listen, when I was in that position and these questions came to me, I did what was proper, which is, I ran it past someone who knew, or who would know, and was advised that it was not a concern, so I dropped it.

Q But, respectfully, sir, that's not what I'm asking you. I'm not asking you whether Mr. Clark thought the campaign --

A Listen, my opinion -- my opinion is not relevant. It's, what response, if any, should we give to a reporter at that moment in time?

Q Well, with respect, I think you're --

A And the judgment of the campaign was to not respond.

Q Well, it's relevant -- I would argue it is relevant, sir, because it's important for us to understand what you, as the communications director, individually thought, separate from what you were directed to do or not do, and be able to compare those two.

So I understand that Mr. --

A I never -- I never --

Q Sorry, sir. Just let me finish, please.

So my question, Mr. Murtaugh, is not whether Mr. Clark directed you to do something or what you did in response to his directives. I'm asking what Mr. Murtaugh thought.

You had these facts in front of you, and I'm asking you what you thought about the claims that were asked to you, as the comms director, not what Mr. Clark thought or not what he directed you. What was your view?

A I did not give it much thought.

Q And when you say you didn't give it much thought, is it fair to say that the assertions that the campaign was defrauding its supporters was --

A If it was --

Q Sorry, just for the transcript, sir, we have to -- only one of us can speak.

So my question is: Is your testimony that, when reporters were effectively asserting that the campaign was conducting a bait and switch and taking millions of dollars from its supporters, that that accusation didn't leave a mark with you or otherwise

was noteworthy?

A Perhaps it's a function of having worked on the Trump campaign for 2 entire years, but when reporters make hostile assertions, it doesn't -- after 2 years of having it occur daily, it doesn't really leave a mark. Once it was determined that this wasn't something that we were going to address with the media, I moved on.

Q But -- so what I'm trying to clarify, though, sir, is that, we saw in prior emails -- for example, when reporters asked about the 700,000 ballots in Pennsylvania, that was a question where the media was reporting, accusing the campaign of getting something wrong, and at that point you didn't just say, it doesn't matter, move on. You were quite upset that folks were not pursuing the information, making sure it was correct. You didn't want to put out documents from Jenna Ellis that were not precise and you couldn't cite and source and know for your own self and not rely on someone else.

So I'm asking, on this situation, why was this different? Why didn't you do any further inquiry or care whether or not the assertions were based in truth?

A Because, ultimately, under Federal law, the campaign will file finance reports with the Federal Election Commission, and reporters would see the information at that time.

And that is generally how -- unless it was at the end of a reporting period or there was some reason why people in the campaign wanted us to publicize amounts of money that were being raised, generally speaking, you point to the fundraising reports when they are filed.

Many of the questions that these reporters are asking, about how much and, you know, all of that, which committees are raising the money, those questions will be answered when reports are filed.

Q Now, I am a lawyer, but I'm not an election lawyer or FEC lawyer, but is your testimony that you believe that FEC reports would tell whether the campaign was misleading and saying the money was going to an election defense fund? What --

A No. The reports will demonstrate where the money was raised and by what entity and what accounts it went to.

Q So that still doesn't answer to my question, sir, because what I'm trying to find out is, if the election -- if the money was -- whatever the FEC reports, I'm asking about your own judgment about whether that was proper. Right?

The questions you were being asked is not merely, can you tell us where the information is going? The questions have built into them -- they know where the information is going. So the information in the FEC reports, the reporters are aware of it.

What they are asking you to weigh in on, Mr. Murtaugh, is your own judgment as to why the campaign is effectively misleading its supporters. It's asking for your own judgment as to why the money is going to Save America but it's saying it's for the litigation shop that you said the campaign is.

So I'm asking, what is your judgment about why the campaign was effectively misleading its supporters there?

Mr. Garber. And he's answered over and over what his thought process was at the time.

Mr. [redacted] And, Ross, I appreciate that, but I'm not asking for the thought process. I'm asking for the thought conclusion. I understand how he thought about Mr. Clark's role, but I still have not heard about his conclusion here.

BY MR. [redacted]

Q And, to make it blunt, did this bother you? Were you fine with this? Did

you care?

A I am not going to take a reporter's word for it, and so I forwarded it along to Justin. Justin said, "Do we care about this?" And that was enough for me, and I moved on.

Q So, knowing that the facts we both agreed on to be true, which we both agreed on facts that established what the reporters were saying -- put aside the tone of their questions, but what they were saying was true -- the campaign was raising money stating one purpose, while the money was factually going somewhere else.

So now you have the facts that the reporters were trying to give you then. So, if you have these facts you now say are true, what would your observation be then?

Mr. Garber. I don't think we established that what the reporters were saying was true, did we?

Mr. [redacted] Ross, I think we have established that multiple times. We've established, one, that the campaign was a litigation shop. We've established, two, that the campaign was raising money on the claims of election fraud and for those purposes. And we've established, three, that that money was going to -- the majority of that money was going to the President's newly formed Save America PAC.

Mr. Murtaugh agreed to all those things -- the claims the campaign made about why it was raising money but where, in fact, the money was going.

So, now that we have those facts established, Mr. Murtaugh, you have the facts the reporters were offering. Do you think today, looking at that, there was a problem, what the campaign was doing?

Mr. Garber. But I think there were disclosures -- I'm sorry. I think there were disclosures on the fundraising emails. And there were lots of fundraising emails, as I understand it.

Mr. [redacted] Ross, I agree, there were disclosures in the fine print, which the reporters have noted in these -- that's how the reporters know where the money is going. So the disclosures are there.

BY MR. [redacted]:

Q But, as the reporters say multiple times, on the face of the emails, you see that we need your money for an election defense fund. It's repeated over hundreds of emails post-election, Mr. Murtaugh.

So, sitting here today, do you think that that kind of misleading email was okay?

A I don't give it much thought.

Q Do you think it was par for the course?

A I mean, I think that it's not anything that's out of the ordinary from any campaign.

Q Would you agree that folks were misled?

A No.

Q So you would agree that if someone donated money to the election defense fund, that went to the President's super PAC, that he controlled, that didn't spend money on anything related to the election or the recount, that that wouldn't be misleading?

Mr. Garber. Tim, I don't think that's -- I don't think that's what the record shows. And, again, Mr. Murtaugh's said repeatedly what he thought at the time and what his opinion was and what he did.

[1:23 p.m.]

Mr. [redacted]. Well, when you say, Mr. Murtaugh, that you don't give it much thought, why is that? Is it because you don't find it to be worthy of thought? Or why?

Mr. Murtaugh. No, because during the course of a campaign, even in this period, there are ten million things happening all around us, all at once.

And the fact that the media is up in arms about one thing is, as long as I have run it past someone in the campaign who would know and been advised let's just ignore it, then that's something -- that's one more thing that I can just put aside and not worry about. It doesn't bother me if Jeremy Diamond is offended.

BY MS. [redacted]:

Q Mr. Murtaugh, hi. Sorry about that. [redacted]

I think what we're trying to get at -- and I'd like to try to ask the question a different way. Because what I thought I heard you saying was, is that this is the system that we have, and to the extent that anybody has a problem with that, like, that's a systemic problem.

It sounded like what you were saying is you're not bothered by the fact that the body of the email said one thing and the disclaimer said the money was going somewhere else, because if a lawyer says that complies with the FEC, you don't care beyond that.

And I'm not judging, I'm clarifying, because part of what our job is, is not just the facts, but it's also to look at legal recommendations and the question of what led up to January 6th and what things should be changed about our system because they create problems.

And so if you're sitting here today and your position is it didn't bother me because

we lie in emails, we say these things, we say it's going to an official election defense fund, but as long as we put in a disclaimer that it's going to the PAC, that's legally fine, that's a very acceptable answer that explains to us how the current system of political fundraising emails works.

So I just want to clarify -- that's what we're trying to clarify, is what I'm seeing from you is, it doesn't even matter if it's completely misleading, it doesn't matter if it's a bait and switch, because the disclaimers that a lawyer reviewed said the money was going to the PAC. It's not -- is it more complicated than that?

A I think it's as simple as I've been doing political campaigns for 23 years and I've seen fundraising emails in every single one of them, and what the fundraising emails say is not something that I ever spend any time worrying about.

Q And do you still feel that way knowing how many donors to Mr. Trump attacked the Capitol, that the percentage of donors who donated to this who were motivated by fundraising emails that said join Trump's Army, fight back, fight the liberal mob, would you still feel that way today after seeing what happened on January 6th, after seeing that people were getting 25 fundraising emails a day encouraging them to fight back?

All we're asking is, do you still feel that way today, after January 6th, or do you think maybe there's room for a discussion about should we have a different system or should we be okay with that?

A This very day, since I'm sitting here talking to you, I've probably received a dozen different fundraising emails from a dozen different campaigns from both parties. I'm not going to open them because I don't care what fundraising emails say. It's not my job, I'm not an email -- I'm not a fundraiser, I'm not an election lawyer, I'm not a finance -- a campaign finance lawyer.

Campaign fundraising emails are about the last thing that ever concerned me.

Q And I understand that, and I understand what you're saying if I'm -- tell me if I'm wrong -- is as a communications director they didn't concern you. Is that accurate?

A They weren't my responsibility. They weren't my job. They did not concern me.

Q A hundred percent, I totally understand that.

Can I ask you to take off that hat for a moment and put on a different hat as an American citizen who watched our Capitol be attacked on January 6th?

Do you still feel the same way, knowing that those emails came fast and furiously encouraging people to join the Trump Army?

Do you still feel the same way knowing that there were people -- I think there were $2 million in charge-backs after December 14th when the public reporting came out that the funds were going to the Save America PAC and not the official election defense fund, that $2 million was charged back.

Do you still feel that way today seeing the possible ramifications of the fundraising emails and the system that we allow?

As an American, do you still feel the same way, that we shouldn't care if any fundraising emails from either side are grossly misleading about where the money's coming from or includes inflammatory language like fight back, fight hard, join anyone's army? As an American, do you think that's okay?

A I don't know how many different ways I can answer this question and how many different ways the question can be phrased. But fundraising emails are not anything that I ever think about or worry about -- not now, not in this campaign, not in the Trump campaign, and not in all the campaigns that are going on now. It's not something that concerns me.

And I also don't think that a fundraising email caused what happened on January 6th.

BY MR. [redacted]:

Q Mr. Murtaugh, I want to show you what's exhibit 43. It's an email chain that begins on November 30th, on page 3 of exhibit 43, and it's Joshua Dawsey, saying, "Hi, Tim. I'm doing a story on the Trump operation raising more than $150 million since the election, and am looking at the breakdown of the money and where it goes -- with the PAC, RNC, etc. Can I ask what you all plan to spend the money on and what you've spent already?

"Also, some outside critics say it's unfair to ask small dollar donors to give so frequently to help the President, when a lot of it won't go toward legal expenses. What do you say to those concerns?"

And you respond -- this is now I think 6 days after our last email I showed you -- you respond, "Still ignore?"

And Mr. Murtaugh -- excuse me -- Mr. Clark responds, he adds Sean Dollman, Jason Miller, and Bill Stepien.

And who is Sean Dollman?

A I might get his title wrong, but he might have been the CFO of the campaign. He was campaign finance, number, you know, budget keeping, that kind of thing.

Q And we scroll up. He says -- Mr. Clark says, "I would still say no comment, but I also don't know if that number's correct and whether it's something we want to inform if the story's going to get written anyway."

We look up on page 2, Mr. Dollman says, "Agreed," to Mr. Clark's comment. And then you respond, "Agreed what?"

Do you see that?

A Yeah, I see it.

Q And further up, Mr. Dollman says, "Still no comment, there is no upside."

What do you understand him to be saying when there's no upside?

A That there's no benefit to the campaign to contributing to a story that's going to be written with or without us.

Q Sir, did the campaign --

A This is what I mean. I've said this repeatedly. The first question that you always ask yourself in this campaign or any campaign is whether or not you're going to answer a reporter's question at all. And very many times the best course is just to not answer.

Q So, Mr. Murtaugh, you respond and you say, "I side with no comment. He's going to write about the split and if we say stuff about legal expenses it will serve to highlight the argument that the fundraising pitch is misleading."

So reading that here -- if you could scroll up, please. You can see your statement there.

It's fair to say that you at this time, you were aware -- you were very much aware that there was an argument that these fundraising emails were misleading the Trump supporters, right?

A That's an acknowledgement of the questions that the media have been asking. We've been talking about this for the last 15 minutes. Yes, of course I was aware of it.

Q Scroll up, please.

And Mr. Miller then notes kind of what you've been talking about. He says, "Fair points:

"Sean -- what are the reporting deadlines for these respective

entities -- December 15th?" He wrote, "It will be tougher to dodge such answers after reporters can find it themselves."

Mr. Dollman responds about the deadlines coming up. And Mr. Miller says, "Well, sounds like we have 72 hours to come up with a messaging game plan."

So when I read that, it does not sound like just purely avoiding a comment. Mr. Miller says, "It will be tougher to dodge such answers." It sounds like the campaign is trying to avoid -- it's the other way, [redacted], one second. If you go down, please.

It sounds like the campaign is trying to avoid -- further down -- the campaign is trying to avoid engaging on the substance, that it's tougher to dodge such answers. It will be tougher. That the campaign is actively -- so is it fair to say in reading this that you all were actively trying to avoid answering these questions, not merely ignoring reporters?

