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

INTERVIEW OF: BERNARD KERIK

Thursday, January 13, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 10:06 a.m.

Present: Representatives Schiff, Lofgren, and Kinzinger.

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED], DETAILEE, DEPARTMENT OF HOMELAND SECURITY

11 [REDACTED] STAFF DIRECTOR

12 [REDACTED] COUNSEL

13 [REDACTED] SENIOR TECHNICAL ADVISOR

14 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

15 [REDACTED] STAFF ASSISTANT

16

17

18 For MR. KERIK:

19

20 TIM PARLATORE

21 TONI O'NEILL

22 SHANI PHILLIPS

1

2 [REDACTED] So it is 10:06 a.m., and we are on the record in a voluntary
3 transcribed interview, Mr. Bernard Kerik, on January 13th, 2022, with the Select
4 Committee to Investigate the January 6th Attack on the United States Capitol.

5 And I just note, I do see Mr. Bernard Kerik. Can you, please, introduce yourself?

6 I believe you might be on mute, Mr. Kerik.

7 Mr. Kerik. How about now?

8 [REDACTED] That works.

9 Mr. Kerik. Bernard Kerik here.

10 [REDACTED] And can you spell your last name for the record, please?

11 Mr. Kerik. K-e-r-i-k.

12 [REDACTED] And we'll introduce the folks that are with you, but I'm going to first
13 introduce the folks who are on our end.

14 My name is [REDACTED] and I'm senior investigative counsel to the committee.
15 With me is [REDACTED] who's investigative counsel to the committee, as well as
16 [REDACTED] who is staff member with the committee. You'll see on the right-hand
17 side of the virtual Webex here that there are a number of other folks from the committee
18 as well and I'll just introduce them.

19 [REDACTED] he's of counsel to the vice chair. [REDACTED] is chief investigative
20 counsel to the committee; [REDACTED] who is the staff director for the committee;
21 Yoni Moskowitz, who's investigative counsel for the committee. I believe we also have
22 [REDACTED] who's on staff with the committee and Mr. Adam Schiff, member of
23 the select committee.

24 I believe that is everyone on our end -- excuse me. Ms. Zoe Lofgren has also
25 joined remotely as well.

1 Those are the folks on our side --

2 ██████████ ██████████, I'll introduce myself as well. ██████████ I'm also senior
3 investigative counsel and I'm going to be doing some of the questioning today. I'm
4 going to turn my camera off, for the most part, if I'm not questioning. I don't want to be
5 discourteous, but I've noticed we've had some bandwidth issues if we have too many
6 videos going. So I'll be here, but my camera will be off for most of the time.

7 ██████████ Thank you, ██████████ I apologize for leaving you out of that.

8 Mr. Parlatore, I'd ask you to introduce yourself, state your position, and who is
9 with you as well.

10 Mr. Parlatore. Sure. Tim Parlatore, P-a-r-l-a-t-o-r-e, on behalf of Mr. Kerik.
11 And I'm also joined by Toni O'Neill and we -- not right now, but Shani Phillips, another one
12 of the attorneys in my firm may be popping in or out throughout the day as well.

13 ██████████ Very well. Thank you, Mr. Parlatore. I ask if you have any other
14 team members who do join, just let us know, but that sounds great at this point. Thank
15 you.

16 So before we begin, I just want to go over a few things about how we are going to
17 proceed today. This is not a deposition. This is something that we've discussed with
18 Mr. Parlatore. It is a transcribed interview and so, there is going to be a court reporter
19 who has introduced herself and that may change from one to another, but they'll always
20 be somebody who's transcribing the interview.

21 So it is important just to remember as we do this, especially in this virtual world,
22 that if I have a question that you please let me finish my question, and, likewise, I'll let
23 you finish your answer, but we should try not to talk over each other just to make it a
24 little bit easier as this proceeds.

25 I'd also note that you did receive a subpoena and you've produced documents and

1 we'll go over some of that. And at this time, it's not a deposition, like I mentioned, but
2 we are proceeding by transcribed voluntary interview, and we will determine how best to
3 proceed on the subpoena as necessary in the future.

4 I am going to ask a series of questions. We're going to have a lot that we're
5 going to go over today, understanding that some of these events occurred a while ago
6 and that your recollection may not be the best at this point. We totally understand that.
7 This is not a game of gotcha by any means and we'd like you to answer the questions
8 based on your best recollection.

9 And if something that I ask is not clear, please ask me to restate it. I'm happy to
10 do so. And if you don't know the answer, please just say so. Or if it's to the best of
11 your recollection, you can say that as well. That's totally fine.

12 I say that all because, even though it's not a deposition, and you're not going to go
13 under oath, it is still unlawful to deliberately provide false information to Congress.

14 So do you understand that, Mr. Kerik?

15 Mr. Kerik. Yes, sir.

16 [REDACTED] Okay. And you and your attorney will have an opportunity to
17 review the transcript at a later date. So if there are any corrections or anything else that
18 need to be made based on an error in the transcript, that's something we can do as well.

19 So the last point -- I see, I believe, that Mr. Kinzinger, member of the Select
20 Committee, may have just joined as well. And I just note on that point that I will try my
21 best to announce members who have joined as that happens. There may be a slight
22 delay as I'm getting up to speed, but you should be able to see them on the members list
23 as well.

24 So finally, this is something that we've discussed with your attorney in advance as
25 well, but nobody is -- nobody else who's not invited -- so on your side, you know,

1 Mr. Parlatore and members of Mr. Parlatore's law firm, as well as you, no one else is able
2 to attend or record this interview.

3 So at this point, can you please confirm that neither you nor Mr. Parlatore are
4 recording this or intend to record any of this?

5 Mr. Kerik. I am not.

6 [REDACTED] Okay. And can you also confirm that no one else other than the
7 people we've introduced and that Mr. Parlatore introduced are in the room with you or
8 otherwise watching or listening or plan to for any part of this proceeding?

9 Mr. Kerik. No.

10 [REDACTED] Okay. Very good. And if that changes, please do let us know,
11 but that sounds good and I think we are prepared to proceed.

12 So I guess the first thing --

13 Mr. Parlatore. If the proceeding goes too late into the evening, there may be a
14 4-year-old that's going to run into my room from time to time.

15 [REDACTED] Thank you for the notice. Totally understand that. Appreciate it.

16 Mr. Parlatore. Other than that, I don't intend for anyone else to join me.

17 [REDACTED] Okay.

18 Mr. Parlatore. I will try to encourage her to leave.

19 [REDACTED] We're fine. Very good.

20 EXAMINATION

21 BY [REDACTED]:

22 Q So we are going to be showing you documents on the share screen. So at
23 this point I think I'm going to try and I ask that exhibit No. 72, which should be the
24 subpoena that the Select Committee sent to you, I'm going to have that pop up. Just
25 bear with us while we do that.

1 This will be the first test to make sure we can see everything as well.

2 All right. So are you seeing what's there, subpoena exhibit No. 72?

3 A Yes, sir.

4 Q Okay. All right. And is that okay to read for you at this point?

5 A Yeah. Yeah.

6 Q Okay. All right. So for the record, that's the subpoena you received from
7 the Select Committee before back in, I guess, that would have been November, correct?

8 A Yes, sir.

9 Q All right. And as part of that subpoena, you, through your attorney,
10 produced documents, 53 documents in total, that you have turned over to the
11 committee, as well as a privilege log.

12 Does that sound accurate to you?

13 A I believe so. I don't know the exact number, but I believe so.

14 Q Okay. All right. And we're going to walk through some of those, but I did
15 just have a few questions. Have you looked for responsive, electronically stored data
16 other than these documents? And specifically, I would start with, for example, text
17 messages?

18 A Yes, sir.

19 Q And have you found any responsive to the subpoena?

20 A Yes, sir.

21 Q You have? Okay. Are you going to turn those over? I don't believe
22 we've received those.

23 A I --

24 Mr. Parlatore. To the extent that there are any nonprivileged ones.

25 ██████████ That you will provide them or that you have provided them, Mr.

1 Parlatore, just to be clear?

2 Mr. Parlatore. To the extent that there are any nonprivileged ones, the majority
3 of those would be privileged.

4 [REDACTED] Okay. And just to be clear on our side, you're saying you have
5 provided them to the extent they're not privileged or you will provide them?

6 Mr. Parlatore. Let me -- hold on a second.

7 [REDACTED] Okay. Well, while he's looking that up, I just want to follow up on
8 that.

9 BY [REDACTED]:

10 Q Have you looked in other messaging apps that you may have used? I don't
11 know if you used WhatsApp or Parler or Signal, any -- with direct messages, have you
12 looked there for responsive information?

13 A Yes, sir.

14 Q Okay. And have you provided those to your attorney as well?

15 A I provided what I found, yes, sir.

16 [REDACTED] Okay. I guess the same question to you, Mr. Parlatore, about
17 whether they've been considered for production, or will be produced to the committee?

18 Mr. Parlatore. We will go through those. I think -- let me verify on that
19 because that may have gotten mixed up in a couple of different Dropbox links, but let me
20 look into those.

21 [REDACTED] Okay. Very well. At this point, we don't have any -- I'm not
22 aware of any, so we won't be questioning you on those today, but to the extent that you
23 think there's something responsive to one of our questions and that they're text
24 messages or emails might be in answer, please feel free to let us know so that we can
25 follow up on that point.

1 BY [REDACTED]:

2 Q On the other one, I know you have produced emails from a -- I believe it's at
3 BernardKerik.com email address. Do you have other email addresses that you searched
4 for responsive information?

5 A Yes, I did.

6 Q Okay. And did you provide all the responsive information from those to
7 your attorney to determine how to produce that to us?

8 A Yes.

9 Q Okay. And we may have some similar questions as we proceed, but did you
10 have a campaign email account through the Trump re-election campaign?

11 A No, sir.

12 Q Did you have any other email accounts through -- maybe that Mr. Giuliani or
13 Ms. Powell provided to you that you have not searched for responsive information?

14 A No, sir.

15 Q Okay. And just as a follow-up to generally, but to any of these, if, for some
16 reason, your recollection changes, you remember something that at the moment you're
17 not thinking about right now, please feel free to jump back in and clarify anything that
18 we've discussed before.

19 A Yes, sir.

20 Q All right. So just to get into your background a little bit. I understand that
21 you started your career in law enforcement with the Passaic County Sheriff's Office in
22 around 1981, and I may be mispronouncing that, but is that right?

23 A My career basically started in the U.S. Army. I was a military police officer.
24 After that, I spent 4 years working for the Royal Family of Saudi Arabia. I was police
25 officer in the State of North Carolina. I went to -- from there to Passaic County,

1 New Jersey. I was there for total of about 40 years. Then I joined the NYPD in 1986.

2 Q Okay. Is that where you met Mr. Giuliani?

3 A In New York City, yes, sir.

4 Q Okay. And I believe you served as bodyguard and driver, right, at some
5 point?

6 A I oversaw his -- how I met him, I oversaw his security detail during the
7 campaign. That's how our relationship began.

8 Q When you say "the campaign," you're talking about mayoral campaign for
9 New York City?

10 A Yes, sir, in 1992 and '3.

11 Q Okay. So you're at NYPD. At some point, you went to the Department of
12 Corrections. Is that right?

13 A New York City Department of Corrections 1995, I think. '94.

14 Q Okay. And you were commissioner there at some point as well?

15 A I held three different positions. I was the chief of staff and the executive
16 assistant to the commissioner, I was the first deputy commissioner for about 2 years, and
17 I was commissioner for about 2-1/2 years.

18 Q Were investigations apart of your job at the Department of Corrections?

19 A Yes, sir.

20 Q So after the Department of Corrections, where'd you go?

21 A Back to the NYPD.

22 Q As what role?

23 A Police commissioner.

24 Q Who appointed you to that?

25 A Mayor Giuliani.

1 Q And were you there until the end of Mr. Giuliani's term as mayor in 2001?

2 A Yes, sir. December 31st, 2001.

3 Q So it sounds like you have a good deal of law enforcement, basically, your
4 whole career. Is that fair to say?

5 A Pretty much.

6 Q All right. I imagine that you're familiar with the concepts of, like,
7 reasonable suspicion and probable cause. Is that fair to say as well?

8 A Yes, sir.

9 Q Okay. And I imagine with all that law enforcement experience, you know
10 how to get information. By that I say, different sources, whether it's talking to witnesses
11 or getting documents, looking at electronic evidence. Is that all fair to say?

12 A Yes, sir.

13 Q Okay. Now, I've never been a police officer or in law enforcement, but I
14 imagine there's, I don't know, sense that you would get having done it for so long, like a
15 smell test. If something doesn't seem right, you know you need to follow up, or push
16 some additional buttons or ask additional questions. Is that fair?

17 A Instinct, yes.

18 Q Okay. And then of your time in law enforcement, I imagine you also had
19 different types of investigations, some simple, you could resolve it maybe on the spot by
20 talking to a few people, and some more complex that require months, or maybe even
21 years of investigation. Is that fair?

22 A Yes, sir.

23 Q Okay. Were you involved in investigations like that, both the simple and
24 complex?

25 A Yes, sir.

1 Q Okay. All right. So we're going to talk a lot obviously about the
2 documents that you produced to us, as well as some of the background that you had
3 working with Mr. Giuliani on behalf of the former President and the former President's
4 campaign, but I think it would probably be helpful just to skip ahead maybe a little bit,
5 and set the context for us.

6 So Mr. Parlatores has sent us, the committee, a series of letters, and I think they
7 describe, you know, part of what your role was, as well as where things, more or less,
8 netted out. And so I just want to go over some of those with you and get your thoughts
9 on them.

10 So on November 23rd, Mr. Parlatores wrote in a letter to the committee, quote,
11 "At the request of former New York City Mayor Rudy Giuliani, Mr. Kerik arrived in
12 Washington, D.C. on November 5th to assist in the legal effort of addressing improprieties
13 in the presidential election, as well as allegations of voter and election fraud."

14 Does that sound right to you?

15 A Yes. It was -- I think I got down there on the morning of the 5th.

16 Q Okay. Perfect. And we are pulling up, it's exhibit No. 1, which is the letter
17 that I'm referencing, so I'm not just reading into a void here. And I believe on page 2 it
18 says, quote: Mr. Kerik was tasked with investigating and gathering credible, verifiable,
19 and admissible evidence as part of potential litigation. And in this role, he compiled a
20 significant amount of information regarding the elections in the States of Arizona,
21 Georgia, Wisconsin, Michigan, and Pennsylvania.

22 Understanding -- this is my question now. Understanding that it may be more
23 than that, not just those States, do you agree with that statement that Mr. Parlatores
24 made?

25 A Yes. I think -- I think my role, our role, my role specific was not only to

1 investigate the election for possible litigation, it was also to provide the legislators and
2 electors in the various States, the six swing States, information that they may not have or
3 be aware of.

4 So I think there was a dual purpose, but primarily it started out for litigation, yes.

5 Q Okay. Understood. And to the extent you're able to distinguish that, I
6 appreciate that distinction. And to the extent you're able to distinguish that as we move
7 through, what we talk about in some of the meetings that you had with legislators, for
8 example, I certainly would appreciate that.

9 Just quick follow-up. On those States, in particular, were you told to focus on
10 only those States?

11 A Honestly, in the beginning, I don't think there was a primary focus on just
12 those States. It was wherever we believed or we were getting information from the
13 field wherever it was.