A No. It sounds like to me very much like what I just said in the -- what we were talking about a few minutes ago, in that all of the information will be available when the finance reports are filed with the Federal Election Commission. That's what that sounds like to me.

Q So how do you read when he says, Mr. Miller says, "It's going to be tougher to dodge"? What do you understand "tougher to dodge" means?

A I'm not sure exactly what he means. But, I mean, I know what the pointed hostile questions were and what the distribution of the funds was going to be, which, again, I had no personal knowledge of how the money was being raised and where it was going.

Q Let's scroll to the top of this email. You weigh in, this is now December 1st, you say, "We should talk tomorrow about whether to just announce this by press release like we would any other fundraising announcement. If we have the numbers we can

discuss how the breakdown among entities needs to be messaged. Also key, as Jason pointed out, that POTUS is on board with how it will be described."

Do you recall conversations that anyone had with you about what President Trump thought about messaging Save America?

A No, I don't remember what that was.

Q Do you know what POTUS discussion you're talking about here?

A No, I don't.

Q Now, in your email here, you now, after 3 weeks of ignoring reporters on this topic because it would be an FEC deadline, you now say, because it's going to be released that, perhaps, we should just announce it like by press release like we would any other fundraising announcement. If we have the numbers we can discuss how the breakdown among entities needs to be messaged.

So is it fair to say that when you say needs to be messaged, you're basically saying let's come up with a plan of how to get in front of this? Is that fair?

A Well, I think it's more accurate to say, because these reporting deadlines are coming and these reports are going to have to be filed by the FEC, it would be good to have an idea of how the campaign is going to describe what this fundraising looks like.

Q But what fundraising looks like here, you're really talking about describe to the public what Save America is doing in taking the money. Isn't that what you mean?

A I mean, what accounts the money is being raised into, yeah, because that's what the FEC reports will show and the campaign should have something to say about it.

Q And it's not just how can we say it, but it's a message in the context of allegations that, as you say, that the fundraising pitch is misleading, that's what needs to be messaged. Isn't that right?

A Well, we were already obviously facing a hostile press corps which has

already come to its own determination and has already reached a conclusion as to what this all represented. And it is the job of the campaign to describe things in a way that they would like people to think about.

And I don't know, I didn't at that time, didn't know what that was. So I think this is me asking for input on what it is we would want to say about this stuff.

Q But -- and I'm not going to show you these documents, Mr. Murtaugh, but we have emails -- we have an email that you produced from Bloomberg on December 10th, a political email on December 14th, a CBS inquiry on December 15th, another CNN inquiry December 15th, another inquiry on December 18th, Huffington Post coming to you on December 26th, a Bloomberg inquiry asking about whether the money going to Save America PAC would help Georgia on December 30th.

So is your testimony that from November 11th and dozens of emails later from the press on December 30th that you never yourself determined whether or not the so-called hostile media was, in fact, accurate in what they were saying to you?

A I have no idea what the President intended to do with the money that was in his political action committee and, frankly, it wasn't my concern.

Q But the press asked you whether the statements made to the President's supporters about why the money was being raised was misleading. And is your testimony that in the weeks of being asked that same question you never inquired deeper or otherwise drew a conclusion whether that was misleading?

A I don't recall if I ever had any further conversations about it, but it's -- again, what the press gets worked up about is not necessarily always something that concerns me.

Q But when you say they get worked up about that, it suggests that what they're saying is not based in fact. And I'm trying to figure out whether -- and if the

answer is that you just never drew a conclusion, it just did not matter, then I'll take that answer, but I want to give you the opportunity.

Is it just that it did not matter to you whether or not what they were saying was true?

And I'm trying to parse out between the messenger and the message. So forget about the hostility you have -- I mean, I think I've named at least eight different news sources that have brought this directly to your attention, that these statements are misleading. And you, yourself, say that be careful -- basically telling your colleagues to avoid highlighting the argument that the fundraising pitch is misleading.

So here I struggle to see how you didn't consider the accuracy. At no time do you say it's not misleading.

A No. No, no. That email is an acknowledgement of what the media's questions were, talking about highlighting the argument. We already knew what the media thought. That's not a surprise.

Q I understand that. But what I'm saying is that you were very much aware in these emails about what the media thought. And are you saying that you never drew your own conclusion as to whether the public was being misled by the campaign to raise money?

A I feel like we've been over this a few times now.

What goes on in fundraising emails and what the media gets upset about -- selectively, I might add -- is not my concern.

Q So is it fair to say, but here -- I just want you to answer the question, please, sir -- here you never determined for yourself whether these claims by the campaign were, in fact, misleading?

A I'm not sure that I ever did. Huh-uh.

Q Sitting here today, do you have an opinion as to whether those claims were misleading?

A Not really. No. And it's a fundraising email from 2 years ago. I haven't thought about it.

Mr. Garber. While we're at this point, we talked about taking a break at 1-ish. Is now a good time for a break?

Mr. [redacted] I think it is, Ross.

And thank you, Mr. Murtaugh. I know it's been a long morning.

So why don't we go into recess now and get off the record.

[Recess.]

[2:31 p.m.]

Mr. [redacted] We can go back on the record. It's 2:31.

BY MR. [redacted]:

Q Mr. Murtaugh, I want to switch topics from our last area of focus and talk about work that Mr. Parkinson did with regard to the Arizona attorney general and secretary of state.

I'm going to show you what has been marked as exhibit 44, a document you produced from November 12th, Bates stamp number 11258.

Can someone put up exhibit 44, please?

One second, Mr. Murtaugh. Okay.

All right. So I'm going to start at the second page, and it's Mr. Stepien emails you, Mr. Miller, and Mr. Clark, subject line, "AZ attorney general." It says, "Tim, can your team do research on him?"

And then you respond, if we scroll up in this document, you say, right after, a few minutes after this email, you say, "See below. This is an ASAP request on the Arizona attorney general."

Do you recall Mr. Stepien asking you for your team to do research on the attorney general?

A No, I don't recall this request.

Q Do you generally recall requests that Mr. Stepien or other senior officials would make for your team to do research on someone?

A You know, this long ago, I think I would be hard pressed to remember specific requests.

Q What I'm asking you is, more broadly, tell us a bit about -- let me rephrase

that.

Was it typical for Mr. Stepien to ask your team to do research about an individual, not specifically this, just in general? Was this request kind of normal course?

A I would say this is not normal, no. It was not frequent anyway.

Q Do you recall post-election any other examples, besides the Arizona attorney general, where Mr. Stepien asked your team to do research?

A No, but I didn't remember this one either.

Q Okay. I'm going to scroll up -- if we can scroll up here. And Mr. Parkinson responds, he says, "Definitely the AG and not the secretary of state? AG is a Republican, but we can pull something together if that's the case. If it's the secretary of state (who's a Dem), we pulled something together on her last week (below and part of the attached)."

And it notes -- it basically looks like opposition research. Is that a fair characterization?

A Yeah. Background research, sure.

Q And when requests were made such as the one here, just generally, what would be your expected goal of the research?

A Well, just from the bare bones of this email that I'm looking at, I can't be sure what Bill's goal was. I don't know.

Q Talking about the post-election time period, what benefit would a campaign have in getting information regarding someone like the -- someone in a battleground State and the attorney general or the secretary of state who oversee the elections? Do you have any insight into why the campaign would want background on those people?

A Well, I mean, the obvious thing would be just to know a little bit of background about who the players in each State are as election issues were being

considered by them, I suppose. That's a guess.

But, as I said, I don't recall this request and I'm not exactly sure what the plan was for the use of this information.

Q Okay. I'm going to show you -- I'm going to scroll down in the same document just so you have a sense of what the attachment shows.

So page 3, which is now 44a -- excuse me, in exhibit 44A, which is the attachment to this document -- and it notes -- it writes "Top Hits," and it has Pennsylvania Attorney General Josh Shapiro as one label. If you scroll down, it has Pennsylvania Secretary of State Kathy Boockvar, I believe maybe how it's pronounced. And it looks to be here that it's gathering oppo research.

And it has a section at the bottom on the second page of this document -- at the top, excuse me -- Arizona Secretary of State Katie Hobbs.

Was it typical for Mr. Parkinson to draft this kind of summary document of oppo research in your experience with him?

Mr. Garber. I think he called it background research as opposed to oppo research.

BY MR. [redacted]:

Q Okay. Let me ask it that way. Is this -- let me phrase it this way. Was it your testimony earlier that this kind of request -- my apologies. Let me start from the top.

It was your testimony earlier that this kind of request from Mr. Stepien was not typical. Is that accurate?

A It would -- I don't recall Bill specifically requesting this kind of thing, and in particular during this period or any period of the campaign really. Oftentimes people would just go straight to Zach with the request and not come through me in the first

place as Bill did.

But a document like this, of this nature, with bullet point facts about an officeholder, is not an unusual document in the campaign world in general.

Q Again, I'm going to show you what's been marked as exhibit 45, which is the same email chain about the same topic. It has the same initial start, which is Mr. Stepien asking your team to do research, except now you are responding.

So I'm going to go to the third page, in the middle of the third page, and a response to Mr. Parkinson's email regarding trying to confirm whether or not it was definitely the AG and not the secretary of state.

If we could scroll -- page 3 of exhibit 45, please.

All right. And then here you say, "Bill wants both. He says the AG has been out of the gate quick."

Now, is it fair to say that what you all are talking about here is responding to the Arizona attorney general, his view as to the campaign's claims about the state of the race in Arizona and the election results?

A You know, I'm not familiar with the exact timeline of events as they happened in Arizona -- or any other State really -- so I would only be guessing what this email means.

Q Well, here, when you say he's been out of the gate quick, do you have an -- I don't want you to fully guess, but if you could -- do you have an understanding of what you think you meant here?

A Out of the gate about what? I can't say. I don't know.

Q Mr. Parkinson responds, "We'll pull it together ASAP." And then, he then later on, in the bottom of the second page of this document, he goes, "Going back to the well on this to see if we can find more, but below are a couple of attacks that can maybe

tide us over for now. Problem is he's generally been pretty pro-Trump since 2016 election, will be difficult to paint him as biased against us like we did with Dem state officials."

And if you recall in the broader document I showed you earlier, there were Democratic State officials like Josh Shapiro from Pennsylvania.

So reading this, does this help refresh your recollection that this would be the kind of research that one would call oppo research?

A Well, it doesn't refresh my recollection because I still don't remember this conversation, but the -- I mean, it's pretty clear to me from this email traffic that what is being sought is information on public officials who would be hostile to the President's position.

Q And so if we scroll up here, and you ask Mr. Parkinson, you say, "Did he say anything publicly about Biden winning Arizona?"

And then Mr. Parkinson then says, "The opposite. He said a couple of times last week he thought Trump would win."

Is it fair to say, based on what you just said, that it would be more helpful -- I think it may be obvious -- but it would be more helpful if this individual had a history of opposing President Trump for the campaign to respond to him in the media?

A Well, I mean, it seems to me is what this was, was a request to gather information about people who had made public statements or done things in the public or in the course of their office that was hostile to the President's position.

Q Do you have any recollection as to whether the campaign, in fact, released any press or media kind of comments about these two State officials, the Arizona attorney general or secretary of state?

A I don't recall what, if anything, was done with this information. And I don't

know why Bill was asking for it.

Q Okay. Thank you, sir.

I'm going to next talk about the -- go to November 2020. And do you recall that there was, prior to the rally on January 6th, that there was a rally in both November and December that were hosted in Washington, D.C., in support of President Trump?

A No, not really. Were they campaign rallies or rallies by third parties? Or what are you referencing?

Q Rallies by third party.

So let me show you a document here. It's what's been marked as exhibit 47.

Now, I'll proffer to you that at this time, around November 12th, there was a rally that was held in support of President Trump's election fraud-related claims.

And are you familiar with somebody by the name of Ali Alexander?

A I've heard the name.

Q And are you familiar with the -- with his Stop the Steal group?

A Not specifically. My understanding of Ali Alexander is that he's a provocateur of some kind, and I'm aware that the media regarded him as a troublemaker of sorts. But that's the extent of my knowledge of him.

Q And in the post-election period, was Mr. Alexander's -- were his public statements something that you would discuss internally or tried to deal with at the campaign?

A I don't recall ever being very concerned about what he was doing or what he was saying. I don't remember that. I remember his name coming up as being around some of these events that were going on, but it's not something I ever focused on.

Q So I'm going to show you -- if we scroll down here, Jason Miller sends you, Justin Clark, and Bill Stepien a tweet by Ali Alexander where he says -- Alexander's tweet

says -- if you scroll down, please, a little more -- it says, "This is one of the most important fights in our lifetime. 11/14/20: Freedom Plaza, Washington, DC @ 12 p.m."

And Mr. Miller, if you scroll up, says, "Who from the team should we go have speak at this?"

And then you respond, "Jenna?"

Can you tell us a bit about your response here? Was this -- was it in jest? Explain the comment to us, if you could, please, sir?

A Well, like the others, I don't recall this exchange. So I would only have to -- I would only be able to guess as to what my state of mind was with that one word response. I mean, it could have been serious or partly in jest, I don't really know. I don't know.

Q Would it be expected that you would suggest that Jenna Ellis speak -- now, at this time, November 12th, is it fair to say that you didn't -- you didn't hold Ms. Jenna's [sic] legal performance thus far for the President in high regard?