14 So, for example, I don't remember early on Wisconsin being one of the States.
15 Early on it was Georgia, Arizona, Pennsylvania, and Michigan. Then information came in
16 from Nevada, then Wisconsin, and possibly other places as well, but there was no
17 specific, you know, we're going to look at A, B, C, D early on when we began.

18 Q Okay. All right. And then to continue setting the groundwork, Mr.
19 Parlatore's letter says that what you found was, quote, "significant evidence of fraud, but
20 that you were unable to complete the investigation or to determine whether any
21 evidence was conclusive, or whether the election result would have been any different."

22 Is that a fair statement? Do you agree with that?

23 A Yes. I think there were two things. There were substantial improprieties
24 in various State elections and in our opinion, my opinion at the time, there was
25 overwhelming -- and I believed this then, and I more so believe it today that there was

1 overwhelming evidence of election and voter fraud.

2 Q Okay. And, by the way, is that because -- Mr. Parlatore's letter does follow
3 up. It says that you found several indicators of fraud, some of which were unfounded
4 and many of which were legitimate, but that it goes on to say, unfortunately, the majority
5 were never fully investigated as there was insufficient time.

6 Do you agree with that?

7 A Yes, sir.

8 Q Okay. And something else, just to continue in this letter to set the
9 groundwork here said, quote, "Ultimately, Mr. Kerik does not know what a proper
10 investigation would reveal and even if it does show that fraud was widespread, he, Mr.
11 Kerik, does not know if that would have changed the outcome of the election."

12 So do you agree with that as well?

13 A At that time, yes.

14 Q Correct. Very good. And there's just a couple more.

15 In December 31st letter, which is also part of exhibit No. 1 if you scroll down to
16 the next letter on page 2, Mr. Parlatore just specified a little bit as well that some claims
17 of fraud -- I think this goes to something you mentioned earlier and that we talked about
18 with investigations, but some claims of fraud were, quote, "clearly baseless and needed
19 little follow up while others warranted further investigation."

20 That to me sounds like any investigation. Some things are clearly not true, some
21 things are, you know, require a deeper look. Is that fair?

22 I think you may be on mute. I didn't catch that one.

23 A How about now?

24 Q Yes. I got you.

25 A All right. Yes, sir.

1 Q Okay. And then Mr. Parlatore, I think, explained a little bit more some of
2 the earlier statements and he said, quote, "Given time constraints, limited resources, and
3 the lack of subpoena power, it was impossible for Mr. Kerik and his team to determine
4 conclusively whether there was widespread fraud, or whether that widespread fraud
5 would have altered the outcome of the election. And he continued to say that
6 authorities like the Department of Justice should follow up on that.

7 Do you agree with all of that as well?

8 A Yes.

9 Q All right. Very good. So I think that helps set the scene here, and I do
10 want to go back now to when you started working for the President's campaign and
11 President Trump. I believe you said that you arrived sometime on November 5th, is that
12 right, in D.C.?

13 A Yes, sir.

14 Q [Inaudible]. Had you been working for the President or the President's
15 campaign before that on November 5th?

16 A No, sir.

17 Q As a volunteer or anything, you hadn't been working for him?

18 A Other than supporting the President, no.

19 Q Okay. And how did you start working with him? Why? Did you receive
20 a call? Were you requested?

21 A I was -- I was in Washington, D.C. the night of the election, and I think I came
22 home the next day on the 4th. I believe I got home probably late afternoon on the 4th,
23 and either that night or the next morning, the mayor called me and said that he was going
24 to be looking at the election for the President and that he wanted me to come back down
25 and assist.

1 And I believe I left -- I either left late that night, very late, or I left in the morning.
2 I don't remember, but that's the reason I left and went back.

3 Q Okay. And just throughout the day, I assume, when you say mayor, you're
4 talking about Mr. Giuliani. Is that right?

5 A Yes, sir.

6 Q You said you were in D.C. on election night. Where were you?

7 A Where was I? I was at the Trump International Hotel and I think I stayed
8 there. That's where I was the night of the election.

9 Q Okay. Did you go to the White House at all, either that night or early the
10 next morning?

11 A No, I did not.

12 Q Who were you with at the Trump Hotel?

13 A I was with a bunch -- a bunch of Trump supporters.

14 Q Okay.

15 A People I know, friends.

16 Q Anybody from the campaign?

17 A I don't think so, no.

18 Q Okay.

19 A No.

20 Q So you come back to Washington on the 5th of November, and are you
21 working for the campaign itself?

22 A I can't say I was working for the campaign. I was working for the mayor. I
23 was assisting the mayor. The mayor said that we were going to investigate
24 improprieties and questionable things that were coming up in the election. What I can
25 say is that we -- we basically -- our base of operations, contrary to The Washington Post,

1 our base of operations was actually in the campaign headquarters.

2 So when I came down on the 5th, the mayor was staying in the Mandarin Oriental
3 Hotel. I believe I checked in there, and then I met him later in the morning, early that
4 morning in the -- in campaign headquarters. They had a -- they had a massive
5 conference room and they had a series -- a number of offices on the outside where
6 campaign workers or -- honestly, I don't know who they were -- different people in some
7 of those offices on the outside cubicles.

8 I didn't know a lot of people there, didn't know a lot of people from the campaign,
9 and that's our base of operations was in that -- in that campaign conference room.

10 Q Okay. Did you get paid to do this work?

11 A No.

12 Q All right. You volunteered working with Mr. Giuliani it sounds like?

13 A Yes.

14 Q All right. And when you were at the campaign headquarters, did you
15 coordinate with members of the campaign? I guess I'd ask like the Bill Stepiens of the
16 world, the Tim Murtaughs, and the communications part?

17 A I -- I don't think I've ever met Bill Stepien. Did not see him there. Who's
18 the other name you just mentioned?

19 Q Tim Murtaugh, Jason Miller?

20 A Jason Miller I know. Jason Miller I saw on numerous occasions, but I didn't
21 see Stepien or Murtaugh. I don't know -- I don't know who Murtaugh is.

22 Q Okay. Did you coordinate with Mr. Miller, Jason Miller, that is, as far as
23 what you were doing for the campaign?

24 A Did I personally? No. He had a number of discussions with the mayor.
25 The mayor would brief him on some of the stuff we were finding over periods of time.

1 That was about it.

2 Q Okay. And my understanding is that, based on what you've said and what's
3 been reported out there, that you were -- I don't want to, I guess, get your title wrong,
4 but you were kind of the chief investigator working with Mr. Giuliani. Is that right?

5 A If you want to call it that. You know, I was overseeing a lot of the
6 investigative operations, if you will, and that had to do with assisting the mayor on
7 collecting affidavits, talking to attorneys that were assisting us on reaching out to
8 different people for affidavits, interviewing witnesses, you know, reaching out to State
9 legislators, collecting information from various States, and then interacting and
10 coordinating with some of the other -- some of the other people that were involved in
11 collecting data.

12 Q Okay. So I guess I'll start there. Who were some of the other people that
13 were involved in collecting data? What do you mean by that?

14 A There were -- there were two -- there were two people -- three. Phil
15 Waldron was a retired, I think, lieutenant colonel from the intelligence community. He
16 was with us and he had -- he had two guys, maybe three -- two that I know their names.
17 I don't know their full names, Todd -- Todd and Conan were two guys that were
18 like -- they were, you know, computer geeks, if you will, analysts.

19 He had them working with him. So it was Phil Waldron, Conan, Todd, and there
20 was one another -- one other guy who was not with us, but I spoke to him on the phone a
21 number of times who was collecting -- he was helping dump data out of the public
22 databases, I think, in Pennsylvania and some other States with regard to the election.

23 He was a retired -- I think he was a retired captain out of the U.S. Army out of the
24 intelligence service. I don't -- Seth. Seth.

25 Q Okay.

1 A I don't know his last name. I think his first name was Seth.

2 Q Okay. And we'll get to some of those names as well.

3 So beyond coordinating with those folks, did you have people that directly
4 reported to you?

5 A Not that they were employed by me, but there were a number of people
6 that -- I was sort of the buffer between Mayor Giuliani and everyone -- people that
7 wanted to see him, that wanted to talk to him, that wanted to meet with him, that
8 wanted to provide information to him, I was sort of the go-to person with the exception
9 of his personal assistant or press secretary.

10 Other than them, I sort of coordinated all that movement.

11 Q Okay. So I imagine some of those people are -- they've heard about Mr.
12 Giuliani, either in the public or through outreach to legislators and they want to talk to
13 him, but what about people who were involved in the day-to-day investigation of this
14 stuff with you? How many of those were there?

15 A So you had Waldron, the other two, Conan and Todd. They were pretty
16 much with us, I'd say, for the whole -- probably the month of November going into
17 December through December maybe. You had an attorney by the name of Christina
18 Bobb. You had an attorney by the name of Katherine Friess. There was -- there was
19 another -- there was another guy -- I don't remember his name. He actually [REDACTED]
20 He [REDACTED] and left. He went out [REDACTED] and then never came back.

21 He was -- he was a staff member for, I think, for a State legislator or somebody,
22 and he took a leave of absence to come down and assist the team.

23 And then there were other people that wasn't with us like on a daily basis that
24 assisted in data collection. There was a woman that worked for Peter Navarro.

25 Q Who's that? Who's the woman? I know who Peter Navarro is.

1 A Joanne Miller. I'm not sure of the last name. I think Joanne Miller's her
2 name.

3 Q Do you know where she worked?

4 A No idea. I thought she worked for Peter Navarro. I'm not sure.

5 Q Okay. All right. So I'm just kind of a visual person, but when I think about
6 a team and doing things, I think about in some of my jobs, we get the team I'm working
7 with together and do updates and stuff. Are these the folks that if you were to have,
8 like, an investigative team meeting, these are the people that would be involved -- Phil
9 Waldron, Todd, Conan, Seth -- I think that might be Seth Keshel, if that's right?

10 A I don't -- it could be. I don't know -- I don't know his last name. I didn't
11 know his last name.

12 Q Okay.

13 A Yeah, these would be the primary people.

14 Q Okay. All right. And then I understand there's a series of -- I'm sorry.

15 A Hold on. Jenna Ellis and Boris Epshteyn.

16 Q And were they on the legal side or the investigative side?

17 A No, the legal side.

18 Q All right. And from the outside advisers, I understand that there are some
19 of those. I'm just going to run through some of them.

20 Did you work with retired General Michael Flynn?

21 A I didn't work with him. He didn't physically work with us. He wasn't, you
22 know -- I probably only saw him, I don't know, three or four times in 2 months when I was
23 there. I talked to him on the phone numerous occasions. I think -- if I'm not mistaken,
24 I think he's the one that recommended Waldron to us and sent Waldron to us. I think.
25 I could be wrong.

1 Q Okay.

2 A But I think. Yeah. But he didn't work with us.

3 Q Okay. And you mentioned you talked to him a number of times. Can you
4 just give us a flavor of what those conversations would be like?

5 A Different intelligence things, you know. For example, you know, the data
6 collection in Pennsylvania, you know, I think -- I think it was Waldron's guys that did the
7 dump on the Secretary of State's data in Pennsylvania when we determined that, you
8 know, there were ballots that actually received before they were sent out. And there
9 were all these improprieties, these things that didn't match up, and it was coming off
10 their direct database.

11 So, you know, it was that kind of stuff that we would talk about.

12 Q Okay. I see Mr. Kinzinger, you turned on your video, I don't know if you
13 had a question.

14 Okay. Very good.

15 Mr. Kinzinger. No, just watching. Sorry.

16 BY [REDACTED]:

17 Q Okay. Did you ever talk to Mr. Flynn about, you know, using martial law or
18 some of these national security laws to rerun the election?

19 A Did I [inaudible] --

20 Q Bear with us one moment. Okay. Did you hear my question?

21 A Repeat the question, please.

22 Q Sure. In those conversations with General Flynn, did you ever talk to him
23 about using martial law or the Insurrection Act or some other national security law to
24 rerun the election or take some action?

25 A I didn't personally have those conversations with Flynn, I don't think. I've

1 heard it.

2 Q When you say you've heard it, do you mean you've heard the conversation
3 or you've heard about it later?

4 A I heard about it and I think it was through Waldron.

5 Q Okay. And we are going to get through some of that as well, but just to
6 keep marching through the advisers. Did you work with Mike Lindell?

7 A No.

8 Q How about Patrick Byrne from Overstock, I believe?

9 A No.

10 Q You chuckle when you say no. Can you explain why?

11 A He's a kook, that's why.

12 Q Do you say that because of election related?

13 A I just -- I just -- it's my opinion.

14 Q Okay. And John Eastman and Jenna Ellis. I know you just mentioned
15 Jenna Ellis, but did you work with both of them in some capacity during the time with the
16 campaign of the President?

17 A Yeah. Jenna Ellis was with us pretty much on a daily basis up until the time
18 she got [REDACTED], and then she -- and then she traveled back home for something, but for
19 the most part, especially throughout the hearings process, whether it was the hearings in
20 Michigan, Pennsylvania, Arizona, Georgia, she was a pretty substantial piece or part of
21 that, those hearings on the constitutional law issues.

22 So she was with us constantly. Who else did you say?

23 Q Mr. John Eastman.

24 A Eastman, I don't know him. I met him. I think he -- I think he came -- he
25 came to meet with the mayor, I don't know, I want to say around January 3rd or 2nd and

1 3rd maybe. I only know that because his hotel, his hotel room was on my -- on my bill at
2 the Willard, and I think it was 4 nights.

3 I know he was there on the 6th. Don't know when he left. I'd say he probably
4 came to D.C. or came to see the mayor around the 3rd or 4th, and I don't know -- I don't
5 know if he had been there beforehand. I didn't know him, never met him before, and
6 really didn't have much conversation with him.

7 Q Okay. That's helpful. And I think we'll get back to that. We are going to
8 talk to you about the Willard as you might expect and who all was there. So as far as
9 when you get to D.C. and start working with the mayor on this stuff, what's your first
10 order of business?

11 A First order of business was basically collect any information that the mayor
12 was looking for. So you guys are pretty familiar with my background, right? I've run
13 basically one of the most substantial crisis in U.S. history. When I got to D.C., I
14 anticipated, if you're going to look at the election, and you're going to look at the various
15 States that were in question on the morning of the 5th, I anticipated walking into the
16 conference room at campaign headquarters and seeing sort of a war room, right?

17 In my mind, you would've had lawyers and analysts, paralegals perhaps, for each
18 one of those States. You know, so if you had five swing States you were looking at the
19 time, you'd have a number of people that should have been there looking at this and then
20 you would've had legal teams, the same things in the field in those various States
21 reporting back to the campaign.

22 That didn't happen. When I got there on the 5th and walked into that
23 conference room, Rudy Giuliani, the mayor, was there. Jenna Ellis had just walked in,
24 and there was one other attorney who was from the campaign. And I think, if I'm not
25 mistaken, his name was Michael Morgan, I think.

1 Q Matt Morgan?

2 A Matt Morgan. What was his name?

3 Q Was his last name Morgan?

4 A I think his name was Morgan.

5 Q Okay.

6 A Matt Morgan, Michael Morgan. I'm not sure.

7 Q Okay.

8 A He was there and there wasn't -- there wasn't the crisis management team
9 that I thought there would be.

10 Q Let me stop you there. Why did you think it would be a crisis management
11 at that point? Why are you expecting that?

12 A Well, because you're looking -- basically, what you're looking at is -- if you're
13 looking at the election, if you have questions, serious questions about five or six States,
14 swing States, who's going to do that work? You're not going to have one person do it.
15 You need a team of people to do it. You'll need lawyers, you're going to need analysts
16 to collect the data. You're going to need paralegals to look at drafting various motions
17 for court or, you know, litigation for court. It's a process, and I anticipated that's what
18 would -- I would see. That wasn't the case.

19 Q Okay.

20 A There was -- there was nobody there.

21 Q So on that point, I mean, on November 3rd, Election Day, either late in the
22 night or early morning the next day, the President made a public statement about the
23 election and said that he was going to be litigating. I believe he said we're going to go
24 straight to the Supreme Court, or something to that effect.

25 At that point when you got there, though, did you -- did you have any evidence of

1 fraud or improprieties or was it just kind of now starting on allegations that were out
2 there?

3 A Did I? No. I walked in looking for the mayor and trying to determine
4 what they would be looking at in general. I knew the States they were concerned with,
5 which were on question, on the morning or the afternoon of the 4th if you watched any
6 of the news channels, but as far as what they were looking at at the time, no.

7 It was just -- this was the beginning stages of inquiries as to the validity of the
8 State elections.

9 Q Okay. And you've mentioned five or six swing States, and I imagine those
10 are, at least, some of the States that were referenced earlier -- Arizona, Michigan,
11 Georgia, Pennsylvania. The focus on that, I mean, was that because the election was
12 close or relatively close in those States and you needed to look?

13 A No. I think, you know, Pennsylvania, for example, you know, they had a
14 500,000 -- I don't know the exact number, but you had a half a million ballots that were
15 dropped into the system between 1 and 5 in the morning, if I'm not mistaken. That's
16 impossible. Couldn't have happened, but it did, you know, if you're watching -- if you're
17 watching Fox or CNN and you're watching those tally numbers, it did happen. So
18 obviously there would be questions about that increase in numbers.

19 And I think it was -- I think it was the same thing for a number of these where
20 people went to sleep the night of the 3rd anticipating the President won, and then there
21 was this substantial increase in numbers by, you know, 8 o'clock, 9 o'clock in the morning,
22 which statistically couldn't have happened.

23 Q Okay. So -- and I don't want to put words in your mouth, but it sounds like
24 you're going in blank slate on November 5th trying to get the team up and running and
25 figure out what's happening. Is all that fair?

1 A Pretty much, yeah.

2 Q Okay. And on November 7th, I guess fast-forward just a couple days, I
3 believe you end up in Philadelphia with Mayor Giuliani and a few others. Is that right?

4 A Yes.

5 Q Okay. How did you -- let me rephrase that. Why did you go to
6 Pennsylvania just a couple days after getting to D.C.?

7 A If my recollection is right, I think that is where -- Philadelphia, they had a
8 substantial increase in the numbers. They had -- the Republican observers were
9 corralled and kept out of the observation points. I remember Corey Lewandowski was
10 there and he was explaining to the mayor exactly what happened.

11 Now, I don't know if this was him that did this, but I do know that somebody on
12 the Republican side went to court basically because the Republicans in the poll watching
13 centers were thrown out or kept from viewing the ballots, the viewing of the ballots.
14 They were corralled, kept away from the ballots, couldn't see.

15 So they went to court, they got a court order. They came back with a court order
16 that said they had to be let in, and the polling site still refused to let them in. Then they
17 called the sheriff, a county sheriff to enforce the court order, and the sheriff did
18 not -- refused to enforce that order.

19 Q So did you go up there to look into these allegations?

20 A No. Actually, we went there, the mayor met with a number of people that
21 were at those polling sites. Probably -- I want to say -- I want to say there were maybe
22 six or eight people that they had there at this place where we -- where that press
23 conference was held, where the mayor sat in the room with them and interviewed each
24 one of them specifically about what their role was, what they saw, what they witnessed,
25 what they believed, and then he held a press conference.

1 Q Okay. And were you there for the interviews?

2 A Some.

3 Q Some of them. Okay. We're going to talk about some of these specific
4 allegations, too. At this point, I'm trying to just understand sort of the timeline of
5 events, but we will get to these allegations of improprieties and fraud and really dive in
6 on them, but -- so you were involved in some of the interviews. Did you collect any kind
7 of evidence other than the maybe the interview notes?

8 A No. No. The mayor -- the mayor sat with them specifically -- I believe it
9 was like five or six maybe. Could have been more, could have been couple more.

10 Q Okay. And you said Corey Lewandowski was there. What was his role?

11 A I don't know what his role was other than, you know, working for the
12 campaign, I believe.

13 Q Did he work on your team?

14 A No. No. The only time I saw Corey Lewandowski in that 2-month period
15 was, I think, was in Philadelphia.

16 Q Okay. I understand Pam Bondi was also there. Is that right?

17 A Yes.

18 Q Did she work on your team?

19 A No.

20 Q What do you remember her involvement while you were in Philadelphia?
21 What was that?

22 A She was with Lewandowski. I don't know what they were doing
23 specifically. I don't know if they were the ones that went to court to get that court
24 order. They did, in fact, get an order from a judge that the sheriff's officer refused to
25 enforce, but I don't know -- I don't know who -- I don't know who that was.

1 I don't know, you know -- was it Corey that got the court order or somebody else?

2 I don't know. But Corey was the one who briefed the mayor and I.

3 [REDACTED] I see [REDACTED] has turned on his camera. Do you have a
4 question?

5 [REDACTED] Yeah, just a quick follow up on that, Mr. Kerik. The press
6 conference we're talking about is at the Four Seasons Landscaping press conference?

7 Mr. Kerik. Landscaping place, yeah.

8 [REDACTED] And I recall at that press conference several witnesses were brought
9 in front of the cameras to tell their stories. Are those the same folks that you're talking
10 about that the mayor interviewed?

11 Mr. Kerik. I believe so, yeah. I think so.

12 [REDACTED] Thank you.

13 BY [REDACTED]:

14 Q Okay. So I believe at that Four Seasons press conference, Mr. Giuliani
15 mentioned that Philadelphia has a sad history of voter fraud, and he mentioned dead
16 people voting. I believe it's been publicized that he mentioned boxer Joe Frazier and
17 actor Will Smith's father. They voted after they died.

18 Do you remember that coming up at the Four Seasons conference?

19 A I remember it coming up; I don't remember if it was at that press
20 conference, but I remember him saying it once or twice.

21 Q Okay. All right. So at that point is that something that you had
22 investigated or did he get that from somewhere else?

23 A No. I don't know where he got it. I didn't know about it until he said it.

24 Q Okay. And I think Mr. Giuliani also said there that there had been no
25 inspection of a single mail-in ballot in Pennsylvania, and this was at that same Four

1 Seasons press conference.

2 Do you remember him saying that?

3 A Do I remember him saying it, no.

4 Q Okay. Do you remember that coming up as an issue?

5 A I remember somebody talking about it, yeah. And I don't know if it was
6 Corey -- I remember it talked about, but I don't remember if it was Giuliani that said it.

7 Q Okay. All right. So at that point, though, whoever talked about it, is that
8 something that your team had investigated?

9 A No. I don't think so. I think the information that he got from Philadelphia
10 was that everything he got from Philadelphia came from Lewandowski and Pam Bondi
11 and/or whoever they were working with, whoever the campaign people -- I don't even
12 know if they were assigned to Philadelphia. I don't know what they were doing there.
13 I just know they were there when we got there.

14 Q Okay. But none of the stuff that came up, so far as you can recall, at that
15 press conference on November the 7th was stuff that your team had investigated or
16 reached conclusions on. Is that fair?

17 A Yes.

18 Q Okay. All right. So I understand that after that -- well, is there anything
19 about that event that you think we should know? I mean, what did you guys do after
20 the press conference?

21 A I went -- I went back to D.C. I don't -- and the mayor was behind me. I
22 think he went back to D.C. also.

23 Q Okay. I understand that on November 10th -- and this is based on your
24 appearance on the War Room Podcast with Steve Bannon -- I understand that you were
25 in an Oval Office meeting with the President, as well as then-Attorney General Bill Barr.

1 Is that right?

2 A No.

3 Q You were not -- do you remember ever being in the Oval Office with
4 Attorney General Barr?

5 A No.

6 Q Okay. So in a podcast -- do you remember going on to the Steve Bannon
7 War Room Podcast?

8 A I've been on a number of times, yeah.

9 Q Okay. Do you remember saying that on November 10th, I was in the Oval
10 Office with the President and he was trying to get the Attorney General to look at the
11 election to investigate?

12 A Yes.

13 Q Okay. Why did you say that if you weren't there?

14 A I was there.

15 Q Oh, you were there?

16 A I was in the Oval Office.

17 Q I'm sorry?

18 A Bill Barr was not in the Oval Office.

19 Q Okay. Can you explain, I guess, what happened at that event?

20 A We went -- the mayor and I went to the Oval Office to meet with the
21 President. The President was going to -- or the mayor was going to brief the President.
22 I don't remember off the top of my head now what it is he was telling him about things
23 that we were finding from the field, but he was going to see the President to brief him.

24 Q I see. I'm sorry if I was confused as to who was there, but --

25 A No. That's okay. So -- so the mayor and I were there, and then there

1 were two other people in the room, one was --

2 Q Mark Meadows?

3 A No, no. Who's the President's chief of staff?

4 Q Mark Meadows?

5 A No, not his chief of staff. Counsel? Who was his counsel?

6 Q Pat Cipollone?

7 A Pat Cipollone was there. Pat Cipollone was there and Herschmann, a guy
8 named Herschmann. I think he's an attorney.

9 Q Eric Herschmann?

10 A I believe so. It's the first time I ever met him. I didn't know him. He was
11 there and -- and the President asked --

12 Mr. Parlatore. Hold on a second. Let's take a quick break so I can talk to Mr.
13 Kerik. Because, obviously, if there's a conversation with all attorneys, I want to make
14 sure that it's okay to answer that first. All right?

15 [REDACTED] Yeah. And Mr. Parlatore, I would just point out that there were
16 folks who were not with the campaign or Mr. Giuliani's team in this conversation.

17 Mr. Parlatore. If there were people -- if there were people present that were not
18 attorneys, then I would agree. So let's just take a quick break so I can discuss it with
19 him.

20 [REDACTED] Sure. Take your time.

21 Mr. Parlatore. All right. Thanks.

22 [Recess.]

1

2 [11:05 a.m.]

3 [REDACTED] All right. Are we prepared to proceed, Mr. Parlatore?

4 Mr. Parlatore. Yes. Based on the presence of third parties, we think that this is
5 fair game.

6 [REDACTED] Okay. Very good. I appreciate that.

7 BY [REDACTED]:

8 Q So, Mr. Kerik, I believe you were starting to describe what happened in that
9 meeting.10 A So the mayor briefed the President on -- and, like I said, I can't remember -- I
11 don't even remember what State or what the topic was, but that was the purpose of us
12 going there, for the mayor to tell him something that we had found or we were looking
13 at.14 And the President looked at Cipollone and said, "Have you talked to the Attorney
15 General? They should be looking at this." And Herschmann said, "I have. I met with
16 him earlier."

17 That's to my recollection. That's pretty much what was said.

18 Q Okay. And just to unpack that a little bit, I know you don't remember the
19 exact issue that came up, but it was related to election fraud or improprieties. Is that
20 fair?

21 A Yes.

22 Q Okay. And just subject-matter-wise, do you remember if it had to do with,
23 like, Dominion voting machines, or are we talking more about, like, the dead people or
24 illegal ballots type of information?

25 A Honestly, I don't remember. I don't think it would've been Dominion, I

1 don't think. But I don't remember. I just don't remember.

2 Q Okay.

3 And do you remember the President saying anything about the Attorney General
4 and Bill Barr refusing to open investigations or something to that effect?

5 A No. He asked Cipollone, he said, "Did you get a hold of Bill Barr?" He
6 said, "He should be looking at this. Is he going to look at this?"

7 And then Herschmann, I believe, said, "I spoke to him. I just met with him," or
8 something like that.

9 Q Okay. And did Mr. Herschmann say the outcome of his meeting with Mr.
10 Barr?

11 A No. Not to my recollection, no.

12 Q Okay.

13 I believe in the podcast you were on with Mr. Bannon you said that the President
14 was furious about something, whether it was the Attorney General not opening an
15 investigation or following up. Do you remember the President being furious?

16 A Yeah. Now that, you know, it's a year later, I don't remember it specifically,
17 but I remember him being furious on a number of occasions. So I would say yes.

18 Q Okay. Do you remember what he was furious about in that meeting?

19 A No, because I don't remember what Rudy was -- the mayor was talking to
20 him about, specifically what he was talking to him about.

21 Q Okay.

22 I believe at some point in that interview you also said that Matt DePerno should
23 get the Medal of Freedom. Do you know who that is and what that's about?

24 A Yeah. Matt DePerno is an attorney in Michigan, Antrim County, Michigan.

25 During the course of the investigations, there was a -- and I don't know his

1 name -- there was a guy from Michigan, from Antrim County, Michigan. He called -- he
2 got a hold of us, and I don't recall how. He got a hold of -- he got a message to
3 somebody in our team, this man, this guy from Antrim County.

4 He said, "I live in Antrim County. It's a completely red county, and it's gone
5 completely blue. And there's a problem. There's something wrong." And I don't
6 know how the two connected. That guy got a hold of DePerno to represent him.

7 Q I see. Okay. And so did DePerno come up in this Oval meeting -- and we
8 will talk about the issues in Antrim County as well. But did he come up in this Oval
9 Office meeting that you recall?

10 A I don't recall. I mean --

11 Q Okay.

12 A -- could have, could have. But I don't remember -- I don't remember what
13 Rudy was talking about with the President, what he was briefing him on.

14 Q Okay.

15 A But it could have.

16 Q Okay.

17 And even if you don't remember the specific reasons, do you remember the
18 President being upset that DOJ wasn't opening investigations into election fraud?

19 A I don't think at that meeting he was -- I know he was upset later on, you
20 know, really upset, that they had not investigated or started investigations on some of
21 these things. But at that meeting I don't remember him specifically being, like, really
22 upset, other than asking if they had gotten a hold of Barr because this had to be
23 investigated.

24 [REDACTED] All right.

25 So, at this point, I think I would ask if any members -- I'd just note that

1 Representative Aguilar has joined as well. But do any members have any questions
2 about what we've gone over with Mr. Kerik?

3 Okay. I believe [REDACTED] chief investigative counsel, has a few questions for
4 you, Mr. Kerik.

5 [REDACTED] Yeah, I do, [REDACTED]. Thank you.

6 Mr. Kerik, again, I'm [REDACTED] I'm the chief investigative counsel. I really
7 appreciate you being here.

8 BY [REDACTED]:

9 Q I just wanted to go back to a couple of things you said earlier with respect to
10 Phil Waldron. I think you said Todd and Conan were computer geeks or guys that came
11 with Waldron, and I'm just curious about the data that they had.

12 Could you talk a little bit more, what sort of specific work they were doing and
13 with what raw material? What was the data that those computer geeks were
14 evaluating?

15 A I think the first ones -- I think the first ones we were looking at, the first set
16 of data that they started getting into, was Pennsylvania.

17 What they did -- and I'm not a computer guy, so --

18 Q Yeah. Me neither. I appreciate that. We'll muddle through here
19 together.

20 A But what they did is, they went into the -- they went into that database, the
21 secretary of State's database that was online, right, the secretary of State in Pennsylvania.
22 They had all of their numbers, everything that happened in the election. That stuff was
23 all online somewhere.