A I think that's fair to say, yeah.

Q And is it fair to say that you perhaps might have considered Ms. Jenna Ellis to be less careful with her words in a way that she may be more aligned with Ali Alexander than not?

A I mean, if I'm saying this sarcastically, it would be, I think, commentary on what my views of Jenna were generally. I don't think that I would ever suggest that someone with more credibility go speak in an event publicized by Ali Alexander.

Q So it's fair to say --

A I think I was largely joking. I had no ability to control who from the campaign went to speak at what event, let alone this one.

Q I'm going to show you what's been marked as exhibit 48 and start at

page 3 -- 2, the bottom of page 2 of that document. And it's an email from November 13th from The Wall Street Journal, Rachael Levy, which says, "Hi, Judd and Hogan. Do you have a comment on the far-right groups, such as the Proud Boys and the Oath Keepers, who say they plan to show up at tomorrow's march near the White House for the President, in addition to the more mainstream MAGA supporters? Also, any updated figures on the number of people expected to come?"

And then she responds further up on this email, "Another detail" -- if you scroll up, please --

"Another detail -- would you have a comment on the notion that some far-right groups have been energized by the President's refusal to concede the election? (For example, Proud Boys, Oath Keepers)."

And then Judson Deere -- and who is Judson Deere?

A He was deputy press secretary at the White House.

Q Okay. And he says, "Off record -- refer you to the Trump campaign. The White House has no involvement with this march." And there's an email that said, "Adding Trump campaign here," which is from Ms. Levy, who adds you and Samantha Zager.

And you respond further up on the first page, you say, "Off the record, the campaign has no affiliation with this march. You could attribute this to me: 'The President owes it to the 73 million people who voted for him to ensure that the election was fair and secure, and he owes it to everyone who voted for Joe Biden. Every American deserves the peace of mind that our elections are sound.'"

And then in the last email, Ms. Levy says, "Thanks, Tim. The Oath Keepers are far right. Most of the group has promoted the Washington, D.C., event on its website and called for donations. 'Our men will be standing by awaiting the President's orders to call

us up as a militia,' the group's website said. Does the Trump campaign or White House have a response?"

Now, when you provided comment to this and you also confirmed that the campaign was not affiliated with the march, do you recall who you spoke to to confirm that?

A No.

Q Do you recall having discussions with anyone as to the role that the Proud Boys or the Oath Keepers were playing in post-election events?

A No. And, you know, once I determined that it was not our event and we weren't putting it on and we weren't connected to it, I mean, I already gave The Wall Street Journal that answer.

Q Did you have any conversations with anyone about the Proud Boys or the Oath Keepers as to the post-election involvement with anything Trump related? I won't ask more broadly than the march?

A I don't know what those guys were up to.

Q Were there any concerns that you discussed with anyone internally that the Proud Boys were affiliating themselves with the President in public forums?

A I don't know if we ever had any conversations about that. I mean, it was my personal view that their public involvement was a public relations problem for us.

Q Is that for both the Proud Boys and the Oath Keepers?

A Yeah. I mean, I'm not -- the media seemed to be a lot more familiar with them than I ever was. So I don't know the difference between those two and what separates them. I don't know.

But it's not my favorite thing to have to deal with adversarial questions about outside organizations that we have no control over.

Q Now, you said you had your own concerns because it was -- I think you said it was a -- I forget the term you used. Was it a media problem or --

A Public relations problem.

Q And what exactly was the public relations problem as you saw it?

A Well, they were characterized by the media as being these far-right groups, and to me it was a distraction.

Q Did you at any time suggest that the campaign should seek to publicly distance itself from the Proud Boys or the Oath Keepers?

A I believe -- didn't the President do that during a debate?

Q Well, I think here, the reference, like "standing by" is a reference to President Trump's statements to the Proud Boys -- I forget the exact lingo -- "stand back and stand by." So I think that's the reference -- I don't know which debate reference you're talking about. But here it's that reference there.

So I'm asking, as comms director, did you ever make any recommendations or suggest that the campaign further distance itself from what you determined to be a public relations problem?

A I don't know what -- I can't recall what conversations that I might've had. But in order for the campaign to do something like that, it would not have been my decision.

Q It would have been someone higher up than you. Is that fair?

A That's correct.

Q And do you recall ever raising it up to someone higher up than you?

A I don't -- no, I don't specifically remember any conversation of that nature. I don't know. That's not to say it didn't happen. I'm pretty sure that I complained out loud sometimes about, why do I keep getting questions about these people, we have

nothing to do with them.

Q Did you ever get any feedback from people more senior than you that there shouldn't be a public disavowing of either the Proud Boys, the Oath Keepers, or any other far-right group?

A I don't recall that.

Q Did you have any discussions with anyone suggesting that President Trump would not approve of a public distancing of the campaign from these far-right groups?

A I don't remember.

Q Are you aware of a December 2020 rally, I believe on or about December 14th, another rally that happened in support of President Trump -- it got a lot of press coverage, it was all over the news -- about another rally in support of the President's efforts to challenge the election?

A Not specifically, no.

Q Do you remember any other, just at any time post --

A I mean, there were --

Q -- post-election rallies, not from the campaign, but from third parties in D.C.?

A I remember hearing of them. There were rallies and demonstrations in various States across the country. I remember being vaguely aware that they were happening.

Q Now, what I'm asking more specifically, and I'm going to ask my teammates to recall because my memory's failing me, but I believe with these rallies, at least in one of these rallies, I think President Trump actually got in the motorcade and drove by to see the rally, and I think another one of the rallies he perhaps flew by or flew over.

So public reporting has suggested that the President was aware of these rallies. Does that help refresh your recollection perhaps about the President driving past a rally

in D.C. to see for himself?

A No. We would -- I would have no idea where he was going in his motorcade.

Q I'm asking just because of the media requests that may be attached to the President's public action like that.

A No, I don't specifically recall that.

Q Okay. I'm going to -- if we turn back to just very briefly some of our discussions we had regarding the comms part of the post-election litigation effort.

We have talked, I think, extensively about what your thoughts about Mr. Giuliani, but I'm going to show you some text messages, and I think this will be just a quick confirmation these were consistent with your views and when they -- how early they started.

On exhibit 49, it's a text message that you sent. It's a chat between -- it says Andrew, Francis, Matt, and Tim. So I assume Matt Wolking and Andrew Clark. Is that right?

A That's right.

Q And who would be Francis? That's Francis on the press team, right, on the comms team?

A Francis -- yes, Francis Brennan.

Q And then you ask -- this is on November 8th -- you say, "Can you pull the clip from Rudy this morning?"

And Matt Wolking says, "Saying what?"

And then you respond, "Matt Morgan wants to see the whole clip because he's been told that Rudy said wildly inaccurate and indefensible things."

Is this message consistent with how you recall what Mr. Morgan had expressed to

you about his views about Mr. Giuliani's often saying inaccurate and indefensible things?

A Yes, that is consistent.

Q And is this the same -- fair to say that you also adopted the same view as Mr. Morgan, that Mr. Giuliani said wildly inaccurate and indefensible things?

A I would say that's accurate, yes.

Q And is it fair to say that Mr. Clark had the same view as well, Justin Clark?

A Oh, Justin? I mean, I hesitate to speak for him, but I would hazard a guess that that's true as well.

Q And lastly, I think you also previously said that Jason Miller also believed that Mr. Giuliani said things that were inaccurate and indefensible. Is that your recollection?

A That's my recollection, yeah.

Q Was there anyone on the campaign staff that defended Rudy Giuliani or his work?

A Boris Epshteyn, Jenna Ellis. Those are two that came to mind.

Q Now, over the course of the post-election period, I think public reports now say that the campaign lost 61 of 62 -- the campaign or its allies lost 61 of 62 lawsuits and the sole victory, I believe, was about the 3-day post-election counting period in Pennsylvania.

Does that sound about right to you, your recollection of the result of the legal efforts?

A I remember that the -- it was the prevailing view inside the campaign that that statistic was misleading because the vast majority of those lawsuits were not actually filed by the campaign.

Q I think I said the Trump campaign and its allies.

A Yeah. So I have no idea what the total count was, but -- and I don't know

who the allies all were and what their suits were. But I'm familiar with that kind of statistic being bandied around.

Q And was there any impact on the comms messaging as the campaign was losing its legal challenges? Did that impact the messaging coming out of the comms team or not?

A Well, there was a big shift in the way that everything was just being done functionally inside. As I mentioned before, it was very much pared down and there was a greatly reduced size of staff. And Jenna Ellis and Boris Epshteyn very much assumed control over the direction of both the legal strategy and also the communications around behind it.

So what remained of the campaign communications staff was largely doing was, was simply the basic functions to, you know, receiving press inquiries, passing them on to Jenna to see if she wanted to answer them or not. If there was a statement that needed to be put out that was attributable to Jenna or Mayor Giuliani, they wrote it and they just needed someone to perform the function of, you know, the basic act of sending it out.

So I would say in that regard, a lot did change. As far as the content of it, there came a certain point in the campaign where Jenna and Boris began to control basically the entirety of the content.

Q So I'm going to show you an example, I think it might show what you're saying, exhibit 50. And if we start on page -- we'll start on actually page -- sorry, give me one second -- page 5, at the bottom of page 5. You write to Sam Dubke.

And who's Sam Dubke?

A Sam was a press assistant, I think, was his title. He was in the press shop. He did -- he was one of the ones who performed these basic functions -- he's a young guy -- basic functions of going onto the web-based form to actually physically send out

the press release.

Q Great. And you say, "Sam -- Do you think you can read these points carefully and turn this into a statement from Jenna explaining what we're filing in Arizona today?"

If you scroll up, he says -- you clarify it will filed in Superior Court in the State of Arizona.

He says, "Yes, will turn into a statement now."

And then on page 4, he circulates to you and the team press email address. He says, "Please, see the draft statement below. Let me know if I can make any edits." And it puts forward this below.

And then you respond above this to this press statement. You say, "See below. Still need a PDF of the filing. I do question sending out a release of this if the likelihood of success is extremely small. If a judge is unlikely to grant this request, why brag about it?"

So here it looks like you were weighing in that the Giuliani-Ellis' team's legal efforts are likely to fail, but nonetheless they're publishing them. Is that a fair read?

A Let me -- so it would not have been my judgment that they had a very small likelihood of success because I would never be in a position to know whether or not a lawsuit was viable or not. So I must have gotten that opinion from a lawyer that the likelihood of success was extremely small.

And it would just be my standard position as far as a good communication strategy would go, is that if you're doing something which could be perceived as a long shot, you might as well wait to see if it's successful before you brag about it. See what I'm saying?

Q I do, sir.

A Publicizing the filing of a suit can only lead to embarrassment if it is dismissed out of hand.

Q So if we scroll up --

A It's just good communication strategy that if you know something is a long shot, maybe you would wait to talk about it.

Q I appreciate the explanation. And if we scroll up to the bottom of page 3, I think we can see who you were writing this to, because it looks to be the response from Boris Epshteyn to you, and it cc's Jenna Ellis, Jason Miller, and Christina Bobb. And he says, "I think would be good to show our people we keep fighting."

So here you indicate, based on what you expect were conversations with a lawyer, that this has an extremely small likelihood of success. And is it fair to say that Mr. Epshteyn was saying it might still be justified because it would show Trump supporters that President Trump was still fighting?

A That seems to be what Boris is saying, yes.

Q Did you have any discussions with anyone, including Boris or otherwise, about efforts -- about the need to show Trump supporters that President Trump was still fighting, even though his staffers might have thought his chance of success was extremely small?

A I don't recall any specific conversations about that, but, I mean, there you have one right there. So clearly that was Boris' point of view.

Q Do you remember anyone else sharing that same sentiment generally?

A I don't recall. But, you know, again, we're looking at emails from a year and a half ago and I'm -- I don't remember having ever received this message. But I know that I did. So my memory is being refreshed like it's the first time here.

Q All right. So if we scroll up, and here you ask for, "Would rather someone

make edits to what's already written," and then Boris Epshteyn provides edits on page 2. And, again, if you want us to stop and read anything, let us know. I'm just trying to keep us at a good time pace.

And then on the bottom of page 1, you then forward this to Matt Morgan, and you say, "Just so you're aware of the lunacy."

A Okay.

Q Is it fair to say that this comment here was consistent as you've noted multiple times with the view that you, Mr. Morgan, Mr. Miller, and Mr. Clark had about the legal efforts led by Rudy Giuliani?

A It's consistent with what I understood everyone -- their opinions to be, yeah.

Q Now I want to zoom out a bit, Mr. -- let me do one more document and then we'll talk about something else. Very quickly -- actually, we're going to skip that document.

Let's do exhibit 51. And we're going to go to -- this is -- it's a December 6th email chain between you, at the bottom of page 1, you'll see it's you, Matt Wolking, and Mr. Parkinson. And on page 2 you note, "Also, our lawsuit in Georgia tossed because" -- if we go down to page 2, please. Page 2 -- no, no. Page 2 of exhibit 50.

Sorry. You know what? That's my mistake. Exhibit 51. I'm speaking out of turn. Page 2, exhibit 51, the text message.

And you say, "Also, our lawsuit in Georgia tossed because filing fee was not paid, plus paperwork errors." You then put an Atlanta Journal-Constitution article.

And then Mr. Parkinson responds, "Serious question: Has there ever been a more embarrassing legal effort?"