24 These guys went in there, and they basically dumped the data -- if I have this
25 correct, they dumped the data out of that database into some thing that they have. And

1 then they started breaking that apart.

2 And they came back to us and said, look, there's, like, 20 improprieties in this.
3 For example, you know, so many ballots were requested; more ballots came back than
4 were requested. So many ballots were received on this date, but they were actually
5 sent out, according to the secretary of State, on a day later than they were actually
6 received.

7 So there were all of these questionable things that they found in this database.
8 And I don't know if it was the mayor or who it was; somebody talked about this publicly.
9 And when they did, when it came out that we were looking at Pennsylvania and all these
10 improprieties, the secretary of State shut down that database.

11 They were doing -- they did Pennsylvania. I think they were doing Michigan.
12 We tried to get them to do as many as they could through the public information. But
13 as this thing was going on, as the investigation was going on, a lot of the secretaries of
14 State pulled their data offline so nobody could see it.

15 Q I see. And I appreciate that. So it sounds like they potentially pulled off
16 the internet, sort of, publicly available data related to voters, lists of registrants, that sort
17 of thing, ingested it somehow into a database or something separate -- or they pulled it
18 down and had it separately available to you and others that were working on this
19 investigation, and then did some analysis of that publicly available data.

20 Is that generally accurate?

21 A Yeah, I'd say.

22 Q Okay. Do you know who sort of administered that? Was it these guys,
23 Todd and Conan, in working with Phil Waldron? Or was there somebody in particular
24 who kind of was in charge of that on your team?

25 A No. Primarily Waldron. He was -- you know, I don't know if he was their

1 boss or -- he oversaw them, so to speak.

2 Q Okay.

3 And, Mr. Kerik, did that ever prompt presentations to you or things that you
4 then -- like, visual product that, based on that analysis, would get presented to Mr.
5 Giuliani or the President or others?

6 A Yes.

7 Q Okay. And is that part of what you're reviewing for possible production to
8 us? I understand Mr. Parlatore has -- there's privilege issues, but is that part of what
9 you possess and are evaluating for possible production?

10 A Yes. And I think there's some that you may have gotten already. But yes.
11 The answer is yes.

12 Q Okay.

13 And can you tell me to whom that data from that statistical analysis, the publicly
14 available stuff, to whom was that presented? The President? Members of Congress?
15 Do you have any recollection as to how it was used?

16 A It was presented to me; the mayor; in time, the President. As far as
17 Members of Congress, I didn't really sit through -- not to my recollection. I don't think I
18 sat through any briefings with Members of Congress where that information was gone
19 over, but I think -- I can't say.

20 Mr. Parlatore. If I could just follow up on that point real quick. That's one of
21 the reasons why -- certain things that we don't know, because Mr. Kerik wasn't present,
22 so we don't know if it was promulgated further outside the team. That's why -- you
23 know, I'm erring on the side of caution -- we've listed it as privileged for now.

24 But, certainly, you know, to the extent that we find out that any of it was
25 promulgated outside, happy to make those available too.

1 [REDACTED] Yeah, Mr. Parlatore, you're anticipating my question. Obviously,
2 if it was disseminated beyond a close-hold legal team, in our view, that would make it
3 nonprivileged, and that's why I asked the questions.

4 Mr. Parlatore. In my view as well, sir.

5 [REDACTED] Okay. I appreciate that.

6 BY [REDACTED]:

7 Q Now, Mr. Kerik, you aren't personally aware or weren't present for any
8 briefings with Members of Congress using this data?

9 A I don't think so. I know State legislators, Pennsylvania State legislators, I
10 remember talking to them about this, asking them about this, on the Pennsylvania
11 numbers. But Members of Congress, I don't think so.

12 Q Okay.

13 And in terms of the people involved in pulling and analyzing that data, you
14 mentioned Phil Waldron, Todd, and Conan. Anyone else involved in that work as part of
15 your team?

16 A No. The attorneys, the staff attorneys, would be Christina Bobb or
17 Katherine Friess. They would've drafted -- they would've put it all together in
18 documents. But other than that, no.

19 Q Okay.

20 And it sounds like you said earlier that these slides or this analysis was presented
21 to the President, certainly was presented to you, and other members of the legal team.
22 Do you know any other source of dissemination for that information?

23 A No. You know, it was -- the stuff went through me, went to the mayor.
24 And, like I said, there was presentations made to the President. But, for the most part, I
25 wasn't there. Or Members of Congress; I wasn't there for those either.

1 Q Okay. All right.

2 [REDACTED] And, [REDACTED], I know you're going to continue to march through the
3 chron, so I won't get into the weeds of the analysis. I just wanted to ascertain the data
4 and the sources of information. I appreciate it. Thank you.

5 [REDACTED] Sure.

6 Any other questions from anybody who's participating at this point?

7 Okay.

8 BY [REDACTED]:

9 Q I do have just a couple followups on the November 10th meeting you had in
10 the Oval Office. Was that the first conversation that you had with the President about
11 the election?

12 A I don't recall. Could have been. Maybe.

13 Q Okay. Do you remember going to the White House before then about the
14 election?

15 A Honestly, I don't remember. It could've been. I don't remember.

16 Q Okay.

17 A It could've been, could've been the first time.

18 Q Okay.

19 And I know you had a press conference at the Republican National Committee, or
20 the mayor did, on the 19th, so it sounds like you may have been around D.C. then.

21 Were you having other meetings with the President after that Oval Office meeting
22 on the 10th?

23 A No. You know, I was in the White House a number of times, but -- you
24 know, I can't get into the content, but the mayor spoke to the President daily, I don't
25 know, sometimes 3 times, sometimes 10 times in a day, basically outlining findings,

1 possible litigation, and so forth.

2 Q And were you given instructions after those phone calls that the mayor had
3 with the President?

4 A Could be, depending on what it was.

5 Q Okay. Were you ever asked to, like, investigate certain claims after, you
6 know, the mayor would get off with the President?

7 A Could be.

8 Q You're saying "could be." Is that -- do you remember actually having
9 followup to do items after those phone calls?

10 A Well, there were discussions about litigation -- you know, where, who was
11 going to handle it, attorneys, locating attorneys, who was going to do what States.
12 There were a number of discussions like that. So there was always something to do
13 after the conversations.

14 Anything specific? I don't remember specifics, no. But those kinds of things
15 came out of those conversations.

16 Q Okay.

17 And during what time period were these daily calls or multiple-times-daily calls
18 occurring between Mr. Giuliani and the President?

19 A Every day. I mean --

20 Q So starting, like, November 5th when you first got there, all the way through
21 January 20th?

22 A I can't say after maybe the 15th of January. But pretty much -- the mayor
23 was in consistent contact with the President on a daily basis, you know, the entire time he
24 was in Washington, I would say.

25 Q Okay. And was it your understanding that these conversations were in

1 furtherance of the President's efforts to change the outcome of the election?

2 A I can't say to change the outcome of the election, but what I can say is, you
3 know, to look at litigation and to look at the improprieties and the voter fraud, or what
4 we believed to be voter fraud at the time, and to also interact with the State legislators,
5 either obtaining information or giving them information, regarding the State numbers,
6 State elections.

7 Q Okay.

8 Now, I understand that -- it's been publicly reported, at least, that you introduced
9 Katherine Friess to the President at the White House. Do you remember that?

10 A Introduced her? Could have. I don't remember specifically what that
11 was, but I could have.

12 Q Okay.

13 So I guess, going back maybe a little bit to another question I'd asked, do you
14 remember other Oval Office meetings with -- or other meetings with the President at the
15 White House?

16 A Yes.

17 Q Okay. And when was the next meeting after the 10th that you remember
18 having with the President at the White House?

19 A Oh, I don't know specifically. If you -- I think the next -- I don't know the
20 date. You guys may know when we went -- when did we go to Gettysburg, if you know?
21 What date was that? Anybody know?

22 Q I believe that was the end of November, November the 25th.

23 A Right. It was the day before Thanksgiving, right? Or was Thanks- -- yeah,
24 it was the day before Thanksgiving.

25 That may be -- I don't know, that's 2 weeks. I was probably in the White House

1 before that. I'm not sure. But I was definitely in the White House on the night of
2 the -- whatever date you just said, 25th.

3 Q Okay. And who else was there? What were you doing?

4 A At the hearing -- on the morning of the 25th, we had a hearing in
5 Gettysburg -- on the afternoon, I guess -- we had a hearing in Gettysburg with the State
6 Senate. The mayor spoke. Jenna Ellis spoke. I forget his name, the head of the
7 committee that was there; he's a State senator.

8 During the course of that hearing, that public hearing, the President called into the
9 hearing to thank the senators for their work and looking at the election. And he
10 basically invited them -- I don't know if it was publicly, but he invited them to the White
11 House. And we wound up -- when he invited them, at some point we realized that he
12 meant, like, today.

13 Q Okay.

14 A So, when the meeting concluded, when the hearing concluded, we had
15 to -- we got buses, or a bus, and we put all -- I want to say there were 21, there were 21
16 members of the Senate -- put them on that bus, and took them down to the Oval Office.
17 And the President met with each one of them.

18 Q Okay. And those 21 members, were those members who participated in
19 the hearing on the 25th?

20 A Yes, sir.

21 Q All right. And the buses, who arranged the buses?

22 A I have no idea. Somebody from the campaign, I believe.

23 Q Okay.

24 You mentioned a certain senator or senators. Was Doug Mastriano one of
25 those?

1 A Yeah. Yes.

2 Q Was that the person you were referring to earlier?

3 A Yes.

4 Q Okay. Do you remember any other senators who -- the names of other
5 senators who were there? I guess we can check it against the list of the participants of
6 the hearing. Is that fair?

7 A Yeah, they would've been at the hearing. They also came to the White
8 House. So there's a list somewhere. But I think the number's 21.

9 Q All right. And what happened at the meeting at the White House with the
10 President and all these State senators?

11 A I wasn't in the room the entire time, but I was there for most of the time, I
12 think, and the President basically thanked everybody for being there and thanked them
13 for the work they're doing. A number of them talked to him about what they thought,
14 you know, had happened, their concerns.

15 Q So do you remember specifically the concerns they raised?

16 A No. Off the top of my head, no. It was a back-and-forth about the
17 election, about possibilities of fraud, what they were finding, what they were seeing,
18 things like that.

19 Q Do you remember what the President said?

20 A I don't remember specifically, but it was mostly like a lot of the stuff he said
21 at the hearing, and that was, you know, he thanked them for the work they're doing, you
22 know, thanked them for, you know, being the people they are. And, you know, it was
23 sort of an inspirational pep talk, I guess.

24 Q Okay. Do you remember him asking them to do anything?

25 A Not specifically, no.

1 Q Do you remember alternate electors coming up?

2 A I do not, not -- no.

3 Q Do you remember issues about certification of the election coming up?

4 A Yeah. No. I can't say I remember it coming up in that meeting. Like I
5 said, I was in there -- I was in there for most of the time, not all the time, number one.

6 Number two, I don't remember that coming up specifically at that meeting, but I
7 can tell you, that was a constant theme throughout, you know, what we were doing,
8 whether it was the President or anyone else: the certification. You know, everybody
9 was concerned about certifying States' election numbers that were fraudulent. But I
10 can't say it came up in that meeting.

11 Q Okay. And just to follow up on that quickly before I move back to the
12 meeting, when you say everybody was concerned about certification of the election, I
13 mean, did you see your work as building enough evidence to prevent certification or
14 delay certification? Was that one of your jobs?

15 A No. One of my jobs was to make sure that the numbers were accurate, you
16 know. We were doing everything in our power, whether it was going to be through
17 litigation or whether it was going to be through the legislators, to ensure that, you know,
18 every valid vote counted, and where there was fraud and where there was improprieties
19 and we could confirm it, we could conclude it, that those would not count. That was
20 sort of our job.

21 Q Okay.

22 And so, going back to the Oval meeting -- and we'll talk again, like I said, about the
23 improprieties and fraud that you were seeing in a little bit. But going back to this Oval
24 meeting, I guess, what happened? How did it wrap up? What happened as people
25 were leaving? What did the President say or ask?

1 A Like I said, it was sort of a pep talk. They were there for about -- I don't
2 know how long they were there. You know, I anticipated this thing would take
3 15 minutes, and they were there probably an hour, maybe an hour and a half. I don't
4 recall the number.

5 But it was sort of a pep talk and thanking them for their service, thanking them for
6 what they were doing. You know, the election should be about, you know, real votes.
7 They had to identify the fraud and -- stuff like that. That's pretty much what the
8 conversation was.

9 Q Okay.

10 So, when the President called into the hearing, the Pennsylvania hearing in
11 Gettysburg, I believe he said something to the effect of that the legislature has to do
12 something to turn the election over and based on many, many cases of fraud. I mean,
13 was he repeating those types of statements in the Oval Office meeting to the senator?

14 A Probably.

15 Q Do you remember it, or are you just guessing?

16 A No, I'm just -- no. It's -- I don't remember specifically, but I would say
17 there's a good chance that's what it was.

18 Q Okay. And is that based on your experience just with how the President
19 was talking about the election and your interactions of what you saw with him?

20 A That was his focus.

21 Q Okay.

22 Is there anything else about that meeting that stood out to you?

23 A No.

24 Q Who from the White House side was at that meeting? Mark Meadows?

25 A Nope -- oh, yeah, yeah, yeah. Mark Meadows was there, but Meadows, I

1 don't think he stayed -- I don't think he stayed in the meeting.

2 When we came in, because there were -- you know, I came in first with the mayor,
3 and we were in the waiting room. And then the people started coming in, but they had
4 to get vetted first. They had to get, you know, COVID-tested and all this other stuff.
5 So it took a while for everybody to get in. So Meadows had everybody wait in one room
6 until everybody was in, and then they all went into the Oval Office.

7 Q Okay.

8 A So, after they got cleared and everybody went in, I don't think I saw
9 Meadows again.

10 Q All right.

11 A I don't think he was there.

12 Q What about anybody else? Was, like, Jenna Ellis there?

13 A She was probably there, yeah.

14 Q The mayor was there?

15 A The mayor was there, and Jenna was there, yeah, I think.

16 Q How about White House Counsel's Office, like Pat Cipollone?

17 A I don't remember. I don't think so, but I don't remember.

18 Q Okay. Was Phil Waldron there for this?

19 A I can't say. He may have -- I don't know. He could've been.

20 Q Okay.

21 A Although I don't remember him being at the hearing, but I can't say. I can't
22 say.

23 Q Okay.

24 [REDACTED] All right. I guess I'll pause there to see if anybody has any
25 questions, any members.

1 Mr. Kinzinger. None here.

2 [REDACTED] Okay.

3 Any other staff have questions?

4 [REDACTED] No, thanks, [REDACTED].

5 [REDACTED] All right.

6 BY [REDACTED]:

7 Q So I know we jumped around a little bit -- and I appreciate your comments
8 on the November 25th meeting with the President in the Oval. Were there any other
9 meetings like that that you had with the President in the White House?

10 A I was over there a few times, several times maybe, mostly for the mayor to
11 brief the President on what was happening, what we were finding, you know, brief him
12 on litigation. It was the same -- you know, it was the same thing, different topic, at
13 every meeting.

14 Q Okay. "Different topic" meaning, like, a different claim of fraud? Or --

15 A Claim of fraud or, you know, litigation, you know, what we were finding in
16 certain States. That would've been the purpose.

17 Q And is it your understanding that Mr. Giuliani was pretty involved in tracking
18 the litigation that was going on?

19 A Initially, it was -- I don't -- initially, it was sort of all over the place. But I
20 think on November 13th -- I don't even know why I have that number in my head. I
21 think November 13th the President called the mayor and told him, "You're taking over
22 the legal element. You're going to take it over. You're going to do this."

23 Q And so is it fair to say that the President expected Mr. Giuliani to be tracking
24 and involved in the litigation that was happening?

25 A Overseeing and coordinating, yes.

1 Q Okay. And was that both State and Federal cases, to your knowledge?

2 A The mayor was involved in looking at and coordinating with the various
3 States, yes.

4 Q Okay. And when you say "take over," that the President told Mr. Giuliani to
5 take over litigation, what's your understanding of who he was taking it over from?

6 A Basically the campaign. You know, in my opinion, it was very
7 uncoordinated and somebody had to get a grasp on it, and I think that's what he wanted
8 the mayor to do.

9 Q And was Mr. Giuliani involved in, like, strategy decisions on litigation, to your
10 knowledge?

11 A I would say so, yes.

12 Q And, to your knowledge, was he conveying the President's strategy wishes as
13 well? I mean, ultimately, he's the top client, right?

14 A Yes.

15 Q Okay.

16 [REDACTED] And, [REDACTED] I see that you've turned your camera on. Did you
17 have some questions?

18 [REDACTED] Yeah. Thank you, [REDACTED].

19 BY [REDACTED]:

20 Q Mr. Kerik, you've talked a lot about litigation, litigation strategy. Did your
21 team, the mayor or any of the attorneys that were working directly with your team, ever
22 file any litigation?

23 A The team specifically, no. It would've been State attorneys in those States.
24 Like, you know, there was a litigation filed in Pennsylvania, for example. And,
25 you know, I said a minute ago, I talked about it being uncoordinated, and here's an

1 example. There was a litigation filed in Pennsylvania. That motion, whatever it was
2 they were filing, came to the mayor. The mayor signed off on it, you know, did
3 whatever he wanted -- the strategy, put the strategy in place. I know he worked on that
4 motion almost all night. He was up until 3 or 4 o'clock in the morning. Got it all done,
5 sent it to whoever it was going to. And between the time the thing got filed -- the
6 mayor gave it to him and the thing got filed, somebody changed it.

7 So then the mayor had to physically go -- I don't remember if this was Philadelphia
8 or Pittsburgh, but he had to go -- personally he went and argued that thing, that motion,
9 because it had been changed.

10 So did the immediate legal team, you know, file the litigation? No. It was the
11 State teams, it was the State people, the State lawyers that was doing it.

12 Q Understood.

13 I want to understand, I take it that there were lawyers in place before you and
14 your team got involved. Is that fair to say?

15 A Say it again?

16 Q That there were lawyers in place for the campaign before you got involved?

17 A You would think so.

18 Q Well, but there was litigation ongoing right off the bat. Is that right?

19 A I don't know.

20 Q Well, actually -- maybe I shouldn't presume that. Let me ask it this way.

21 The litigation that was filed on behalf of the campaign or the President in November, was
22 your team involved in the strategy or directing all of that litigation?

23 A The mayor -- I think the problem is, there wasn't as much of that going on as
24 you would assume, as I would've assumed. Right?

25 Once it started, yes, the mayor was coordinating, the mayor was looking at it, the

1 mayor was reviewing it, the mayor was directing, the mayor was giving the President
2 advice, you know, on what could be done in court or what should be done in court once
3 he was involved and then more so after the 13th.

4 Q So, after the 13th, were the lawyers in the various States answering to Mr.
5 Giuliani? Were they taking direction from him as to the tactics and the litigation?

6 A Some.

7 Q Were they supposed to?

8 A Yes.

9 Q But they didn't always?

10 A No.

11 Q And I guess you cited that one example where he did all of the work and
12 then someone sort of changed it after he had signed off. Right?

13 A That's one example, yeah.

14 Q Was that that Federal court case in Philadelphia in front of Judge Brann that
15 Mr. Giuliani did the oral argument?

16 A I think that may have been it, yeah.

17 Q And I think some issues came up at that oral argument about whether
18 certain things were alleged. And I've heard Mr. Giuliani say that he wanted them to be
19 alleged but they weren't. Is that accurate?

20 A And I think that that has to do with the changes that were made between
21 the time he did the document and the time he gave it to whoever filed it, the change was
22 made.

23 Q Got it. I got it.

24 Okay. But did things improve after the 13th in terms of everyone sort of moving
25 in the same direction or following Mr. Giuliani's direction?

1 A It may have gotten a little better.

2 Q Okay.

3 Was there someone else from the campaign, sort of long-term campaign
4 attorneys, who were -- I guess what I'm trying to get at is, was there sort of a path that
5 the original campaign lawyers were working on and then there was the Giuliani-Kerik
6 team that was heading in a different direction, or was everything supposed to be on the
7 same path?

8 A Supposed to be on the same path --

9 Q There's an attorney -- I'm sorry. I didn't mean to cut you off.

10 A But it was not.

11 Q Do you know an attorney by the name of Elliot Gaiser?

12 A No. I don't think so. I don't recognize the name.

13 Q You mentioned an attorney by the name of Morgan earlier, either Matt or
14 Michael Morgan. Was that someone who was supposed to be working under Mr.
15 Giuliani's direction after the 13th?

16 A No. I think he worked for the campaign.

17 That meeting that I talked about on the 5th, when I walked into that room and I
18 anticipated that they'd have, you know, a legal team, you know, for the -- for the -- what
19 they were supposed to be looking at, I actually asked him, I said, "Who are you?" And
20 he told me his name. And I said, "What are you doing here?" And he says, "Well, I'm
21 here to see if I can help the mayor with what he needs." And I -- so that's what he said.

22 Q Okay.

23 [REDACTED] And I see that there's someone in the waiting room.

24 Mr. Palatore. Yes.

25 [REDACTED] Mr. Palatore, that's with you, right? Ms. Phillips?

1 Mr. Parlatore. Yeah, the one in the waiting room, Ms. Phillips, is with me.

2 ██████████ Great.

3 Mr. Parlatore. And let me just -- as to your line of questioning here, obviously,
4 the case in Philadelphia, Mr. Giuliani did speak about the, kind of, differences between
5 what he wanted in there.

6 But to the extent that we want to go too much deeper into, you know, the tactical
7 differences of opinion or coordination, that would get a little bit deeper into privilege,
8 so --

9 ██████████ Fair enough. Fair enough.

10 BY ██████████:

11 Q I'm just trying to understand whether there was sort of a -- I have heard -- I
12 don't want to mischaracterize it, but that everyone wasn't necessarily on the same page.
13 And I don't want to get into the specifics or I won't get into the specifics about where
14 those differences were. But I'm trying to understand if there was, sort of, a faction that
15 Mr. Giuliani didn't feel like he had control over. And I don't mean that in a bad way, just
16 that, you know, that weren't sort of in the line of command there, if not --

17 A You're right. You're right.

18 Q How about Cleta Mitchell? Was she someone that was sort of working
19 under the auspices of your team or at the direction of your team?

20 A Wasn't -- is she from Georgia? She's from Georgia?

21 Q Yes.

22 A She was working with the Georgia attorneys, I think. Not at the direction of
23 our team, I don't think, but in coordination with.

24 Q Okay. Thank you.

25 ██████████ ██████████ I'll turn it back over.

1 [REDACTED] All right. Thank you.

2 BY [REDACTED]:

3 Q And I want to be respectful of the attorney-client privilege here. I do want
4 to ask some questions to kind of scope it out, and I've discussed this with Mr. Parlatore.

5 So did you have other meetings with the President that involved people who
6 weren't you, Mr. Giuliani, or those directly on that legal team? And I guess I'll offer
7 some examples. Were there White House staff who were present or Mr. Meadows who
8 was present?

9 A Not to my knowledge. I think the times that I was in the White House,
10 primarily it was me and the mayor, and the mayor was there to brief the President. The
11 only time I remember other people was that meeting with the senators, and I think that's
12 it.

13 Q And the meeting you described earlier about Eric Herschmann and Pat
14 Cipollone being there?

15 A Right, and that one.

16 Q Okay. And if, as we're walking through this, more come up, obviously we'd
17 like to explore that with you --

18 A Okay.

19 Q -- being mindful of, you know, privilege issues, though.

20 And you said that your meetings were primarily to brief the President. I assume
21 it was on the legal work that you guys were doing, the investigation and litigation, as
22 opposed to something else, strategy or, you know, whatever it might be. Is that fair?

23 A Yeah. Yeah. But strategy could be involved as well, although I can't say it
24 was.

25 Q And I should be more clear: strategy about the litigation and the type of

1 legal work that you're doing.

2 So, in other words, you're not talking about pending legislation or you're not
3 talking about, I don't know, a rally that the President is going to participate in, something
4 like that. Is that fair?

5 A Yeah, I don't -- I don't recall any conversations about rallies. Briefing on
6 present litigation, possible litigation, strategy about litigation -- all that's pretty fair.

7 Q Okay.

8 And did you meet with other people in the White House besides the President?
9 So now, you know, I'll toss out Mr. Meadows.

10 A Nope. I think the only time I saw Meadows was that one meeting with the
11 senators. And off the top of my head, I don't remember any other meetings with
12 Meadows.

13 Q Okay. What about other White House staff?

14 A No, not that I remember.

15 Q Okay.

16 All right. And did you have any meetings with the Vice President or members of
17 his staff?

18 A No, sir.

19 Q Did you have any calls or message exchanges that you're aware of?

20 A Not that I remember, no.

21 Q Okay.

22 And for members of his staff, some people I'll just put out, because I'll admit, I
23 don't remember where everybody works all the time. So Marc Short, for example, do
24 you ever remember talking to him?

25 A No.

1 Q How about Greg Jacob?

2 A Nope.

3 Q Okay.

4 And what about some coordination folks in the White House, like Nick Luna or
5 Molly Michael?

6 A I don't think that -- I didn't meet with them, but, you know, they may have
7 been there.

8 I don't remember seeing Nick during my time there.

9 Molly was there. She works with the President. She may have been there.
10 You know, she wasn't involved in any of the meetings. You know, she would get us in
11 and get us out or whatever the case may be.

12 Q Okay. So mostly in planning, logistics, that type of stuff? Is that fair?

13 A Yeah. Right.

14 Q Did she make requests of you or of Mr. Giuliani that you're aware of?

15 A Not of me. I can't say for the mayor.

16 Q Okay. You're not aware of any requests that she made to pass information
17 or something else along?

18 A No. Not that I recall, no.

19 Q Okay.

20 [REDACTED] All right. I'd pause here and see if any members or other staff
21 have questions.

22 Okay.

23 [REDACTED] Sorry, [REDACTED] Let me just ask quickly.

24 BY [REDACTED]:

25 Q I appreciate, Mr. Kerik, the description of the briefings with the President.

1 But were there ever any briefings with Members of Congress separate from the
2 discussions you've described with the White House, separate meetings with them, for
3 them in particular or at which they attended, outside of the White House?

4 A I don't -- I don't think so. Not involving me. I don't think so. State
5 legislators, yes.

6 Q Yeah.

7 A Not Members of Congress. To my recollection, no.

8 Q Okay. And that's true at any time? You don't recall personally meeting
9 with any, you know, Members of -- Federal legislators, Members of Congress? Or is that
10 incorrect?

11 A I don't think so. Not that I recall. No, not that I recall.

12 Q Okay.

13 And you did mention you did meet with State legislators. Those were the folks in
14 Pennsylvania, right, that you talked about earlier?

15 A I met with a number of State legislators from Pennsylvania, from Arizona,
16 from Georgia --

17 Q Okay.

18 A -- from Michigan. Yeah, a number -- lots of them.

19 Q And were those in the White House or separate?

20 A Oh, no, not in the White House.

21 Q Okay. Can you have give us some names of any of the individuals? I
22 appreciate that you may not recall all the names, but were there principal, you know,
23 legislators in each State that were kind of coordinating those meetings?

24 A Mark Finchem in Arizona. Sonny --

25 Q Yep.

1 A -- Borrelli in Arizona. We met with the Senate leader in Arizona. We met
2 with the speaker in Arizona.

3 Q Okay.

4 A We met with, in Michigan, the speaker. And I don't know his name, their
5 names.

6 Q Yeah. That's fine.

7 A In Georgia, Burt Jones, Beach --

8 Q Uh-huh.

9 A I don't know. Like that.

10 Q Yeah. And when you met with these State legislators, were you presenting
11 the data that you described earlier, this slideshow that the Waldron team had presented?
12 Or were you presenting, sort of, specific data targeted to that particular State?

13 A It was data concerning that particular State.

14 Q Okay.

15 A In preparation for the public hearings that were going to happen with the
16 mayor.

17 Q Right. The mayor testified in Georgia, for example, at a public hearing.
18 And it was kind of presenting them with the raw material that was the basis of that
19 testimony?

20 A That we had up until that time, yes, sir.

21 Q Got it. Okay.

22 ██████████ That's all I have, ██████████ Thank you.

23 ██████████ All right. Thank you.

24 And I am mindful of the clock here too. I know we've been going for a little
25 while. So, if at any point, Mr. Kerik, you need a break or you need to consult with

1 Mr. Parlatore, please let us know.

2 Mr. Kerik. Thank you.

3 BY [REDACTED]:

4 Q So, as part of what you were doing -- this is more broadly, I think -- did you
5 ever have meetings or discussions with government agencies? And I'll just list a few
6 here. CISA, which is a part of DHS about cybersecurity?

7 A No. That came up, and I'm trying to think of why and how it came up.

8 Q But you didn't meet with them or a representative from them?

9 A Did I? No, I didn't.

10 Q Okay. Anybody on your team that you're aware of?

11 A I think Waldron did. I think. I'm not sure, but I think.

12 Q All right.

13 How about the FBI? Did you meet with agents or leadership with the FBI?

14 A Not to my knowledge, no. I didn't, no.

15 Q Okay. And what about people on your team? Are you aware of any of
16 those? And, again, I'm just asking what you're aware of.

17 A No.

18 Q Okay.

19 How about DHS outside of CISA, Department of Homeland Security?

20 A No. I was on calls with the mayor and the head of Homeland Security.

21 Q Was that Ken Cuccinelli?

22 A Yes, sir.

23 Q How many calls do you remember having with Mr. Cuccinelli and the mayor?

24 A One or two maybe.

25 Q Okay. I understand that one of them --

1 A Maybe one of them and a followup call or something like that.

2 Q Okay. I understand that there may have been one around December 17th
3 about seizing election machines and, kind of, whether that was something that was
4 possible. Does that sound familiar to you?

5 A I can't say the date. There was a conversation about election machines in
6 question and whether they could be seized for analytics. I'm not sure of the date,
7 though.

8 Q Okay. Fair enough. Do you remember what happened in that call? I
9 mean, you've acknowledged the topic, but do you remember what Mr. Cuccinelli said
10 about these topics?

11 A I think the initial call, he was going to look at it. He was going to get back
12 to the mayor. He didn't think it was feasible or possible, but he would get back to the
13 mayor. And eventually I think he did, and said that within the guidelines of the law he
14 didn't think it was possible, I believe --

15 Q Okay.

16 A -- was the conclusion.

17 Q And, to the best of your knowledge, what was Mr. Giuliani's reaction to that?

18 A He just -- he took what he said.

19 Q He accepted it?

20 A Yep.

21 Q Okay. Did he push back at all?

22 A No. They had a discussion. You know, Giuliani said what he thought the
23 law was, and Cuccinelli was looking at it.