And you respond, "It is so, so bad. So bad. To think that these people are supposed to be representing the PRESIDENT OF THE UNITED STATES."

Now, again, not to belabor the point, but this is the same consistent view that you've held regarding the President's legal effort led by Mr. Giuliani, correct?

A That's consistent. I did not believe that the President was getting legal advice of the kind that the President of the United States should get.

Q Now, earlier on, when you mentioned that there were competing views of legal advice, one led by perhaps Mr. Morgan or Mr. Clark, was that the kind of legal advice you thought the President of the United States deserved to get?

A Well, I'm not a lawyer myself, as I've said a number of times, so it is difficult for me to judge one set of legal advice compared to another.

But I had worked with Justin and I've known Justin for years, and I worked for a couple years with Matt Morgan, and I have high respect for both of them. And I found them to be realistic and reasonable and good lawyers by my experience. And so yes.

Q We can take that down.

Mr. Murtaugh, are you aware that the campaign put out some television ads in about mid-December and again in late December regarding election fraud?

A I don't remember those ads going up. I am now aware that ads ran, but I'm not sure if I knew that at the time. I don't recall.

[3:10 p.m.]

BY MR. [redacted]:

Q And are you aware that some of those ads dealt with the so-called Georgia suitcase ballot video?

A I don't remember the content of the ads. I remember that piece of video --

Q Yeah.

A -- but I can't recall an ad featuring that video.

Q Do you recall internal discussions as to how the campaign should respond to the circulated claims of fraud that were allegedly in that video?

A Can you repeat that? Do I remember what?

Q Let me start it this way: Are you familiar that some people alleged that the so-called Georgia suitcase ballot video showed some kind of fraud in process?

A I'm aware of that allegation, yeah.

Q Did you have any discussions as comms director of the campaign responding to those allegations of fraud in that video?

A You know, I don't remember if we talked about that specific piece of video and how to use it or if to use it. I don't remember.

If you're asking about the television ad, I was not involved in the crafting of that ad.

Q I'm going to show you what's been marked as document exhibit 52. And, here -- let me get into this.

Mr. Murtaugh, are you familiar with -- or were you aware of efforts to try to engage in kind of a public pressure campaign on State legislators to either -- to do something that could impact the election results in various battleground States?

A State legislators?

Q Yes.

A I don't know. Can you be more specific? I don't --

Q So I'll give you an example here. At the bottom of this email, it's from Jason Miller to Gary Coby, Mike Hahn, and Alex Cannon, and it CC's you, Matt Morgan, Bill Stepien, and Justin Clark; subject line: "Georgia numbers blast text and Twitter blast out request for mid-morning tomorrow/Friday."

And it says, "We are just targeting our Georgia cell phones with this for tomorrow/New Dear's Day mid-morning, but I'd like to blast this out from the Team Trump Twitter account Friday AM as well. This was requested by Rudy with POTUS' blessing. We'll be following up with other state-specific blasts in the upcoming days. Thank you!"

And you see it says, "Call and email Georgia House Speaker David" -- if you could scroll down, please -- "David Ralston and Senate Majority Leader Mike Dugan to demand they call a special session immediately!"

At the next page, it says, "Hear the evidence. Correct the false statements" -- can we scroll, please? "Hear the evidence. Correct the false statements. Demand a vote on decertification. You're either with President Trump or you're against him."

And you were CC'd on this here.

Any recollection of these texts going out?

A Yeah, I do remember those.

Q All right. Tell me what you recall about that, please.

A Just this. Now that I see the example of it, I remember that these went out.

Q And what was your understanding as to the purpose of these messages?

A It's like any other time where you see someone urged to call their legislator on an issue.

Q So it's fair to say it was to put -- they wanted the general public to put pressure on their legislators to act in President Trump's favor?

A I think that's fair to say.

Q Now, here it says -- were you troubled at all by the line, "You're either with President Trump or you're against him"?

A No.

Q Okay.

Now, at this time, on December 31st, when these were going out, do you recall coming across any evidence thus far that put the results of the election into question for you, that you thought were dispositive about the election results?

A I knew that there had not been any actual evidence produced yet, but it was my view that President Trump was entitled to all the legal avenues that were available to him.

Q And are you suggesting that these texts are part of that legal avenue or something else?

A Well, I don't know. I was not the one creating the overall strategy, so I wouldn't know where this would fit in in that.

Q Was there a time where you came to the conclusion that President Trump had lost the 2020 election?

A I can't pinpoint it, but there came a time where I realized that the efforts would not succeed. I can't tell you precisely when that was.

Q Would you say that happened closer to election day, in November?

A I would say it was closer to election day, yeah.

Q Yeah. So would it be fair to say -- election day was November 3rd, and President Biden is declared President-elect on that Saturday, November 7th. Is it fair to say that your views were somewhat -- the timing was in line with President Biden becoming President-elect?

A Well, if I'm not mistaken, being declared President, you mean by the media he was declared President, right?

Q Yeah, I mean he was, across the media, declared President-elect. I'm not suggesting certification and whatnot, but close to the election, a little less than a week out.

A So I was taking my cues as to what was still available and possible for the President's legal effort from guys like Justin Clark and Matt Morgan. And so, at a certain point, they began to indicate that it was increasingly unlikely.

And so, you know, I didn't -- I preferred not to listen to the media handicapping of everything that was going on. I trusted Justin Clark and Matt Morgan more than I trusted the Associated Press or FOX News or anybody else.

Q And --

A I don't know when that point was, but it was at some point, where those guys were lawyers who were much more involved in it, knew much more about the law, what was left remaining, that was even possible, than I ever would. So I took my cues from them.

Q And the cues you took from them, you said, the timing was near election day. Is that accurate?

A I don't know how near. I mean, it was closer to election day than it was inauguration day. But I don't know when it was. I would say it was probably still in

November.

But you're asking me to pinpoint at what time my mental processes and my opinion changed, and I can't pinpoint when I was thinking what, you know, a year and a half ago. But it was sometime in November, I would guess.

Q And would it be accurate to say that you were not aware of any coordinated fraud that -- or any fraud that was dispositive of the election results, that impacted who would win?

A I was not aware of any, no. I was also aware, though, however, that no court had yet actually examined it and that most of the cases were dismissed on standing issues or other technical grounds and that the other underlying claims had really not been examined in most of the suits.

Q Now, I know you mentioned you're not a lawyer, but do you have examples of claims that you thought that -- one, I don't know that that's accurate, that merits weren't reached, but put that to the side. Do you have any examples of merits that you think if they were reached would've impacted the result?

A Well, I have no idea. I know what we're being -- I used to know. I can't list the different points of all the suits here today. But, at the time, I knew what the campaign's lawsuits -- not the other ones, but the campaign's lawsuits -- I knew what they were alleging at the time in Michigan and Wisconsin and Pennsylvania and wherever else, and they, you know, on paper sounded like legitimate claims to me. So all I have to go on were the arguments that our lawyers were making.

Q And what time period are you talking about?

A That was pretty closely following election day.

Q But from November 14th on, the campaign's lawyers that would've been in charge would've been Rudy Giuliani and his team, right?

A I don't know what the date was when they were put in charge. I don't know.

Q But it's fair to say that once Rudy Giuliani took over, that you did not have confidence in the campaign's legal filings and otherwise its legal efforts. Isn't that fair?

A That's fair to say, yeah.

Q Yeah.

Now, these blast texts that we just showed, they also happened with -- you'll see in exhibit 53 they happened also with Michigan, the same similar text about "contact Speaker Lee Chatfield and Senate Majority Leader Mike Shirkey." And then, we don't have to show these, but again we see that a blast text for Georgia and Arizona are done as well, all of which you were CC'd on.

Did you have discussions as to -- I know the point of these was to put pressure on State legislators, but did you have discussions as to what the campaign wanted these State legislators to do?

A I did not, no. I don't think so. That was not -- I didn't view that as -- I don't think that was part of my communications team.

Q Were you aware of any legitimate --

A I was aware that was happening, but I didn't really have any insight into it.

Q Were you aware of any legitimate basis for the States I just mentioned -- so State legislators from Georgia, Arizona, Michigan -- were you aware of any basis for those State legislators to act in a way that benefited President Trump or otherwise changed the result to be in his favor?

A I don't know what the arguments would be.

Q Were you aware of any arguments?

A I'm not sure what authority those State legislators would have to do

something, and I'm not aware of what the campaign would be asking them to do.

Q Is it fair to say that at this time -- I mean, I think you've already said this, but -- when these emails are going out, telling President Trump's supporters to do all these things, to pressure legislators to do all these things, that your personal view was that the race was long lost many moons ago by that point?

A I mean, I don't -- what was the date of these things? Again, I can't pinpoint to you when it was that I began to feel like there wasn't --

Q Well, I can give you the date. The Georgia/Arizona has a January 4th date, the Michigan has a January 2nd date, and Georgia has a December 31st date.

A Yeah. So I would say that's long past the point where I figured that there was no chance.

Q And, in these texts, Mr. Miller says that "this was requested by Rudy with POTUS' blessing." And he also says, "The Mayor requested the push and approved of the specific language via text."

Did you have any discussions with anyone about the President weighing in on these text messages going out?

A I don't believe so.

Q Did you have any discussions about the President's state of mind in early January with regard to the fraud claims?

A I mean, I don't -- I don't recall.

Q Did you have a view as to whether President Trump actually believed that there was massive fraud going on?

A I don't know if I ever had any conversations with anybody about that. Of course I don't know, I can't get inside President Trump's head, but I believe that he believes it.

Q Can you tell us, going into January 6th and the rally on the 6th and the joint session of Congress, when was the first -- what's your recollection as to what the comms team was doing with regard to preparing for the events of January 6th? And by that, I mean the joint session and, if any connection, the rally the President was going to attend?

A The rally was, again, not a campaign event. It was not our production. So I was aware that there was going to be a rally, and I understood that the President was expected to speak there, and that is about the extent of the information that I had about the rally.

With regard to what the plan might have been for what was going to go on in Congress that day, I didn't really have any visibility as to what that was going to be, what it was going to look like, what the strategy would be, who was going to participate, any of those things. That was not my end of it.

Q All right.

I'm going to show you what's been marked as exhibit 61, which is a chat between you, Boris Epshteyn, and Jason Miller. And it's what you produced.

On the first page, it has a December 20th date, but we're going to jump ahead to page 2 of this document, where -- excuse me -- I'm just showing you the dates to help you orient your timing, that you see that it says at the bottom half of this, in the middle, it says this is December 28th.

If we could scroll down, please?

So you see it's December 28th. And this conversation goes forward. And I'm going to go to page 4 of this document as you all are having conversations, but I want to jump ahead to page 4.

And then -- scroll down just a little bit. Then you say to these two, "Some guidance on the Jan 6th scenario with the VP would be very helpful. That's probably the

biggest question."

And then Mr. Miller goes, "Goes to the 'end game' we're aiming for." And then you say, "Yeah I get that, but how to explain it." And he says, "Right, that's what I need too." And he goes, "Besides 'this is the plan Boris and Jenna drew up.'"

Boris Epshteyn responds, "It's not the plan that we drew up. The more we talk about it publicly and the media the less chance it has. I am working on talkers approved by Mayor and will get those to you."

And you say, "Thanks. It would be impossible to avoid the question. So it's either go on TV and be prepared to talk about it, or don't go on TV."

And then later on Mr. Epshteyn responds, saying, "'We are focused on ensuring that the only electors counted are those chosen based on the most legal votes.' Will be back with more."

And then Jason Miller says, "Dude come on."

And he goes, "Boris what would you say to Martha if asked on-air?"

And he said, "What I have been saying is the January 6th is the first date of significance and it is vital that the only electors counted are those who represent the most legal votes. If she goes into details, would say that the Constitution, under the 12th Amendment, gives the Vice President significant power in terms of counting and selection of electors."

Mr. Miller responds, "Yeah, there's no chance we'll be able to hide on the 1/6 play - I couldn't even hide on it on the radio this AM! It's going to get discussed this week, so let's tighten up our game plan."

Mr. Epshteyn said, "I discussed with Mayor late last night. We really want to keep it as under radar as possible but this Gohmert thing has made it very difficult. Trying to get the lawsuit pulled back."

And then on the next page, just to finish this up, you say, "If folks are out doing media, there's no chance whatsoever to keep January 6th under the radar. That's simply not possible. We must have some guidance on how to frame it."

Now, we'll talk a little bit more about what happens next, but take us a bit -- one, do you recall this exchange?

A No, not specifically that exchange, but it's not surprising. It goes with what I just said, is that I didn't have much visibility into what the plan was, and if I was expected to go out on TV and keep promoting the idea that the President had legal avenues available to him, I needed to know, and so did anybody need to know who was going to go on TV, what the possibilities were.

Q Now, was this surprising to you, that Mr. Miller, who I think was a senior advisor to the President, when you say that you wanted to understand how this would work, he says, "Right, that's what I need too"? Was that surprising to you, that Mr. Miller didn't understand this either?

A I don't know if "surprising" is the word, but now that I'm rereading this conversation, I think I would feel somewhat -- I don't know, "vindicated" is not necessarily the right word, but I guess I would feel like I'm glad I'm not alone in not knowing what's going on here.

Q Mr. Epshteyn responds -- and Mr. Miller adds, "Besides 'this is the plan Boris and Jenna drew up.'" What did you understand that to mean?