24 Q And for the machines that could potentially be seized, were they in certain
25 places or certain types of machines?

1 A I have to be honest. I don't remember. I would believe -- I would say it
2 was probably Dominion machines, because that's where the most questions were. And
3 what specifics there were I don't know. I don't remember.

4 Q Okay. All right.

5 A Any other calls that you remember or topics coming up in calls with Mr. Cuccinelli,
6 or anybody else at DHS really?

7 A No.

8 Q Okay.

9 A What about with the Department of Justice? We talked about FBI, part of the
10 Department, but what about anywhere else in the Department?

11 A I don't think so.

12 Q And when you say you don't think so, just to be clear for the record -- I know
13 this isn't, kind of, a normal conversation always, but -- you're not aware of you or anyone
14 on your team contacting them?

15 A No, not to my knowledge -- or not to my recollection. I don't remember.
16 I don't think so.

17 Q Okay.

18 A And I mentioned some names at the White House. Well, let me back up for just
19 a moment, actually.

20 Q On the DOJ issue, are you familiar with Jeffrey Clark? Do you know who that is?

21 A No. No, wait a minute. Jeffrey Clark or Justin Clark?

22 Q Jeffrey Clark at the Department of Justice.

23 A I know that name, but I don't know why I know the name.

24 Q Okay. I'll --

25 A I don't think we had anything to do with him, I don't think.

1 Q Okay. I'll just offer to you some public information about that. He is
2 somebody who's been identified -- he was a civil chief or the head of the Civil Division for
3 a little while, and the President considered replacing the Acting Attorney General with
4 Mr. Clark at the beginning of January.

5 A Maybe that's where I heard it.

6 Q Okay.

7 A But I don't -- I don't think we ever talked to him, not to my knowledge
8 anyway.

9 Q Okay.

10 All right. And so some other folks, just to wrap up on -- do you remember
11 coordinating with Stephen Miller, White House aide, on the campaign?

12 A No.

13 Q All right. How about Kayleigh McEnany, press secretary?

14 A No.

15 Q Judd Deere, also in the press shop, I believe?

16 A Who?

17 Q Judd Deere --

18 A No.

19 Q -- as in "elk"? Okay.

20 A No.

21 Q All right.

22 So, marching ahead a bit -- unless anybody has any questions on that? -- in the
23 middle of November, you guys have an RNC press conference. Do you remember that?
24 Sidney Powell was there; Mr. Giuliani was there.

25 A Yes.

1 Q All right. And Mr. Giuliani, I believe, opened at least his portion of the
2 press conference by saying he wanted to talk about the evidence that the campaign had
3 collected in now the 2-week period where you guys had been working together. Is that
4 right?

5 A Okay. I guess, yeah.

6 Q Okay.

7 A I don't recall specifically what he said, but yes.

8 Q Okay. And I would just offer to you for purposes of this, you know, Mr.
9 Giuliani talked about mail-in ballots, he talked about signature matching, he talked, I
10 think, about a truckload of ballots, he talked about Dominion voting machines. And, at
11 that point, now about 2 weeks in, were those all issues that you had investigated or your
12 team had investigated?

13 I think you're on mute, Mr. Kerik.

14 A Sorry. I don't know how I keep doing that.

15 Yeah, they were things that we were either looking at investigating or coming to
16 us that were being investigated or looked at by other people.

17 But you just reminded me of something. The truckload of ballots -- what did you
18 just say?

19 Q That was a topic that came up. And I will say, we do plan to do a kind of
20 deeper dive on this allegation.

21 But, at this point, I'm really just curious at to, you know, you're 2 weeks into your
22 role as working with Mr. Giuliani, and, on those topics, do you feel like you would have
23 been able to reach any conclusions by that point about those issues? Or was this just
24 offering him initial evidence, to your understanding?

25 A I think that was initial evidence.

1 But the truckload-of-ballots thing, that came up at the White House. In that
2 meeting with those senators, the 21 senators --

3 Q Yep.

4 A -- one of those senators was related to somebody involving that
5 truckload-of-ballots thing, because the guy brought it up to the President.

6 Q Okay.

7 A When you said it just now, it reminded me of it.

8 So there's two -- and that thing was -- and I knew about that, I was aware of that,
9 or, at least, you know, some of what was going on, because Phil Klein had identified that
10 and was looking at it, in addition to a number of dropbox issues in Georgia and other
11 places.

12 Q Okay.

13 A And that's how we knew -- I think that's how the mayor knew about it. Phil
14 Klein had briefed the mayor on what they had found thus far with regard to that truck.

15 Q Okay. And so, based on what -- the allegations that were coming in, I
16 guess, as you were learning. Is that fair?

17 A Yes.

18 Q And Phil Klein, just to be clear, I believe he's a former attorney general,
19 maybe in Kansas? Is that right? Is that what you understood?

20 A He was a former attorney general somewhere. I'm not sure where. Yes.

21 Q All right. I think we're talking about the same person. Did he have an
22 active role in the investigation, or did he just kind of pick up one-off issues?

23 A No, he didn't work with us. He was working privately. But that was an
24 active investigation he had ongoing.

1

2 [12:05 p.m.]

3 BY [REDACTED]:

4 Q All right. And when this came up in the Oval meeting -- and I will say I
5 appreciate you coming back to that as you're recalling it, so thank you for that.6 And when this truckload of ballots issue came up, do you remember the
7 President's reaction to that?8 A He said he had heard it, didn't know much about it. We didn't at the time.
9 We had just been briefed. I had been briefed. The mayor had been briefed by Phil
10 Kline.

11 Q Okay.

12 A But that guy, that Senator, I'm not sure how -- I don't remember the
13 circumstances, but he knew -- he seemed to know all about it.

14 Q Okay. Very good. --

15 BY [REDACTED]:

16 Q Can you give us -- do you remember the name of that Senator?

17 A No, I do not. You know, he was -- I don't know. I don't know. He was --

18 Q From Georgia. Is that right? He was from the State of Georgia?

19 A No, Pennsylvania.

20 Q Sorry. Okay, Pennsylvania.

21 A He was -- he was from Pennsylvania. And the driver was related to him or I
22 don't know. I forget exactly, but he knew all about that thing, that truck.

23 Q Got it. Thank you.

24 BY [REDACTED]:

25 Q Mr. Kerik, whatever became of that allegation? Did you ever run that to

1 ground?

2 A Phil Kline actually, if I'm not mistaken, met with the FBI. And I don't know
3 the conclusion. I don't know where it went in the end. That stuff was still ongoing, I
4 think.

5 As a matter of fact, Kline is still looking -- you know, this whole Dropbox thing
6 that's now been exposed down in Georgia, Kline knew -- Kline had that stuff back -- you
7 know, back in, I don't know, mid November-December. And it just came out now in the
8 last couple weeks, I guess, in Georgia. So I think his investigation is still ongoing. I'm
9 not sure.

10 Q And this is the truck that involved ballots coming from upstate New York.
11 Is that the same allegation we're talking about?

12 A Yes, sir.

13 Q Okay.

14 A Yeah.

15 Q All right. Thank you.

16 BY [REDACTED]:

17 Q All right. So also at that press conference on the 19th at the RNC -- let's
18 make sure I have my dates right. I believe Sidney Powell spoke. She talked about the
19 communist money in Venezuela, China, Hugo Chavez, and some issues with Dominion and
20 Smartmatic. Do you remember that?

21 A Yes, sir.

22 Q Okay. Is that evidence -- is that -- are those topics for which you and the
23 investigators working with Mr. Giuliani had collected at that point?

24 A No.

25 Q All right.

1 A We were aware of it. That -- that information was coming into us through,
2 I don't know, five different avenues, you know, but, you know, it's nothing that we had
3 run down or could confirm at the time.

4 Q Okay. So still at the allegation stage, in your mind?

5 A Yes.

6 Q And she's now, you know, made comments. She's involved in litigation,
7 and her response to some of the litigation is that -- and this is a quote from one of her
8 pleadings -- no reasonable person would conclude those were truly statements of fact.

9 And do you agree with that, I mean as she presented it at the November 19th
10 press conference, based on what you knew at the time?

11 A I can't speak for Sidney Powell.

12 Q Okay. But what about based on what you had seen about that information
13 just being allegations at the point.

14 A It was allegations. That's what I considered them at the time.

15 Q All right. And so her disavowal of that kind of stuff, acknowledging it's after
16 the fact, I mean, does that change how -- or did that change how you or any of the
17 investigators you were working with looked at those issues in particular? So at the
18 Smartmatic and Venezuela issues?

19 A Well, I think the information that we had may have been some of the same
20 stuff that she had. Maybe she ran it in a different direction. Maybe she found
21 something that we didn't know at the time. I don't know. I can't say.

22 What I can say is the information that we were receiving appeared to be things
23 that somebody should look at, probably more so the Justice Department, with regard to,
24 you know, this international influence, the international connections, the Venezuela
25 connection.

1 Phil Waldron put together graphs, graph sheets for us that identified sort of the
2 chain of people involved. Those are the things that we had access to, that we got, we
3 received. But, honestly, although the machines, the machines were a concern for us, it
4 was -- I think our primary concern was more so on the election material, the ballots, the
5 influx of, you know, 600,000 ballots that went into Pennsylvania, you know, in the middle
6 of the night or whatever the case may be. That's where -- that's where our primary
7 focus was.

8 Q Okay. Understood. But so far as like the foreign influence stuff, the
9 Venezuela, the Hugo Chavez, all of that, I think you just said this, but I don't want to put
10 words in your mouth, that you thought the appropriate investigators there would be like
11 the Department of Justice and the FBI. It's not something that was really well-suited to
12 you and your team. Is that fair?

13 A Well, listen, it was -- it would have been suited for us, you know, and it was
14 important to us had we had subpoena power, had we had more time, had we been in a
15 position to -- you know, to, you know, possibly work with the Justice Department on
16 looking at this stuff.

17 Some of the allegations were extremely, you know, important, in my opinion, on
18 the national security front. However, we just didn't have the wherewithal to investigate
19 that stuff.

20 We were collecting. We were doing the best we could. But our team was
21 small, number one. Number two, we were focused on litigation and the legislators.
22 So, you know, that would have been secondary, in our eyes, or at least in my eyes, unless
23 something popped out that we could really put our hands on.

24 Q Fair enough. So after that, I understand that Sidney Powell -- I use kind of
25 passive voice -- was separated from the Giuliani, the legal team and your team. Do you

1 remember that?

2 A Yes, sir.

3 Q How did that come about?

4 A Can I talk to Tim for a second?

5 Q Absolutely. Take your time.

6 A Thanks.

7 [Witness confers with counsel.]

8 [REDACTED] All right. I see you've rejoined, Mr. Kerik and Mr. Parlatore.

9 Mr. Parlatore. Yes. Based on disclosures to people outside the legal team, he
10 can answer this question, but kind of got to keep somewhat of a narrow, narrow scope on
11 it.

12 [REDACTED] Okay. All right. Fair enough.

13 BY [REDACTED]:

14 Q All right. So I believe the pending question is, what was your
15 understanding of why she separated from the team, and "she" being Sidney Powell?

16 A There was a -- to my understanding, there was a meeting in the Oval Office
17 in which the President asked Sidney Powell to clarify statements she made, and he asked
18 her if she had affidavits concerning those statements, concerning those things. She said
19 yes. And he asked to see them, because he was concerned about the statements she
20 was making. And she refused. She would not -- she did not want to give them to the
21 President or anyone else on his legal team, including the mayor.

22 And at that point -- I don't know how the meeting ended, but I know that when
23 the mayor came back to the hotel, I think at that point, either the President called them
24 or told them before he got back that they were going to have to -- he was going to have
25 to separate from Sidney.

1 Q Okay. That's really helpful. Where did you learn about this from? Were
2 you there?

3 A I wasn't in the meeting, but the mayor briefed me. The mayor talked about
4 it when he came back.

5 Q Okay. So is it your understanding that the President was skeptical of the
6 claims that Ms. Powell was making at that November 19th RNC press conference?

7 A I don't know if he was skeptical or he wanted to see it for himself or -- I don't
8 know what the -- I don't know what the reasoning was, but I understand that he asked if
9 she had conclusive evidence and affidavits. It's my understanding she said yes. He
10 asked to see them. She refused.

11 And at that point, he advised the mayor that, you know, she should be, you
12 know -- they'd have to sever the relationship.

13 Q And did Mr. Giuliani tell you that any other people were involved in that
14 meeting?

15 A Not to my knowledge.

16 Q Okay. And I guess I'm thinking of like White House counsel or other
17 lawyers that may be --

18 A Honestly, he didn't -- I don't think he said.

19 Q Okay.

20 [REDACTED] I see, [REDACTED] you've turned on your camera.

21 Mr. Parlatore. And just to be clear, the reason why I said this line of questioning
22 is okay is because the story, as told to Mr. Kerik, was also told to other people is our
23 understanding. It's not based on who was in the room when it happened.

24 [REDACTED] Sure. Okay, understood. Thank you.

25 [REDACTED]

1 BY [REDACTED]:

2 Q Are you able to tell us what the allegation was that Ms. Powell claimed to
3 have affidavits in support of?

4 A Honestly, I don't remember. It had something to do with the machines. I
5 think it was about Dominion. I think it was about Dominion and things that she may
6 have said at that press conference. I think that's what it was.

7 Q She's put forward, Ms. Powell had put forward some anonymous affidavits,
8 affidavits in the -- you know, without disclosing the name of the affiant, in connection
9 with the Dominion litigation. Is that what she was talking about, if you know?

10 A I don't know. I don't know. But at the time, it was -- it was our
11 understanding that she told -- it was my understanding that she told the President that
12 she had -- she had affidavits for -- you know, that clarified this stuff. And he wanted to
13 see them.

14 Q Do you remember having discussions with Mr. Giuliani, with or without the
15 President, raising concerns about whether Ms. Powell could back up certain of the
16 allegations that she was making?

17 Mr. Parlatore. This would get more into the privilege piece.

18 [REDACTED] Fair enough. Fair enough.

19 Mr. Parlatore. I appreciate the question, but --

20 [REDACTED] Sure. Yeah. You just have to tell me where the line is, Tim. I'll
21 do my best to honor that.

22 Mr. Parlatore. No problem.

23 BY [REDACTED]:

24 Q Did -- you said that you had to -- that the instruction was to sever the
25 relationship. What was the relationship prior to that meeting? Was she part of the

1 team?

2 A She -- no, she wasn't a part of our team. She was -- she was working in
3 some capacity for the President, but she was definitely not a part of our team. She
4 wasn't -- wasn't cooperative, wouldn't -- she was on her own. She was on her own,
5 really. And -- that's it.

6 Q At some point after this decision was made, someone -- well, I think there's a
7 press release sort of formally disassociating with Ms. Powell. Is that right?

8 A I don't remember, but I think so. I didn't -- honestly, I don't remember if
9 there's a press release. I remember it was talked about.

10 Q And after this sort of disassociation took place, did you ever learn what the
11 evidence was, the affidavits were that she was holding back?

12 A No.

13 Q Did you continue to work with her in any capacity?

14 A No. Not to my knowledge, no.

15 Q Thank you.

16 BY [REDACTED]:

17 Q Just to follow up on that, Mr. Kerik, it seems like she may have hung around,
18 at least, in the President's orbit to some extent. And I say that because it's been publicly
19 reported that she appeared in a December 18th meeting at the White House with
20 Michael Flynn and Patrick Byrne and some of these other folks, and I believe Mr. Giuliani
21 was there for part of that.