A I think that was Jason being flippant, where he's saying, you've got to give us something better to say besides "Oh, this is what Boris and Jenna came up with."

Q Prior to this text, had you been asking for guidance from the Giuliani team about what the 6th was all about?

A I don't remember if this was the first time I asked or not. I don't know.

Q And what did you come to understand that the point of these efforts on the 6th would be? Was it to be able to overturn the election results?

A Yeah, I mean, we had -- I think it seemed that the point was that there was still some legal availability to have States reject the -- or, have the electoral votes from certain States rejected. That was the strategy as I understood it. Because, if you recall, in prior elections, in 2016 for example, a number of Democrats voted to reject the electors from certain States when President Trump was elected the first time.

Q So was it your hope that the President would be successful in overturning the election?

A I didn't have any confidence that it would be successful.

Q I didn't ask you whether you had confidence. I asked whether that was your hope. Is that what you wanted to happen?

A I mean, I wanted the President to be reelected. I didn't think that this was the way to do it.

Q And what was wrong with this way of doing it?

A It was -- at this point, there was no chance. I think everyone knew -- who was looking at it with their eyes open, knew that there wasn't any possibility.

Q And why wasn't there any possibility?

A No one whose legal opinion I respected gave it a chance.

Q What I'm trying to parse out here is, is it because there was no legal avenue or because it would've been subverting the will of the American people and how they voted and who they chose to be their President?

A I wanted to make sure that everything that we did was legal, of course.

Q And is your suggestion here that it would've been illegal --

A No.

Q -- to go forward with the plan?

A Again, I'm not a lawyer. I don't know what was legal or not. What I'm saying is that the lawyers whose opinions I respected did not think that this was a play that had much validity.

Q And when you say "validity," you mean legal validity?

A Again, I'm not a lawyer. I just didn't -- I didn't think it would work, and I thought the election had long been over.

Q I understand you're not a lawyer, but when you use phrases, I want to understand just what you're trying to say. I'm not trying to impute legal analysis upon you.

A Uh-huh.

Q So --

A So my opinion of whether or not it was going to succeed is irrelevant. It was obvious that this strategy -- they were going to try to execute it, and there was nothing I could do about it.

Q What I'm trying to understand, though, is, with you, Mr. Miller, Mr. Clark, Mr. Morgan, was it your -- was it the view -- was it your view -- because -- so public reporting -- and, you know, there's a question of what would have happened if Vice President Pence had taken a different position than the one he took on January 6th.

And what I'm trying to understand about your view is, was it your view that President Trump -- let me take that back.

I want to confirm, is it accurate to say that your view is that both President Trump had lost the election lawfully and that the efforts on January 6th, based on your conversations with lawyers you trusted, namely Matt Morgan and Justin Clark, was that

the proposals by Mr. Rudy Giuliani and others about the 6th would not have been legally viable options?

A I am not in a position to make a legal determination of what is allowable, what is legal, what is illegal. That's why we had campaign lawyers. As the communications guy for the campaign, I didn't think it was going to work.

Q But what I'm trying to understand --

A It is for the lawyers to determine whether something was lawful or not, not me.

Q Well, what I'm trying to understand, Mr. Murtaugh -- and maybe it's simpler and I'm making it too complicated -- is, I see a disconnect here with, it looks like you, Mr. Clark, Mr. Miller, Mr. Morgan all believe President Trump has lost long ago, but now we are in early January or late December and you're asking about how to properly message a plan led by the legal team that you've repeatedly said are not credible, are not serving the President properly, and you're asking how to message their plan to overturn the election results.

A No. I think you're skipping a step. I didn't even know what their plan was.

Q Is it fair to say you understood that the plan would be to get President Trump a second term?

A That was the purpose of the entire reelection campaign. That's why I was working on the campaign.

Q But the campaign had long been over. And you yourself have said repeatedly you thought the campaign -- that President Trump had lost close to election day.

Now we are several months out from election day, and you are asking how to

message about the plan on January 6th. And Mr. Miller, who you noted shares your distaste for the Giuliani legal team, he himself even says that he needs to understand how to message this plan, or, as he calls it at one point, "the play."

So would it be wrong to say that you and other senior campaign officials both thought the plan wouldn't work and it shouldn't work but you nonetheless tried to message it for the public?

Mr. Garber. No, I think what he's said repeatedly is he didn't know what the plan -- the, quote, "plan" was. That's what he was trying to figure out, is what's the plan, and then how to -- because if he's going to message something, he has to know what the plan was. He didn't know what the plan was. I think that's -- that's what he -- I think that's what he's said repeatedly.

BY MR. [redacted]

Q Now, we can keep reading, Mr. Murtaugh, where Mr. Epshteyn provides a variety of talking points that Mr. Miller pushes back on and effectively played devil's advocate. Would you like to see those?

A Sure.

Q On page 9 of this text, Mr. Epshteyn, in what I believe is presenting a potential public statement, says, "'We have presented ample evidence of election fraud/voter fraud across these states -- our suit in Georgia alone alleges over 400,000 unlawful votes, it has not been decided. Our lawsuit in Wisconsin lays out over 200,000 unlawful votes, and that was decided 4-3 on latches, not on the merits. In Michigan, 71 percent of absentee precincts in Wayne County were unbalanced. The Texas lawsuit wasn't decided on the merits, only on procedure. Litigation continues, specifically on the constitutional question of courts, clerks, Governors, Secretaries of State, depriving State Legislatures of their constitutional right to set rules for presidential elections in their

states.'"

And Mr. Miller responds in his pushback and says, "'And none of those have gone your way. So what do you do to win on the 6th?'"

Now, is it fair to say that, when Mr. Epshteyn tried to defend the action of the 6th, he is repeating some of the very claims that I believe you and Mr. Clark and Mr. Morgan previously mocked in Rudy Giuliani's draft press statement that we looked at earlier today, if I'm not mistaken, including the 400,000 votes in Georgia? Is that fair?

A That's what it seems like. Yeah. I'm not sure if those are the exact same claims, but they're very similar.

Q Yeah.

So, here, Mr. Epshteyn, in defending what's going to happen on the 6th, put forward claims that you and other senior campaign officials, without him on the chat, have mocked as lunacy and crazy. Isn't that fair?

A Well, I think when I used the word "lunacy" it might've been in reference to something else, if you want to be specific. But, yes, we had mocked claims of that nature before.

Q And then, on the next page, Mr. Epshteyn says, "'First -- President Bush lost in the FL Supreme Court before winning at the US Supreme Court. Second, our focus has consistently been election integrity, so we are working to ensure that the electors counted are only those based on states where the winner is clear based on the most legal votes. The results are not clear, and are under contest, in Georgia, PA, Wisconsin, Michigan, Arizona.'"

And you say, "That's probably the best answer there is. Thanks."

Now, when I read that here, it looks to me that you're saying Mr. Epshteyn has done the best he can with bad facts. Is that fair?

A I suppose so. Another way to state it would be, well, it's just not going to get any better than that.

Q Because the facts weren't on President Trump's side. Isn't that right?

A That's the way it seemed.

Q I'm going to move to what's exhibit 55, please, and page 2 of that document, which takes us back to an email from Jason Miller leading up to the 6th.

And Mr. Miller sends out an email on December 30th, where he says -- and includes you and others. It says, "Team - we need to build out a Comms plan for the 6th that will be the blow-out of all media blow-outs: national and target state op-eds, around the clock national and contested state TV and radio bookings, social media amplification of Hill and rally activities, you name it. Tim and I will be in touch with everyone over the next 24 hours or so to get your feedback for tactical items to include from your lanes so we can see where they fit into the broader strategic goals, so please start thinking about this. We have the biggest amplifier in all of this with the President, but we need other voices leading the charge."

And then we scroll up. On the same page, you respond to this group and say, "I think we will need a list of all members who are known to say they will object on the 6th. Will it be possible to enlist Mark Serrano's team to write op-eds? Or at least Teddy Goodman?"

And on the first page of this, Mr. Epshteyn responds, and he says, "List of members - does anyone have close contact in Mo Brooks' office? I think they would have latest whip count. OpEds - would go with Serrano if those are our options."

Do you recall Jason Miller sending out this email?

A I remembered it after -- during the gathering of these documents, I remembered this request, yeah.

Q And what did you do in response to this request?

A I'm not sure that any of that was ever actually executed. I don't know.

Q What do you recall happened in regard to comms prep for the 6th?

A I don't recall much of anything, as far as an organized communications effort.

Q So --

A Yeah, again, what you're seeing here is a problem from the Boris Epshteyn side, where, you know, there's this call for a big communications plan to support whatever it is that's expected to happen in Congress on January 6th, and so the first thing, the obvious first question is, okay, well which Members of Congress are going to participate? And here's Boris, who's been driving the plan, not even knowing the answer to that. That's the very first step; who is going to be involved?

So this is what I've -- I had, really, a very tenuous grasp of exactly what it is that was expected to occur.

Q Did you ever raise any concerns with folks more senior than you about whatever it was that would happen on the 6th being problematic?

A Problematic in what way?

Q Well, as I understand it, you both believed President Trump had lost the election several months earlier and there was --

A When I say that, I mean --

Q I'm sorry, sir. We just have to -- only one of us can speak at a time.

But when you say that you believe President Trump had lost the election, and now individuals who you find to lack credibility or to be effective advisors to the President, and now trying to support an effort to object to the results, with the goal of Mr. Trump having a second term in office that you think he had not earned through the popular vote, did

you ever raise that concern regarding January 6th with anyone more senior than you?

A Well, again, I think you've seen -- you've shown me these pieces of evidence here where I didn't know what the plan was. And Jason Miller, the senior to me on the campaign, was clearly in accordance with that. He didn't know what the plan was either.

Q Well, sir, I think in the last exchange we saw, you had discussions about how to describe the plan and message the plan.

A Yeah, no, no. What Boris is -- that last set of talking points was meant to explain why there was something going to happen in Congress on January 6th, not what was going to happen. That's two different things.

Q So, after you found out what was going to happen --

A I'm still not -- by these emails here, I still don't know.

Q So, when you were amplifying the message for the 6th, you were doing it not knowing what you were amplifying?

A I don't know that I did amplify it. I think we were still trying to figure out what it was. I don't know if I was amplifying it at that point or not.

Q So, sitting here today, you still do not know what the plan on the 6th was. Is that fair?

A No, because I know what actually occurred. But in the days before it occurred, I didn't know what it was.

Q But you knew based on your own email -- like, here, when you get the email from Mr. Miller, you respond that "we will need a list of members who are known to say they will object on the 6th."

So here it looks like, without being -- you know, you, on your own, offered the first step to effectuate Mr. Miller's plan. It's not Mr. Epshteyn who says, let's get the folks

who are objecting. It's you. You say, "We will need a list of all of the members who are known to say they will object on the 6th." And in response to you, Mr. Epshteyn says, let's go to Mo Brooks's and talk about it, because they have the latest whip count. Right?

So, by December 30th, you were ready to respond to Mr. Miller and say, I know the first step, let's get folks who are objecting. So it seems like you did have an understanding of what would happen on the 6th. Isn't that fair?

Mr. Garber. I think what he's talking about there is that Members would object. So I guess you can ask him if he thought that was part of what might happen on the 6th. But I don't think that's a reference to, quote, "the plan" that's been bandied back and forth.

Mr. Murtaugh. That is a response -- Jason said, okay, we need to really blow this out, communications-wise. We need to start talking about who's going to do what and how -- whatever. I'm paraphrasing that two-paragraph email previously that you showed me.

My response to that is, okay, well, we're going to need to know who's participating. It's a very basic question. Jason says, we need a big comms plan. My response is, we need to know who's participating. That's basic and obvious.

BY MR. [redacted]:

Q Well, your response is, we need to know who said they're going to object. So did you know what they were going to object to?

A On what grounds? No. I'm -- I don't -- again, I don't -- I didn't know exactly, play by play, what people thought was going to happen in Congress that day. I wasn't involved in the drawing up of the plan. Quite clearly, the people who were involved in drawing up the plan didn't know either.

Q So how did you effectively communicate this? As comms director, Mr. Miller --

A I don't know that -- again, I said --

Q Sorry, sir. I apologize, but the reporter can only catch one person speaking at a time.

Mr. Miller comes to you, and he says, "Tim and I will be in touch," which to me suggests that you and Mr. Miller have spoken about this plan before this email. Is that right? Had you spoken to Mr. Miller?

A Not necessarily. I don't know.

Q Okay. Well, here, reading on its face, he says, "Tim and I will be in touch with everyone over the next 24 hours." Did you, in fact, you and Mr. Miller, then get in contact with people after this email went out?

A I don't recall. And, as I said, I don't know that any of this ever actually was done.

Q So, after this email goes out to -- and we can count how many people there are here. I mean, maybe at least a dozen people. Is your testimony that, after that went out, nothing else happened, or you don't recall if anything else happened, this email just died right here?

A I don't recall there being targeted State op-eds. I do know that people continued to go on TV, but I don't recall the execution of any grand communications plan.

Q But you remember at least some communication plan that included people going on TV. Is that right?

A Well, people going on TV had been happening everything single day for 2 years, so --

Q But going on TV regarding January 6th and the objecting of folks to the

election results.

A Yeah, I don't know what people were actually saying on TV. But I imagine that people were still going on TV.

Q Did you field press requests between December 31st and January 6th?

A I imagine I did.

Q And is it fair to say that those would've been about January 6th most likely?

A I don't know what they would be about.

Q Because that was the event -- the two things that were happening were the Georgia runoff on the 5th, right, and the 6th would've been the rally. Did anything else happen that week of note that you can recall?

A Not that I recall. I don't know.

Q Okay. So do you recall answering the press about anything related to January 6th?

A I do not recall answering. It's possible that I did. I don't know. It's more likely that I passed it off to Jenna or Boris. I don't know.

Q Why is that likely?

A Because, as we have already discussed, at a certain point they became the ones who were running the show. And it was, I thought, more appropriate for them to handle the questions about things that maybe they knew about but I didn't.

Q But your text message exchange with Mr. Epshteyn and Mr. Miller when you were asking him about what's the plan, it was because you wanted to be prepared to message the plan. That's why Mr. Epshteyn is providing you with talking points, is so you can message the plan. Isn't that right?

A It's more of a case of needing something for, basically, self-defense. If I was going to go on TV, I needed to have something to say when the question came up

about what was going to occur in Congress on January 6th.

Q Okay. So, sitting here today, tell us your answer of what you would've said, what was going to occur.

A I don't know. I can't put myself in what I did or did not know 18 months ago. How can I answer that question?

Q I'm going to turn to the 6th. I'm going to show you -- let me ask you, do you recall working with Zach Parkinson on any video clips on the morning -- on the 6th itself?

A On video clips? I don't know what that means.

Q Anything either for social media or to be used anywhere else.

A I don't know. I don't --

Q Let me show you what's been marked as exhibit 56 and page 2 of that. And, here, it's an email from Zach Parkinson -- excuse me, it's an email from Jason Miller to -- well, I'll start at the bottom. It's Zach Parkinson sending an email with two Dropbox links.

And it seems to be that -- he's saying, at :02, which I assume may be either 2 minutes or 2 seconds, "will get dinged for changing headline; this is also from Arizona Republic, not the Arizona Star. Otherwise, if the lawyers feel like we can back up the other stuff, nothing is popping out to me."

And then Mr. Miller responds, "Thank you," with exclamation marks. And you were CC'd, as well as Matt Wolking.

And the Matt Wolking responds to that email, and he had "my observations" and what look to be time stamps. But he goes: At ":21 -- This Tucker Carlson cite from 11/11 is likely the segment of several examples of dead people voting that we provided him. He later aired an apology because one was not dead at all."

And at :22 he says, "Looks like we're citing our own lawsuit, not a headline, so media will say this is circular and doesn't prove anything."

And at :24, he goes, "This cites the NV GOP, so again, circular." And I'll stop there.

But do you remember what this is about or weighing in here on the video on January 6th?

A I do not.

Q Any recollection of doing anything on the morning of the 6th related to the President's appearance that day?

A I know that I did one TV hit that day, that morning.

Q And what was that?

A It was Stuart Varney on FOX Business, I believe, I think is what it was.

Q Stuart -- what's the name? I'm sorry.

A Varney, I think.

Q Spell that, please.

A V-a-r-n-e-y.

Q Was that appearance having to do with the 6th?

A It had to do with the elections generally, and I think he asked a question about the rally later that day. Election issues generally. I don't remember precisely what it was.

Q Going back to this video, do you remember doing any work with Larry Weitzner of Jamestown Associates?

A I know Larry. I don't believe I ever worked with him.

Q With regarding the 6th and any video preparation, do you recall if this -- because I will proffer to you that there are other email chains of this same email

chain that go off without you that include Mr. Weitzner being involved in whatever video was here.

Does that refresh your recollection as to whether or not --

A No. I don't --

Q -- you were involved?

A I don't recall working with Larry on a video.

Q Okay.

Let's talk about the day of the 6th. Where we you -- let's start with, after you're done with Mr. Varney, tell us about your day on the 6th.

A I went home.

Q And where's home?

A Near Mount Vernon in Virginia.

Q Okay. And --

A South of Alexandria.

Q -- give me a sense of timing about when you would've been home.

A Oh, boy. Varney --

Q And, actually, separate from specific timing, could you -- if you have a time, great, I'll take it, but I want to know, like, were you watching the rally? Was it before --

A No.

Q -- the President spoke?

A I didn't watch the rally. I was -- I don't remember -- Varney is on in the morning, so I probably got home late-morning-ish. This is just from memory.

And I remember I got a text from my wife, who was in a different part of the house, and she said, are you seeing what's happening? And that's when I turned the television on and saw the inside of the Senate Chamber, with the trespassers inside the

Senate Chamber.

Q Now, when you saw -- and I call them "the insurrectionists," but however you want to frame it -- when you saw them, what did you do next?

A I don't know. But, I mean, I was disgusted and horrified. I don't know what I did next.

Q Well, if you could try to remember. I want to think about you as comms director. Did you try to do anything work-related? Did you continue to watch the attack on the Capitol?

A Kept the TV on at that point. This is -- I hate to just guess, but --

Mr. Garber. Then don't.

Mr. Murtaugh. Yeah, okay.

I was at home the whole time, so --

BY MR. [redacted]:

Q Is it fair to say that you continued to watch the news coverage of what was happening?

A I think that's fair to say, sure.

Q Do you recall a time when President Trump tweeted something out regarding Mike Pence?

A Yeah, I don't remember if I remember that from the moment that it happened or whether it's something that I learned after the fact. But, either way, I'm aware of it now.

Q Do you recall what your reaction was to hearing the content of that tweet?

Mr. Garber. He's saying he can't remember if he saw that in real-time.

Mr. [redacted]. He saw it some -- I'm not asking -- I'm asking his response to it, so --

Mr. Murtaugh. Well, which one?

BY MR. [redacted]:

Q The tweet that President Trump sent while the attack was ongoing about Mike Pence I believe not having the courage or something of the sort.

A I think it was a regrettable choice of words.

Q Anything else you'd like to say about that?

Is that a no?

A No. That's -- I mean, that's plenty.

Q Let's go later in the 6th. The attack is ongoing. That tweet, I think, goes out around 2:30. Tell me the next thing that you recall that day.

A I mean, I can't be sure. You want a chronology of my thought process from --

Q No. I'm trying to understand, just on that day, did there come a point -- did you just watch this as it unfolded?

We'll get to messages you produced -- or, actually, you didn't produce them, but they might be the same messages that you also produced, but -- at some point, you get back to doing work or talking about work matters.

And I'm trying to get a sense from you -- just take us there. Do you recall a time when you turned back into a work mode to deal with this from a campaign perspective?

A I mean, there were text conversations that were going on that afternoon among me and, I don't know which campaign staff, but campaign staff that I knew and liked and trusted. None of us liked what we saw.

Q While watching the event, did you ever have the thought that you wished the President was doing more?

A Yes.

Q Can you expand on that, please?

A I wished that he would make forceful public statements calling on the people to stop.

Q Would you say he failed in his duties as President that day in not making such statements in a timely fashion?

A I wish he had made public statements.

Q So would you say --

A It would have been better if he had made public statements calling on people to stop.

Q So would you say he fell short of his responsibilities as a President?

A I think it would've been better had he made public statements.

Q Is there something about the way I'm phrasing my question that you're not answering it, as far as whether he fall short --

A I am answering it. It would've been much better for everyone if the President had made public statements calling on the people to stop.

Q Is that because you think his statement would've perhaps led to less -- would've led to a quicker end to the violence?

A I think anytime the President says something, people pay attention.

Q But would it have been more potent here because those folks came from his rally and were more likely to be his supporters?

A I mean, it was clear that it was from his rally, and I think it would've been better had the President issued some kind of statement to try to calm everybody down.

Q I'm going to show you what's been marked as exhibit 58. And it's a group chat between you and Mr. Wolking and Mr. Parkinson.

And there's a text you send at 6:15 p.m. on the day of the 6th, and it's President

Trump's tweet that says, "These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!"

And you respond to Mr. Parkinson and Mr. Wolking, "I don't even know what to say about that."

Scroll down a bit.

Can you tell us a bit about what you recall thinking when you say the President's tweet, this tweet here?

A That's not how I would phrase a call for people to stay peaceful and go home.

Q So let's start with when he says that there was a sacred landslide election victory, suggesting for him, and it was stripped away, you knew that -- you didn't believe that to be true, correct?

A Correct.

Q And when he says that these were great patriots who attacked the Capitol, you didn't believe that to be true either, did you?

A I don't think it's a patriotic act to attack the Capitol. But I have no idea how to characterize the people, other than they trespassed, destroyed property, and assaulted the U.S. Capitol. I think calling them patriots is, let's say, a stretch, to say the least.

Q Is that all it is, a stretch? Or just flatly wrong?

A I don't think it's a patriotic act to attack the U.S. Capitol.

Q Would you call it unpatriotic?

A Criminal. Unpatriotic, sure.

Q Now, Mr. Parkinson responds and says, "Has anyone received any guidance?

I don't think there's anything to say."

And then later on --

Mr. Garber. We can't see that.

Mr. [redacted]. Oh, sorry.

Please, can you keep scrolling as I read, please?

BY MR. [redacted]:

Q And then on the next page, you add, "Just to lay low today and tomorrow. No bookings, is all I heard."

Can you tell us, when here you reference it's all you heard, do you recall who you heard that from, to lay low today and no bookings?

A I think it probably had to be Jason Miller.

Q And what else did Mr. Miller tell you on the 6th about the response, the campaign's response?

Mr. Garber. You said "probably." Do you remember hearing from Jason?

Mr. Murtaugh. I'm pretty sure it was Jason who said no media appearances. I don't recall what else.

BY MR. [redacted]:

Q I'm going to show you the next page of this document. And in the middle of page 3, Mr. Wolking says -- and it's 9:17 p.m., and he says -- you'll see it shortly -- "Zach and I are going to call you in a few minutes." And you respond, "Okay."

And then Mr. Parkinson, who's on the right, says, "Still doing this?" And you say "I'm here" in response. And then Mr. Parkinson says, "Sounds like Matt is taking a call from Jason, but we'll call as soon as that's done."

Do you recall having a conversation with Matt Wolking and Zach Parkinson on the night of the 6th?

A I do, yeah.

Q Can you tell us about the substance of that conversation?

A Matt and Zach wanted to quit and, you know, walk out on the campaign.

Q Tell us more about that.

A Well, I don't -- you would have to get them to explain their reasoning, but they wanted to -- they wanted to quit in a group.

Q And who would've been the group that they were proposing?

A I don't remember if they were including others outside of themselves, but they wanted me to be involved as well.

Q And they wanted all of you to resign in response to, is it fair to say, the President's actions on the 6th?

A I can't remember how they phrased it.

Q But the idea of resigning, it wouldn't be because -- would it be because the President bore some responsibility for what happened on the 6th, in their view?

A Again, I can't remember how they phrased it. You would have to --

Q Well, I'm asking what you understood as to why they ask --

A I think they were --

Q Sorry. Remember, we can only speak one at a time, sir.

I'm just asking why they would ask the communications director and at least the two of them to all resign together. What was the message they were trying to convey?

A Well, I think they were personally upset and disgusted by the events of the day. I can't remember exactly how they characterized it or phrased it.

Q Did they tell you their views of the President's actions or lack thereof?

A Again, I can't remember exactly how they described it.

Q What did you say in response to their request that you resign?

A I knew -- and I can't remember if we covered this hours before now or not. But I knew from having spoken to Ali Pardo some weeks before that, if I left, then everyone would leave, including the younger staff, who basically did nothing at this point but click a few buttons to send out press statements or whatever. If we all left, there would be no apparatus at all on the campaign, which barely existed by that point anyway.

And this was something that I had worked -- I'd been doing campaigns for 23 years, and I had worked on this particular campaign for 2 full years, and it was my job to finish it out.

Q And you saw it as your job, regardless of the failings of the President, to see it through?

A It was what I -- it was what I had signed on to do.

Q Did you speak about resigning with -- about the potential of campaign resignation with anyone else on the campaign besides the individuals you just noted?

[4:10 p.m.]

Mr. Murtaugh. I don't recall if I did or not.

BY MR. [redacted]

Q I'm going to turn to the next page of this document. In the middle of the page, you talk about some other things that we'll skip over. And then you say, "By the way, this is" -- stop there -- "By the way" -- scroll up please -- "By the way, this is a particularly weak response when asked to react to calls to hang the Vice President: 'We strongly condemn all calls to violence, including those against any member of this administration.'"

You say, "Really weak. Also shitty not to have even acknowledged the death of the Capitol Police officer."

And then Matt Wolking says, "That is enraging to me. Everything he said about supporting law enforcement was a lie."

And then you respond on the next page, "You know why that is, of course. If he acknowledged the dead cop, he'd be implicitly faulting the mob. And he won't do that, because they're his people. And he would also be close to acknowledging that what he lit at the rally got out of control. No way he acknowledges something that could ultimately be his fault. No way."

Now, the "he" you're talking about here is President Trump, correct?

A Correct.

Q And what you and Mr. Wolking are expressing here is your massive disappointment in him as President, isn't it?

A I was disappointed in him that day, yes.

Q And here, when you say that he'd be close to acknowledging that he lit the

rally out of control, it's fair to say that you thought the President and his words and his assertions to his supporters played some role in the attack at the Capitol. Isn't that fair?

A I think it's -- it would be too irresistible for people to make that connection.