22 So do you understand that maybe she was still in the President's orbit in some
23 capacity?

24 A She was trying.

25 Q She was trying. Do you know what she was doing to try?

1 A I really don't, other than, you know, showing up in that meeting or trying to
2 get into the White House or whatever the case may be, trying to see the President. No.
3 But I don't know other than that, no.

4 Q Okay. All right. So that meeting in the Oval Office, it seemed like you
5 were familiar with what I was talking about. Is that fair?

6 A I heard about it.

7 Q You heard about it. You weren't there?

8 A No.

9 Q Okay. Who did you hear about it from?

10 A The mayor.

11 Q All right. What do you remember him telling you about that meeting?

12 ██████████ Mr. Kerik, why is it that everyone laughs when they start to talk
13 about that meeting?

14 Mr. Kerik. Oh, guys, you're killing me.

15 I think the mayor's response was they're all crazy. You know, I wasn't there, you
16 know what I mean? I wasn't there. So it didn't go well, I understand. And the mayor
17 just, you know -- he wasn't happy with the meeting.

18 Q The mayor was not happy?

19 Mr. Parlatore. Should we take a quick break for me and Mr. Kerik to discuss this
20 answer?

21 ██████████ Yeah, sure. And, you know, now might be a decent time to take a
22 20-minute break, grab some food if you'd like or -- it's up to you. We're happy to go on,
23 but whatever you'd like to do.

24 Mr. Kerik. Let me ask you this: Give me an idea, how long do you think we're
25 going to be here today?

1 [REDACTED] I think we will be here probably through business hours. So the
2 five-ish range, I would guess.

3 Mr. Kerik. Okay. Then I should cancel my 3:30 flight. Okay. Yeah, we're
4 going to need a little time. So 15 minutes, 20 minutes? Twenty minutes?

5 [REDACTED] How about 12:45, reconvene at 12:45?

6 Mr. Kerik. That's fine. Good with me. It's fine with me.

7 Mr. Parlatore. And then don't forget what I told you earlier about 2:45 to 3:15, I
8 got to take a break.

9 [REDACTED] Understood. Got it.

10 Mr. Parlatore. All right.

11 Mr. Kerik. Thanks, guys.

12 [REDACTED] Thank you.

13 [Recess.]

14 [REDACTED] So it's 12:46 and we are back on the record with the transcribed
15 interview with Mr. Kerik.

16 BY [REDACTED]:

17 Q I believe we left off and my question was something to the effect of what
18 was Mr. Giuliani unhappy about on the December 18th meeting in the Oval with General
19 Flynn, Patrick Byrne, and others.

20 Have you had an opportunity to chat with Mr. Parlatore about that, to the extent
21 you had concerns?

22 A Yeah. I think, because most of this has been written about by Patrick
23 Byrne, that meeting at least, I can -- I can pretty much say what's already, you know, been
24 sort of stated public.

25 Giuliani was -- he was not happy with the meeting. He wasn't happy with some

1 of the recommendations that were talked about. I don't think he was happy that Byrnes
2 was there, wasn't sure how Sidney Powell got there, why she was there. And I think
3 where his focus was, litigation, election fraud, and that didn't seem to be the gist of the
4 meeting. So I'll leave it at that.

5 Q Okay. Now, you mentioned not happy with certain topics. The topic that
6 I'm aware of that came up in that meeting, that Ms. Powell recommended herself or
7 somebody to be a special prosecutor related to election fraud issues, is that something
8 Mr. Giuliani was not pleased with?

9 A Probably.

10 Q Do you know, or are you just guessing?

11 A Yes. He was not -- he didn't agree with her -- her request.

12 Q Okay. And the other one is about seizing voting machines. I know that
13 came up. Was Mr. Giuliani upset about that recommendation as well?

14 A I can't -- we didn't discuss that, but I would imagine --

15 Mr. Parlatore. [REDACTED], instead of asking what Mr. Giuliani felt, why don't you ask
16 him what was discussed, what was proposed.

17 [REDACTED] Sure.

18 BY [REDACTED]:

19 Q Let's take Mr. Parlatore's suggestion. So what was discussed and proposed
20 as a --

21 Mr. Parlatore. Forgive me for usurping, but --

22 [REDACTED] You have priority, Mr. Parlatore.

23 Mr. Kerik. It was my understanding that, you know, there was a proposal made
24 by Sidney to become special counsel and her take over the election fraud issue. And
25 there was also a proposal made by somebody in the room to institute martial law. And

1 I'm -- I know for a fact that Giuliani was adamantly against that, as was the President.

2 And that's it.

3 BY [REDACTED]:

4 Q Okay. Very good. I do want to cover the voting machines issue, though,
5 too because --

6 Mr. Parlatore. [REDACTED], the other question you want to ask is, what do you
7 understand that the President did in response?

8 [REDACTED] Sure. I appreciate that. Thank you.

9 Mr. Parlatore. I think he said the punch line is.

10 BY [REDACTED]:

11 Q I believe you heard your attorney, but yeah, what did the President do in
12 response to that?

13 A He made them all leave. He threw them out.

14 Q Okay. And did Mr. Giuliani -- he was there for part of it, correct, so far as
15 you understand?

16 A Yes. Yeah.

17 Q On -- is there anything else you'd like to add about that, Mr. Kerik?

18 A No. No, I think -- I think that covers it.

19 Q Thank you. Okay.

20 So on the seizing voting machines, I do understand that that came up. And the
21 reason I'm asking is because in exhibit No. 71, if you could pull that up, [REDACTED], it's a copy
22 of the privilege log, and there's three copies listed of a Presidential letter, quote, "to seize
23 evidence in the interest of national security." And it's midway through the first page.
24 It may be hard to see.

25 Are you familiar, at least, with the letter that I'm talking about?

1 A I think so.

2 Q Okay. And I understand that it's been withheld, so I'm not going to ask you
3 to get in the contents of it, but do you know who drafted that?

4 A If I'm not mistaken, I think it was drafted by Phil Waldron.

5 Q Okay. Was that done in preparation for this meeting or something else?

6 A I don't think it was done for this meeting. I think it was -- I think it was
7 done as a recommendation by Waldron.

8 Q Okay. Do you know --

9 A I don't think it had anything to do with that meeting. I'm not sure. I'm
10 not sure, but I don't think so.

11 Q Okay. Do you know if it was ever presented to the President?

12 A I can't say.

13 Q Don't know?

14 A Don't know.

15 Q All right. Do you know if General Flynn or Ms. Powell had anything to do
16 with this letter?

17 A Can't say.

18 Q Did you have any --

19 A I know -- I know Phil Waldron -- my recollection is that Phil Waldron came to
20 us, came to the mayor, said that this is something possible that the President could do,
21 had this thing drafted and wanted to make a presentation to the -- to the President.
22 That's my recollection.

23 Q Do you remember the mayor's reaction to that?

24 A The mayor -- the mayor read it. I know he didn't -- no, I don't remember
25 his reaction. Off the top of my head, what I'm thinking is, he didn't pick up the phone or

1 call the President and say, we're coming over, I got this thing, you know. So I
2 don't -- but I don't remember, really. I don't remember his reaction. But I think it
3 was -- I think it was Waldron. I'm almost positive.

4 [REDACTED] Okay. All right. So before I leave that topic or that area, I do
5 want to see if any members or any other staff have questions to explore there.

6 [REDACTED] if you --

7 BY [REDACTED]:

8 Q I have one question about Mr. Waldron. Mr. Kerik, did Mr. Waldron also
9 work with Ms. Powell separately?

10 A Yeah. Yes.

11 Q And did his work with her continue after the sort of breakup that we talked
12 about earlier in late November?

13 A I believe it did. I believe it did, yeah.

14 Q And this is circling back to something we talked about really early on this
15 morning. You mentioned Todd and Conan working with Mr. Waldron. Is that Todd
16 Sanders and Conan Hayes?

17 A Yeah. I think -- I think that's them. I think that's their names.

18 Q Did you ever meet those guys?

19 A Yeah. Yep.

20 Q He's a surfer, started a surf wear company in California?

21 A I'm not sure.

22 Q Okay. All right all right. Thank you.

23 BY [REDACTED]:

24 Q Okay. So I do want to move on. And we started to talk about some of the
25 hearings that happened in State legislatures around the country. I believe the first one

1 was in Gettysburg on November 25th, but is that right, so far as you recall?

2 A I believe so.

3 Q So how did these -- and I'm just speaking broadly about them right now.
4 How did these hearings come about? Whose idea was it?

5 A I don't -- I don't know how -- where that started, but I do know a number of
6 the State legislators were reaching out to the legal team, at least reaching out to the
7 mayor, trying to get clarification on -- here's the one thing I noticed. I'm not a lawyer,
8 right? I'm not a lawyer, but the one thing that stood out to me that -- that I noticed
9 through this entire process, and this is how these communications started.

10 A lot of the State legislators did not know what authority -- what their obligations
11 were, what their authority was, and they did not know the Constitution. They didn't
12 understand certain things about the electors.

13 And there came a point in time, and they -- I think we did this -- I think we did it in
14 Pennsylvania. I think we did it in Michigan. I think we did it in Georgia. And I think
15 we did it in Arizona also, where Jenna Ellis had to basically outline the Constitution when
16 it comes to the State legislators and electors, and how the certifications are done in the
17 various States. She had to outline that in briefings to the legislators and electors.

18 And this happened in, I want to say every State that we had a hearing. So a lot of
19 these -- a lot of these State legislators were calling -- calling the mayor, calling the legal
20 team, calling the campaign, or somebody in the White House that was referred to us, and
21 they would say, you know, we're hearing that there's -- you know, we have this problem
22 ABC, you know, or, you know, the ballot issue in Pennsylvania or the thing in Antrim
23 County.

24 So those State legislators would call us and ask the mayor, or talk to the mayor
25 about what could be done, what they should be doing, do we have attorneys on the

1 ground in those States, things like that. So that's where -- I think that's how a lot of this
2 stuff was generated.

3 Q Okay. And so did those -- again, I don't want to put words in your mouth,
4 but did those types of conversations then, I don't know, end up in this idea of having
5 hearings to brief them instead of one-off meetings, or is there something else?

6 A Yeah.

7 [REDACTED] He'd have to go into the work product of how the legal team
8 analyzed and made recommendations.

9 [REDACTED] Okay, sure. Then let me unpack a little bit, I think, of what Mr.
10 Kerik just mentioned.

11 BY [REDACTED]:

12 Q You said, I believe, that there came a point in time where this issue about
13 State legislators started bubbling up. When did that happen? I mean, was State
14 legislators a focus when you started in November 5th, or did it come sometime later?

15 A No, sometime later.

16 Q Okay.

17 A Sometime later. As the information came in -- keep in mind we were
18 getting -- we were getting information from, I don't know, 100 different sources, right?

19 You had information coming to us. You know, people would -- you know,
20 somebody would call me that knew somebody that knew somebody that had a problem
21 in Michigan, for example. And we would -- and I'd say, listen, get an attorney to look at
22 this and see if they can get an affidavit because they had this problem.

23 You had a hotline that I think was -- there was a hotline in the campaign, I think,
24 that went to the campaign. You had people calling in to the White House. You had
25 people calling in to, you know, Cabinet members.

1 There were -- there was -- there was this overflow of information coming from
2 everywhere and anywhere that we had to look at. Eventually, it would get to us. We'd
3 look at it and see if there's anything that we thought was viable, we thought was real, we
4 thought should be looked at.

5 You know, many of them, you know, I don't know how many documents I -- we
6 presented in total, but there's somewhere probably -- probably in the -- with the mayor
7 or, you know, somewhere within the legal -- the legal team, there's probably 2- to 3,000
8 affidavits that were collected.

9 That stuff came from -- came in in a multitude of different ways. And we just,
10 you know -- and much of that, many of those referrals and recommendations came from
11 the State legislators, where they would call and say, look, I have ABC, you know. Do you
12 have somebody who can look at that? Do you have a lawyer in this State that could look
13 at it, this -- you know --

14 So -- and keep in mind, you know, when you think of the President's legal
15 team -- and I think this is a part of the public -- the public misinformation about what was
16 going on. When you think of the President's legal team, you would think like it's a legal
17 team. Like it's -- you know, they have -- they have those teams in every State. They
18 have, you know, a coordinating team in D.C. They got this and that.

19 No. It was Giuliani, Jenna Ellis, Boris Epshteyn, two or three staff attorneys,
20 those analytics guys, and maybe a couple other people. That's it. So we were
21 overwhelmed with material that was constantly coming in that we were trying to sift
22 through and determine what was real, what was not, what was possible and -- you know,
23 if this makes any sense to you.

24 Q No, yeah, it does. It sounds like there's a relatively small group of people
25 that came together at the last minute. Again, I don't want to put words in your mouth,

1 but -- and they were drinking through a firehose and stuff that's coming at you.

2 A Right. So, to go back to your question, the original concept of the hearings
3 I think was a combination of State legislators and Giuliani, especially Giuliani, because
4 Giuliani wanted to make sure that the State legislators, before you go and certify your
5 State, your vote, you need to know there are things that we're hearing, that we're finding,
6 that we're looking at, and maybe you should look at, in addition to what those legislators
7 say they have, right?

8 If I remember, in Pennsylvania, Mastriano, you know, he had -- he had a bunch of
9 stuff that they were looking at in Pennsylvania. Borrelli had a bunch of stuff in Arizona
10 that they were looking at. Burt Jones and Beach had things they were looking at in
11 Georgia.

12 So it was a combination of the -- it was a combination of these two things. And it
13 was finally determined the best way to deal with this is let the public know. Let the
14 legislators know. Here's what we have. Here's what we're looking at.

15 And that could help on both ends. It could help us with litigation possibly. It
16 could also help the State legislators when it comes to the certification of the votes or
17 what internal investigations they have to do in those States.

18 Q Okay. Fair enough. So it sounds like -- it sounds like the need to include
19 legislators came later. Was the initial focus on courts and court litigation?

20 A The initial focus was courts and litigation, based on what we knew at the
21 time, you know. But keep in mind, early on we didn't know much, you know. And that
22 stuff, as time went on, the list grew bigger and bigger.

23 Q Okay. And you said that Ms. Ellis, I believe, at some of these hearings or I
24 think you mentioned all of them, but at least some of them, was really taking the point on
25 educating legislators about their role and their constitutional authority. Is that

1 accurate?

2 A I think that's accurate. And I also think it's public, I mean, if you go back to
3 the public hearings in Pennsylvania, because I know she -- she did a long drawn-out thing
4 in Pennsylvania, and I think that was public.

5 Q Insofar as you know, was she the one who was researching those issues and
6 really took the lead on those issues internally?

7 A On the legislators and electors, yes.

8 Q Okay.

9 A That's my opinion. Like I said, I'm not a lawyer, but that was a lot of what
10 her focus was.

11 Q Understood. And was she there from the beginning? Remind me.

12 A Yes.

13 Q Did she have slides or other information that she presented to the legislators
14 outside of the hearing context?

15 A Honestly, I don't know.

16 Q You mentioned that some of the sources, just to follow up on some of what
17 you said, too, is that some of the sources of information were people calling the White
18 House. How would that funnel from the White House to you and Mr. Giuliani? Who
19 would do that?

20 A I'm trying to think. Like, Peter Navarro, I think he called a couple times
21 saying, you know, I have a guy, I have somebody you should talk to. People like that,
22 like staff members, Cabinet members, maybe they went to the mayor.