Q Well, I'm asking for the connection that you -- this is the night of the 6th when your emotions are, I assume, are the most raw and when your emotions -- when your memory of what you felt that day is most clear, right? This just happened hours before.

A That's right.

Q And here Mr. Wolking is saying that he's enraged because everything President Trump said about supporting law enforcement was a lie.

Did you agree with that sentiment?

A I think that's oversimplification of it. I do think that President Trump supports law enforcement. So I'm not sure I'd agree with Mr. Wolking's statement.

Q But you do think that President Trump purposely did not acknowledge an officer killed in the line of duty because he would not want to fault the insurrectionists who attacked the Capitol. Is that fair?

A That's what my text says, yes.

Q I'm going to next go to what's been marked as exhibit 59.

So here we are, you -- and again, this is -- you said what I believe is -- this is a satirical website that says, "After being kicked off social media, Trump forced to go door to door and shout, 'Rigged election!'"

And then you further state, "I see that, were it to come to a Senate trial, the President's fate will be in the hands of the very capable Rudy Giuliani."

Did you have any -- when it came to the impeachment, did you have any views as to whether the President should be impeached for his actions on the 6th?

A I think it would be awfully unusual to vote to remove a President who was no longer President.

Q Separate from the ending of his term, did you think his actions on the 6th were deserving of impeachment and removal from office?

A That's hard to say. That's hard to say.

Q What about that is hard to say?

A I'm not sure that it qualifies as a crime. I think that what he said and didn't say were not examples of good leadership. Is that an impeachable offense? I don't know.

Mr. [redacted]. So, Mr. Murtaugh, I'm going to cover a few documents. I had to step out for a meeting for part of the time so my colleague Tem will hopefully let me know if I'm covering anything you already covered.

So with that, I'd like to turn first to exhibit 63.

Mr. Garber. I'm sorry, who's that speaking now?

Mr. [redacted]. It's [redacted].

Mr. Garber. Okay. All right. Thanks.

BY MR. [redacted]:

Q And this says KP, Katrina. Is that Katrina Pierson?

A Yes.

Q Okay. And then she wrote on November 5th, 2020, so 2 days after the election, "Have we started vetting the members of electoral college yet?"

Your response was, "That's the political team. Those people are chosen at the State level I believe."

Do you know what Ms. Pierson was referring to by vetting the members of the electoral college?

A No.

Q Do you know whether she was referring to vetting the Trump electors or the Biden electors?

A I don't know.

Q Do you know if there was any effort to convince Biden electors to instead vote for President Trump?

A I don't know that.

Q Okay. Let's go to exhibit 64. It looks like the same day, November 5th, 2020, an email you sent. The subject is "Mock Up Please."

You wrote, "FYI -- Kayleigh and Judd say POTUS instructed us to send out this statement below. As it appears."

Statement as drafted says, 'If you count the legal votes, I easily win the election! If you count the illegal and late votes, they can steal the election from us!"

Did either Kayleigh, who I assume is Kayleigh McEnany, or Judd, who I assume is Judd Deere, say anything to you about what the President told them?

A I don't recall the details of the conversation, or maybe it wasn't even a phone call. I don't remember how it was communicated to me. But if it was a statement that came that was to go out under the President's name, a quote in his name, then it would be common practice for that to have been dictated to us verbatim.

Q As you sit here today, do you recall either Kayleigh or Judd telling you anything about what the President said to them about this statement?

A No. No. And it wouldn't -- there wouldn't be any reason to give it any context. It would just be this is what the President wants to go out.

Q And do you know what the factual basis was for the statement?

A No.

Q Let's go to exhibit 65.

So the next day, November 6th, 2020, you, it looks like, sent an email to Kayleigh McEnany. And in your email it's got MI, which I assume is for Michigan, a set of bullets.

If we go to the second bullet. "Just last night, in Rochester Hills, we found 2,000 votes that were initially counted as Democrat and they were changed to Republican. They had initially wrongly been counted for Democrats."

Next bullet refers to poll workers blocking windows and padlocking doors.

A couple of bullets down, "There was a major software issue in Republican Antrim County."

Do you recall, is this something you wrote up yourself? I know you sent the email. But do you recall, is this something you wrote up or somebody wrote up for you?

A I don't recall. I mean, the subject line there says "Ronna's Script." Is there some other clue that leads? Because that would be Ronna McDaniel.

Q I don't have any other clue.

A So I don't know. This does not sound like something that I would have compiled. But I can't swear to that.

Q So then presumably you don't recall who did compile it?

A No.

Q Did you have any knowledge of whether these allegations in the bullets were correct, such as there was a major software issue in Republican Antrim County, the thing about poll workers, the 2,000 votes initially counted as Democrat that were changed to Republican? Do you have any personal knowledge of whether those statements are accurate?

A I have no personal knowledge of where any of the information came from.

Q If you look at exhibit 68, Sunday, November 8th, 2020, you wrote, "Can you

pull the clip from Rudy this morning?"

Matt Wolking wrote, "Saying what?"

And you responded, "Matt Morgan wants to see the whole clip because he's been told that Rudy said wildly inaccurate and indefensible things."

Do you recall what it was that Matt Morgan said that Rudy Giuliani said that was wildly inaccurate and indefensible?

A No, I don't recall specifically what Rudy was talking about. We did cover that, though.

Mr. Garber. Yeah, we did.

Are you okay on parking?

Mr. Murtaugh. Hold on one second.

Mr. [redacted]. It's Parkinson 0564.

Mr. Murtaugh. I have 10 minutes.

Mr. [redacted]. I'll move on to exhibit 70.

At the top, so the most recent one chronologically is from Jason Miller, November 8th, 2020, to you and several other people, "Subject: Trump campaign announces Las Vegas press conference with Adam Laxalt and Matt Schlapp -- Preview."

Mr. Miller wrote, "News to me as well. My understanding of our --"

Mr. Garber. I can't see the email.

Mr. [redacted]. Oh, I'm sorry. I'll pause.

[redacted], are you able to bring that up? It's exhibit 70. Okay.

BY MR. [redacted]:

Q So Mr. Miller there wrote, so this is again about, "Trump campaign announces Las Vegas press conference with Adam Laxalt and Matt Schlapp -- Preview."

Jason Miller writes, "News to me as well."

And if we scroll down, the next line he wrote, "My understanding of our NV" -- for Nevada -- "strategy is to cause as much chaos as possible."

What's your understanding of what the Nevada strategy was for the Trump campaign?

A Who wrote that email? Who said that?

Q That was Jason Miller on November 8th.

A Okay. I'm not sure what the strategy was in any of the States.

Q Do you know what he was referring to by "cause as much chaos as possible"?

A I think -- I'm assuming he means to just go out, make noise, draw attention.

Q Okay. And what did you understand the purpose of that strategy to be?

A To try to draw attention to the President's claim that the election was improperly administered in Nevada.

Q Okay. So let's go to exhibit 71, which looks like the same email chain, but then it has an additional email at the top, which is a reply from Bill Stepien on November 8th, 2020, where Mr. Stepien wrote, "If that's the Nevada play, then okay. But as for Pennsylvania, etc....no more Four Seasoning."

So he seems to be contrasting the strategy in Nevada from that in Pennsylvania and otherwise and says, "no more Four Seasoning." What did you understand him to mean by "no more Four Seasoning"?

A I think that's a reference to the Rudy Giuliani press conference that was held outside of a place called Four Seasons Landscaping, which was widely regarded as an embarrassing episode.

Q And did you have any understanding that the play or strategy in Nevada would be different from what the strategy would be in Pennsylvania and other States for

some reason?

A I didn't know what the strategy in these States were. There were teams of people who were out on the ground holding press conferences. I don't even know what they were doing. So I'm not sure what the strategy was.

Q Okay. Let's go to exhibit 72. And it looks like this is a similar email chain, because the subject again is "Trump campaign announces Las Vegas press conference with Adam Laxalt and Matt Schlapp -- Preview." The second one from the top, this is Bill Stepien -- actually, go down to the one just below that first.

So Jason Miller on November 8th wrote, "And I admit I'm not the arbiter of our Nevada strategy, so if we need to kill it, then let's call them -- but Diva don't listen to senior advisors." Do you know who Diva is referenced there?

A Clearly someone on the ground in Nevada, but I don't know which person.

Q And then the next one up, so next chronologically, Mr. Stepien replies, "This is fine in Nevada, where it's a muck-it-up strategy. But this can't extend into Pennsylvania, Georgia, etc."

So I know you said you didn't know what the Nevada strategy was, but does this reference to a "muck-it-up strategy" refresh your recollection at all as to what the strategy was?

A No. I mean, to me that just sounds like make a lot of noise. I don't -- I still don't know what the strategy was.

Q And do you know why that strategy that was used for Nevada couldn't be used for Pennsylvania and Georgia, et cetera?

A No. I don't know what made Nevada different.

Q Okay. I'm going to show you briefly exhibit 74, which I believe is just another copy of something that you looked at earlier. And there is a reason why I'm

showing this to you again.

So this is from you November 13th, subject "Dominion Voting Systems." And you wrote, "From Zach on Dominion," and presumably that's Zach Parkinson. And then there's these various things about Dominion Voting Systems that I think we covered this morning where Mr. Parkinson seemed to dispute some of the allegations that had been made about Dominion Voting Systems. And so I'm just showing that to sort of give you some context.

If we go to exhibit 75, this is dated November 14th, sort of late in the morning, so the next day after the email that I just showed you. The one at the top is from Jason Miller to you, Bill Stepien. No, actually it looks like maybe you're not even on this one. So it's Jason Miller to Bill Stepien, Justin Clark, David Bossie, Mark Meadows, and Jared Kushner.

And it says, "FYI -- The only three folks who called in to Rudy's 11 a.m. surrogate briefing this morning were me, Tim, and Erin (full list of invitees below)." And you're listed as being on the call later on in the email below.

So the paragraph I want to ask you about is this where it says, this is Jason Miller writing, "Messaging from the Mayor was to call the Dems crooks and to go hard on Dominion/Smartmatic, bringing up Chavez and Maduro, and that we have the airplane receipts that the company owners flew to Venezuela in 2011, all of this to show how crooked the process was. Additionally, to hit the Dominion CEO is an antifa donor as we continue to look for anomalous results."

So do you have any understanding of why Mr. Giuliani was making these allegations about Dominion and Smartmatic and Venezuelans when it looks like at least a day earlier your team, you know, Mr. Parkinson, had concluded that there was just no basis for these allegations?

A I can't explain why he was saying that.

Q Okay. Do you know whether anything had been conveyed to Mr. Giuliani that his allegations about Dominion were false?

A I do not know that.

Q Okay. We'll go to exhibit 76. It looks like a text exchange.

It says -- from November 14th, 2020 -- it says, "Bill, Justin, Jason, and Alexa on this tweet" -- sorry, "on this text." It says, "Alexa just filled me in further on the situation developing."

So first of all, is this something you wrote? It looks like it is, but --

A I mean. If I -- is this one of my documents, did I produce this?

Q It looks like something you produced. It starts with an XXM.

Mr. Garber. It is.

Mr. Murtaugh. Yes. So that if I produced it, then the balloons on the right would be mine.

BY MR. [redacted]:

Q Yeah. Okay. Do you know who the Alexa is you're referring to there?

A Yeah, Alexa Henning. She was in charge of our booking operation, that is getting people booked on TV and radio shows.

Q Okay. So the next paragraph says, "Jenna has informed the booking team and Jessie in the studio that the campaign is no longer the 'Bill, Justin, & Jason show" and that she and Rudy are now in charge. She said no one is to listen to any direction from persons other than Rudy and Jenna."

Can you explain what you're describing there?

A Yes. So this is not something that I witnessed but it was something that was conveyed to me by Jessie, who was the makeup artist that we had at the campaign

for our -- we had a TV studio actually in the campaign offices, two in fact, and Jessie was the makeup artist.

And according to Jessie, Jenna showed up one day and essentially announced that she and Rudy were in charge and the old regime -- Bill Stepien, Justin Clark, and Jason Miller -- were out and that no one was to listen to them at that point going forward.

Q And at some point did you get a similar command from somebody other than Jessie who had more authority to make that decision?

A I heard it from around. Jason described a confrontation that he had with Jenna where he said -- I'm trying to remember his description of it. He called her crazy. And she said that the President had put her in charge. And Jason said, okay, let's call him right now, then. I can't remember how it all played out.

But basically Jenna walked into the campaign one day and effectively said, Rudy and I are in charge now.

Q And did they in fact become in charge?

A I'm not sure it was as clean-cut as that. Jason was still around and I believe Justin was still around, Bill was tangentially around. But for -- what is the date on this? Can you tell me the date on this?

Q Yeah. November 14th.

A Okay. So it wasn't very long after that that Jenna really took charge of what the legal machinations would be, the legal strategy, and then therefore the communications strategy, because it was all entirely reliant on what the legal path was.

So it was at that point and soon thereafter that she -- I just began to pass most inquiries off to her.

Q And I think you said that Jason Miller may have said something about, let's call the President. Do you know whether he in fact did end up calling the President

about that?

A I don't think that, like, right in that moment, when the two of them were standing there glaring at each other, I don't think that they called the President at that moment, but I wasn't there.

Q And I know you said it's not as clean as maybe it had been described here by Jessie with Rudy and Jenna taking over. But did you have an understanding as to why the President gave them, Rudy and Jenna, a larger role?

A No, I don't know why that happened.

Q All right. Do you know whether it was because he liked what they were saying and didn't like what the people on the campaign staff were saying?

A I can't -- I can only speculate. I didn't witness him turning over authority to them. I didn't hear his reasoning, you know. I don't know.

Q Okay. In the last line of that text you wrote -- scroll down to the bottom -- "This isn't a situation that younger staff can withstand in the face of all that."

A Yeah.

Q What did you mean by that?

A Meaning if Jenna blows into the campaign offices and starts wagging her finger in people's faces it's one thing. Jessie is a grown woman well along in her career and she might handle it a little differently than a 23-year-old kid right out of college might.

Q Okay. Let's go to exhibit 77. This is November 15th, 2020. And at the top you wrote, "From Jessie." And then it looks like, I can't tell if the rest of this page is all a screenshot of something you got from Jessie. So maybe you can tell me. If we scroll down further and --

A Yeah.

Q So when you see this on the right where it says, "I'm hearing different things from the others," is that part of the screenshot from Jessie or is that something you wrote?

A Yes, I believe that's a screenshot from Jessie. That appears to me to be a screenshot of Jenna on the left and Jessie on the right.

Q Okay. If you scroll down a little bit further, it says, "Jenna, I feel like I might be getting sick anyway so I kind a needed to stay home today. This is an uncomfortable situation I don't think I should be put in the middle of. I need to be told this from Stephanie or somebody else that had been managing me."

What did you understand that to mean?

A I understood that to mean that Jessie was freaked out about what Jenna had come in and proclaimed and didn't want to be caught up in it.

Q All right. And if you look at the next page, it says, "Can you please answer your phone? I have authorization to have you come in and the Mayor is asking to talk to you." And I can't tell, does that appear to still be part of the screenshot from Jessie?

A I think it is, just based on the rest of the images down there with the keyboard and all that. It appears to be a screenshot.

Q Okay.

A So I'm guessing that that is from Jenna to Jessie.

Q Okay. And do you have any idea what that means about, "I have authorization to have you come in and the Mayor is asking to talk to you"?

A I don't know what that means. I think that means get in here and do my makeup, is what I'm guessing.

Q Okay. And then if you scroll down further, there's the, "She's gone full Alexander Haig," and then a picture of Alexander Haig. And then below that it looks

like -- and I think it looks like at this point we're no longer in the screenshot, so this is I think you writing -- "I told Jessie not to speak to her."

What did you mean by that?

A Just what it says.

Q Okay. You told Jessie not to speak to Jenna Ellis?

A Yes.

Q And why is that?

A Because it sounded to me like Jenna was out of control and she was harassing poor Jessie. And clearly Jessie was disconcerted by the whole thing, a little bit frightened, didn't know what to do. And here was someone coming in saying, I'm in charge now, don't listen to all those guys who have been working here with you for 2 years. And so I said just don't talk to her.

Q Okay. Let's go to exhibit 83. And this is an email from Jenna Ellis to Mike Roman, copying you.

And then if you -- so if you scroll all the way down to the bottom, so the first one chronologically, an email that you are not on but eventually this chain is forwarded on to you, and it's dated Wednesday, December 2nd, 2020, from somebody named Jonathan Oosting. And his signature block indicates he's Bridge Michigan capital reporter.

He wrote, "Hello -- Is the Trump campaign responsible for emails from Kerrick Kuder and voicemails from Angela McCallum to Michigan lawmakers urging them to appoint their own electors?"

Do you know what the answer to that question is?

A No, I did not know what the answer to that question was. I may -- through the course of this email exchange it could be that I found out what the answer to it is, but I don't know what it is.

Q Okay. But as you sit here today, do you know what the answer is?

A No. I don't recognize those names.

Q Let's go to exhibit 87. So this is -- it looks like a text message December 13th, 2020, from Jason Miller. It says, "Eric, Justin, Tim, just got a call from Rudy," who I assume a Rudy Giuliani. And then the third bullet down there he said, "He also said Boris has been coordinating state elector whip effort and I should connect with he and Christina Bobb."

Do you know what the State elector whip effort is referred to there?

A No.

Q If we go to the next page. So this is something you produced. So these ones on the right, if you go down a bit, where it says, "From the campaign, regarding the electoral college vote, Justin recommended this. It is something along the lines of 'as contests continue in States the only prudent course was to have electors vote in those places to preserve the campaign's rights.'"

So was it your understanding at that point that the purpose of what I think is these alternate electors, based on the context, was that the campaign was just preserving its rights, as you said earlier, in the event that the campaign prevailed in litigation?

A That's my understanding, yes.

Q Okay. And as we saw in some text messages or emails, I can't remember which it was, earlier this morning, there was a reference to at some point this plan regarding alternate electors morphed. Do you recall that?

A I remember that word being used in an email by someone, yes.

Q Okay. And then I know you may have covered this earlier. Do you have any understanding as to how it morphed?

A No.

Q Okay. So the next -- on the next page, December 13th, 2020, at 1:26 p.m., there is a text from Jason Miller. "For what it's worth, Maria's producer just called and said they heard an official announcement that we won the election was coming tomorrow, following a call POTUS had with Brian Kilmeade this a.m."

Do you know what that refers to?

A No.

Q Okay. Was there some official announcement that the President had won other than -- I know there was what we already covered, a speech he gave on the night of the election. But this is the day before the electoral college vote. So was there some talk of an announcement saying that the President had won in connection with the electoral college?

A I don't know what that's referencing.

Q Okay. I'd like to move a couple of pages ahead, so the one ending in -- well, 21353. Yeah, let's stop there.

So you can see the bottom of the page there Justin Clark wrote, "Here's the thing. The way this has morphed it's a crazy play, so I don't know who wants to put their name on it."

It looks like you wrote in response, "Well, that presents a quandary. We'll see if we can get away with attribution to a campaign official."

So it looks like there they're talking about -- again using the term "morphed" -- that this use of the alternate electors morphed in some way and now Mr. Clark's referring to it as a crazy play. It looks like you were -- well, he wrote, "So I don't know who wants to put their name on it." And then you wrote, "We'll see if we can get away with attribution to a campaign official."

What was going on there? Was there some desire not to have somebody's name

associated with what was being done on alternate electors?

A Well, I don't know what kind of a statement it is that we're discussing there. There's no context here to describe what it is they were actually talking about.

Q Okay. So if we go back one page, Justin Clark wrote, "It's rather anti-climactic. Throughout the day the electors will vote in each State capital. In Arizona, Wisconsin, Nevada, Georgia, Michigan our slates of electors will also vote. Pennsylvania probably won't happen. It will be called invalid and out of order (and they're probably right) but Tim has our quote."

So it looks like there they're talking about having the so-called alternate electors, meaning the Trump electors, meet in those States and cast their votes. So does that help you at all with context?

A Well, when Justin says there, "Tim has our quote," that probably is in reference to the quote that we had previously just looked at that said something about preserving the rights of the campaign.

Q But was there some reluctance on people's part of the campaign to have their name associated with a statement related to those alternate electors?

A That seems to be the indication from the texts here.

Q Okay. Do you recall who that was who did not want to have their name associated with it?

A No.

Q Okay. If you scroll down a little bit further. So let's go to the next page.

Mr. Garber. I'm sorry. Before you ask your question, we've been going a long time here and I do have a stop at 5 I just wanted to remind everybody of.

Mr. [redacted]. Okay. Well, let's just get through as much as we can by 5.

BY MR. [redacted]:

Q So if you scroll down a little further back to where you wrote, "We'll see if we can get away with attribution to a campaign official," Jason Miller wrote, "Eric." Eric Herschmann wrote, "Eric who? There's no Eric on this chain," which I assume is a joke.

So was it your understanding that Mr. Herschmann did not want his name associated with the alternate electors?

A That's what I would infer from that joke, but I can't be sure.

Q Do you have any idea why Mr. Herschmann didn't want his name associated with the alternate electors?

A You would have to ask Mr. Herschmann.

Q Okay. But do you, based on any conversations you have, have any knowledge of why he didn't want his name associated with it?

A No, I don't know.

Q Okay. We're short on time, so rather than finding the particular page, there's a page later in this thread that's Bates number ends in 21357 where you wrote, "Okay. So the ban on statements from Rudy and Jenna is lifted?"

Do you recall there being a ban on using statements from Rudy and Jenna?

A That does ring a bell, yes. I can't recall who instituted the ban, but that does remind me that at one point there was a directive saying that we should not put out official campaign statements in their names.

Q Do you remember why, what the basis was for such a directive?

A Credibility.

Q Meaning that they were considered not credible?

A Yes.

Q Let's go to exhibit 90. This a text exchange with several people dated December 29th, 2020. Jason Miller wrote, "Just spoke with POTUS. Here's his focus:

One, we won. They just found 200,000 more ballots in Pennsylvania. (Boris/Jenna, do you have anything additional on this?)"

So I can just tell you, the next page Mr. Epshteyn writes, "200K -- in Pennsylvania, 200K more votes were counted than cast."

So I think this is an issue that we talked about earlier, about the purported discrepancy between ballots being mailed out and the number cast, although I can't be certain of that.

But my question is, Jason Miller refers to just spoke with POTUS, we won, this thing about 200,000 ballots in Pennsylvania. Did Mr. Miller tell you anything about his conversation with the President?

A I have no recollection of any description of that particular conversation, no.

Q Let's go to exhibit 92, dated December 30th, 2020. So this looks like a text from you. "I would like to direct everyone's attention to Jenna's call for a realistic outlook on the prospects of the latest legal maneuver." And you wrote, "Oops. Wrong one."

And then it looks like a screenshot where Jenna Ellis wrote, "I think we need to be realistic on the comms side for hits. SCOTUS likely won't step in before Jan 6. They made it clear with the Texas case. It's an utter failure and dereliction of their oath to the Constitution. State legislatures do not need a court order or judicial cover to do their duty. And they have thus far failed also."

What's your understanding of what Ms. Ellis meant when she wrote, "State legislatures do not need a court order or judicial cover to do their duty"?

A I don't know what she's talking about.

Q Okay. Let's go to exhibit 93. And this is an email from Jason Miller dated January 6th, 12:56 a.m., so very early in the morning on the 6th or you can view it as late

at night on the 5th. "Subject: VP role." And it appears this is in connection with a statement that the President made taking issue with a New York Times report about there being a difference of opinion between the President and Vice President about the Vice President's role at the joint session.

And Jason Miller wrote, "Hey, do you know if Pence told Trump today that he does not believe he can block the certification of Biden's election? NYT is reporting, and everybody is following up."

Did you ever get an answer as to whether Vice President Pence told President Trump that he does not believe he can block the certification of Biden's election?

A I have no information on what that conversation was. Who sent that email?

Q That was from Jason Miller to Boris Epshteyn, copying you and some other people.

A Yeah, I don't know what the results of that conversation were.

Q Okay. Do you know whether Vice President Pence ever told President Trump that he could not block certification of Biden electors?

A I have no personal knowledge of that, no.

Q Okay. Do you recall a statement put out -- I believe it was put out by the campaign, but it was entitled "Statement From President Donald Trump," taking issue with the New York Times report that there was a dispute between the President and Vice President about the role of the Vice President?

A I don't specifically remember that statement.

Q Okay. Do you recall anybody voicing concern about the accuracy of that statement?

A Of which? Of the Trump statement?

Q Trump's statement taking issue with the New York Times report?

A No, I don't recall the statement itself or any --

Q Okay.

A -- complaints about the statement.

Q If we can go to exhibit 94. And if you scroll down a bit there's a statement that appears to be the so-called mocked-up statement. So I'm not certain that this is the final language. But a statement from President Donald J. Trump: "The New York Times report regarding comments Vice President Pence supposedly made to me today is fake news. He never said that. The Vice President and I are in total agreement that the Vice President has the power to act."

So do you remember a statement along those lines being issued by the campaign?

A No. Again, I don't remember this statement, but in a situation where it was something that was going out in the President's own voice it would have been something that came to the campaign already dictated in a form with instructions to just send it out. But I don't recall this specific one.

Mr. [redacted]. Well, Mr. Murtaugh, thank you for your time today. I know it's been a long, long, long day. But we appreciate your time.

Mr. [redacted] I'll just ask one concluding question.

You know the kinds of things we're interested in. Is there anything that you think that the committee should know that we haven't covered today?

Mr. Murtaugh. You sure have covered a lot.

Mr. [redacted] Okay. Anything important that you can think of that you know that we should know about?

Mr. Murtaugh. No. I mean, I would just make the observation that you guys have been living through this period of time in minute detail for the last I don't know how

long you guys have been at this. And so it might seem to you like we should have this information at our fingertips because we lived through it at the time as well. But it was a long time ago. So recollections are sometimes hard to come by.

Mr. [redacted] Ross, thank you as well.

Mr. Garber. Sure.

Mr. [redacted] And with that said, we will be adjourned subject to the call of the chair. Thank you both gentlemen.

Ms. [redacted] No, no, no. Recessed subject to recall of the chair.

Mr. [redacted] Recessed subject to the call of the chair. Thank you, [redacted] We've got to get our wordings correct.

But thank you both, gentlemen.

Mr. Garber. All right. Thank you.

Mr. Murtaugh. Thanks.

Mr. [redacted] All right.

[Whereupon, at 4:58 p.m., the interview was recessed subject to the call of the chair.]

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