23 Q Okay.

24 A Like I said, it was -- say again?

25 Q Sorry. Who were the Cabinet members?

1 A I don't know off the top of my head. The Cabinet members -- if Cabinet
2 members called over to us, they'd be looking for the mayor. I wouldn't -- I wouldn't
3 directly talk to them.

4 Q So on Peter Navarro just very briefly, and this is jumping a little bit ahead,
5 but I understand that you were interviewed for an article that -- where you were asked
6 questions about a report that has Katherine Friess' name on it and said that it came from
7 a staffer who had been working with Peter Navarro in the White House.

8 Is that accurate, that reporting?

9 A That Katherine Friess came from Peter Navarro?

10 Q Yeah. There's a report with Katherine Friess' name on it about Dominion
11 voting machines, and you said -- I believe it's been reported that you said it came from
12 Peter Navarro and somebody working with him.

13 ██████████ We can pull that report up, if that's helpful.

14 Mr. Kerik. Yeah, but that wouldn't be Katherine, though, Katherine didn't work
15 for Peter. That would be -- that would --

16 ██████████ Exhibit 18, ██████████.

17 BY ██████████:

18 Q Let me ask you this way too while we're pulling this up: Who was the
19 person working with Peter that was giving you information?

20 A I think it was that -- the girl Joanne, Joanne Miller may -- I think her name is
21 Miller.

22 Q Okay. The same person you mentioned earlier?

23 A Yeah. I may have the name wrong. I mean, I've never met her. I've
24 talked to her on the phone a number of times, but I think her name was Miller.

25 Q Okay. And this is the report I'm referring to in an article -- I believe you

1 were quoted -- from the Daily Beast about Dominion Voting. I don't know if this rings
2 any bells, but --

3 A No. I don't think I've ever talked to the Daily Beast, I don't think, but
4 whatever.

5 BY [REDACTED]:

6 Q I'll read the exact quote from that article, Mr. Kerik, just to give you the
7 context of it.

8 A Okay.

9 Q You were quoted as saying, "It is my belief that Navarro did not see it and I
10 don't believe he authored it. However, it was sent to me and the legal team via a
11 then-White House aide who worked for Peter. In a phone call Monday, Kerik read The
12 Daily Beast the email that the then-White House aide sent on November 29, but he
13 declined to name who sent it. The Daily Beast has since confirmed that the sender was
14 indeed an official who worked in the Trump White House."

15 A That's the girl. That's -- whatever -- you know what, guys, can I just check
16 something and I'll tell you?

17 [REDACTED] Of course. And while you're checking, I'll just put this out there
18 for the record that, you know, that is an email that I think would not be covered by a
19 privilege. And maybe, Mr. Parlatore, we can talk about that after this is done.

20 Mr. Kerik. I think her name is Joanna Miller.

21 BY [REDACTED]:

22 Q And you believe she worked with Mr. Navarro in the White House?

23 A Yes.

24 Q All right.

25 BY [REDACTED]:

1 Q While we have that document up, can I just ask -- it sounds like you might
2 have given all the information you had to that reporter and I just read it back, so that
3 maybe that's all we have on this, but have you any idea why Ms. Friess' name is on this
4 document?

5 A No. We -- I don't know unless -- I really don't know, because this came up
6 at the time. And I actually called Katherine to ask her, and she had no clue either. And
7 she confirmed to me that she didn't produce the document, that that was a document
8 that came from Joanna Miller. And then when she told me that, I think I went back and
9 looked at my emails and I actually had the email.

10 [REDACTED] So I'm -- [REDACTED] did you have something else? I'm sorry.

11 [REDACTED] No.

12 BY [REDACTED]:

13 Q So very quickly, I just want to run through. We've talked about the --

14 A Hold on one second.

15 Q Sure.

16 A I don't think -- I don't think I gave you that email. I think I had the email. I
17 don't think Katherine had the email. Or what does that thing say, that I got the email?

18 Q The report I believe says that you received an email from a White House
19 person, and it had, we believe, this report included.

20 A Okay. Then I've got to go back -- I'll go back to my emails and check. I
21 don't think I provided you with that email, because I wasn't thinking of this girl's -- this girl
22 at the time. I'll go back and look, but if I have that email and any others from her, I'll get
23 them to you.

24 Q Okay, great. And I'll coordinate with Mr. Parlatore about that as well.
25 Very good.

1 Mr. Parlatore. With my client's usurpation of my analysis of whether it's
2 privileged or not, we can give that over. Thanks, Bernie.

3 ██████████ Well, if you're going to do ██████████ job, then he gets to do your
4 job, I guess.

5 Mr. Parlatore. We're here to cooperate, right?

6 ██████████ A big happy family.

7 BY ██████████:

8 Q All right. So we talked a little bit about November 25th and the
9 meeting -- or excuse me, the hearing in Pennsylvania in Gettysburg. I do want to talk
10 just about one more thing, and that is about Mr. -- or Senator Mastriano. What was
11 your relationship with Senator Mastriano?

12 A I met him -- I met him as a result of the hearings. Then I've met him a
13 number of times since, at -- I can't say. Maybe -- maybe something else in Pennsylvania.
14 I think I've seen him in D.C. But I haven't seen him -- I haven't seen him since then, since
15 all this stuff was going on.

16 Q And did you discuss with him, outside of the hearing context, certification, or
17 decertification of Pennsylvania's election results?

18 A Well, that was a constant theme during the process, right? You know, they
19 were looking at their numbers. I think the big thing for Pennsylvania was the substantial
20 influx of ballots, you know.

21 It was -- I don't recall the exact number. It was in excess of 600,000 ballots that
22 they had in question, plus all of that stuff that I talked about earlier that the analytical
23 team found was also things that he was concerned about and he was looking at.

24 Q And is it fair -- well, did he want to either not certify or decertify the election
25 results in Pennsylvania?

1 A I think what he wanted -- I don't think he wanted to decertify when we
2 started this. I think what he was concerned with was what was real and what was not
3 real. I think as time went on and the more they found, I think then it came into question
4 whether the election should be decertified. But, I mean, you'd have to ask him.

5 The issue for us or the issue that I saw it, that I saw was there was a substantial
6 information -- a substantial amount of information in Pennsylvania that required further
7 investigation, because the allegations or the -- the allegations of improprieties and fraud
8 were just about more than any other State, I think, with the exception of Georgia.

9 Q Just to put a finer point on it, did he ever tell you that he thought the
10 election results should be decertified in Pennsylvania?

11 A I don't think he told me personally, but I think -- I remember him saying
12 something like that on an interview. I could be wrong. I could be wrong. I don't
13 think he said anything like that to me personally.

14 Q Okay.

15 A There were -- he had serious questions about their interviews -- about
16 their -- about their elections.

17 Q All right. After that hearing in Pennsylvania -- and we are going to, like I
18 said before, dive into some of these allegations. But if you could pull up exhibit 35.

19 After that meeting in Pennsylvania, you sent a tweet from Phil Kline to Mark
20 Meadows, I believe. We'll pull this up. Do you remember sending text messages to
21 Mark Meadows?

22 A If I had to count, I'd say maybe, I don't know, five maybe.

23 Q I don't know if you can see that on your screen. It's a little bit small on
24 ours, so I'm going to pull it up as well. But that phone number that's listed there for you
25 ending in [REDACTED], is that your number?

1 A Yes.

2 Q All right. And I guess how did you get on a texting basis with Mark
3 Meadows, the chief of staff to the President?

4 A Probably -- I don't know off the top of my head, but it had to do with
5 something with the mayor either calling for a meeting or whatever. I wouldn't have his
6 number unless the mayor gave it to me.

7 Q Did you ever talk to him on the phone aside from these texts?

8 A I don't think so. I talked to him in person, but I don't think I've -- no, I don't
9 think I've talked to him on the phone, unless it was to arrange a meeting with the mayor
10 or something, but I -- not to my recollection. I don't remember.

11 Q Okay. How many times did you talk to him in person, that you recall?
12 Approximately is fine.

13 A Two maybe. I think -- I think that the one time I saw him over there at the
14 meeting. Maybe two. I don't know. Not many.

15 Q All right. Were they substantive conversations or more just kind of --

16 A I can't even remember if I -- when I talked to him. No, I don't think it would
17 have been substantive. I don't -- not that I remember.

18 Q Okay. All right. So in this message, though, and it may be hard to see, but
19 on November 29th, you sent him a text message that said, "The President should see
20 this." And it's a Twitter -- or a tweet, excuse me, from Phil Kline. And it's the tweet
21 that's on the left there, which is even smaller, and I believe -- can you see that?

22 A Yes.

23 Q Do you remember sending this to Mr. Meadows?

24 A No. But I don't know that I didn't. I mean, if you say I did, I did. I don't
25 remember sending it, no.

1 Q All right. Well, it was somebody from your phone, using your phone
2 number, sent this to Mr. Meadows.

3 A Right.

4 Q Why do you think -- even if you don't remember this specifically, why do you
5 think it would be important for the President to see this, that you need to text it to
6 Mr. Meadows?

7 A After learning that hundreds of thousands of ballots are potentially
8 fraudulent, the FBI has now requested to look at our data. Why would I want the
9 President to see it?

10 Q Correct.

11 A After learning that hundreds of thousands of ballots were potentially
12 fraudulent, I think that's something the President should know.

13 Q Okay.

14 A Personally.

15 Q And the statement that's included there below from the Amistad Project
16 references a person named Mr. Braynard. Do you know who Mr. Braynard is?

17 A Matt Braynard, right?

18 Q Yes.

19 A Matt Braynard. Was he from Michigan? Is he from Michigan?

20 Q So there's an individual named Braynard, who I'll offer to you for purposes of
21 this was involved in a hearing in Georgia and related to litigation in Georgia.

22 A Right. I don't -- I met this guy. I met Braynard. I can't say where.
23 Maybe he came to us in D.C. I've met him. I know he did -- I don't think he -- I think he
24 spoke at a number of hearings, actually. I think he spoke -- I think he spoke in Georgia,
25 and I think he spoke -- I want to say Michigan maybe.

1 Q He also was going to speak in Arizona with legislators the next day, which
2 was December 1st.

3 A Okay. So I remember him. Not too well. I couldn't even tell you what
4 he looked like. But I remember his name and him being -- being somebody that people
5 were talking to.

6 Q Okay. And we've already talked about Phil Kline a little bit, so I think we
7 can move on past there. It looks like the next day you guys were in Arizona at the
8 Phoenix Hyatt for a hearing convened there. Do you remember that?

9 A Arizona? Yes, sir.

10 Q Were you there for that as well?

11 A Yes.

12 Q All right. And we'll get into some of the issues that came up there as well,
13 but I do want to go through some of the contacts you had, including Mr. Finchem. Do
14 you know who that is?

15 A Yes.

16 Q Who is that, to your understanding?

17 A He was a State rep. He is a State rep in Arizona.

18 Q I believe you've endorsed him. I think he's running for Secretary of State, if
19 I'm not mistaken.

20 A Yep. Yes.

21 Q Do you have a close relationship with him?

22 A Not that close other than my work in relationship with him on the Arizona
23 election material.

24 Q And what was his role in that?

25 A He was extremely helpful on coordinating getting -- arranging meetings

1 between the mayor and the Speaker. It was him and Sonny Borrelli. The two of them
2 were extremely helpful in putting together meetings between the mayor and the Speaker
3 and the mayor and the head of the Senate, meeting with various Senators and people like
4 that in Arizona for the hearing, prior to the hearing and after.

5 Q Did you participate in those meetings with Mr. Finchem?

6 A Some, yes.

7 Q And did you participate in the meetings with the other legislators that he
8 helped to set up?

9 A Yeah. Yep.

10 Q Can you talk about what those meetings were like? Were there requests
11 that the campaign side was asking of them? Were they asking requests of you? Just
12 talk a little bit about that.

13 A No. The meeting -- the campaign wasn't -- I don't think the campaign was
14 really involved in the meetings we were in. This was the legal team. This was the
15 mayor, and I think Jenna, meeting with the head of the Senate and the speaker in
16 Arizona.

17 And there were other people in that room. There were other members of the
18 Senate in that room. I don't know who they were other than Borrelli and Finchem.
19 And there was one -- hold on. You know, I don't know. There were other people in
20 that room, maybe -- maybe five or six Senators that were in that room.

1

2 [1:23 p.m.]

3 BY [REDACTED]:

4 Q Was this meeting separate from the hearing that occurred in Arizona?

5 A Yes.

6 Q Was it before the hearing?

7 A I would say it was probably before the hearing.

8 Q Okay. And what happened in there? And I'm sorry, I used "the
9 campaign" kind of loosely. I was actually referring to you and the legal team. I'll be
10 more clear on that.

11 A The mayor met with them, met with the head of the Senate, told the Senate
12 leader what we were looking at, what we were doing, things that we had come across so
13 far. Some of the other senators chimed in, confirming some of the stuff we talked
14 about.

15 One of the things -- this wasn't only in Arizona; this came up in Pennsylvania,
16 Michigan, and maybe Georgia. I think those four. One of the things that the local
17 legislators were trying to do was get a special session where they could be called back in
18 to address or at least look at the fraud, the improprieties, as it was being found so
19 far -- that was found so far. That was one of the things that was being talked about.

20 Q Okay. And I assume that same thing was talked about in that meeting in
21 Arizona as well?

22 A I think so, yeah.

23 Q All right. Did you talk about certification or decertification in that meeting
24 with those legislators in Arizona?

25 A I don't think -- you know, you asked me that before, and I don't think it was

1 anybody said, you know, you shouldn't be certifying or decertifying or whatever the case
2 may be. But I think, as a general rule, you know, the purpose of the hearings, the
3 purpose of the investigation, and the purpose of the coordination between the
4 committee, those committees there, and the legal team was to identify the problems in
5 the election so that fraudulent votes weren't certified. And if they were identified and
6 found, then there should be investigations, and you couldn't certify those votes.

7 So it wasn't like somebody went in there and said, oh, you know, we shouldn't
8 certify. No. We should find out what's real and what's not real. And then what's not
9 real should not be certified. So that's the purpose of -- that was the purpose of the
10 calling into session and all this other stuff.

11 Q Okay. And totally understood. In the meeting specifically in Arizona that
12 we're talking about, did the legislators ask you and your team for evidence?

13 A Yes.

14 Q Did you provide evidence other than just orally?

15 A We were basically -- well, I think what the mayor did is give them a general
16 scope of what we had, what we were looking at, right? If I pick up one of the
17 documents that we've given you that's nonprivileged, there's a list of things for each State
18 that we were looking at at the time, right, and that would've been, you know, depending
19 on when the document was made.

20 But right up until we broke down and went home, we were looking at these
21 certain things in every State. Those things, as they came, as we found them, we would
22 give them to the State legislators. A lot of the State legislators had the same thing or
23 more or something different that they came to us with.

24 So Giuliani would present that. If they wanted -- you know, if they wanted
25 confirmation -- like, I remember in Michigan this type of thing came up, and somebody

1 that was, you know, a Democratic senator maybe, a rep or something, you know -- "Well,
2 I want proof. Do you have proof?" And the mayor said, "Yeah, you know, we have 25
3 affidavits," for example, you know, "that says the same thing." You know, "We'll give
4 you those affidavits."

5 So it was that kind of thing, you know? We generalized, and then whatever we
6 had specifically we would give them. And they would do the same thing with us.

7 Q Okay. And, Mr. Kerik, did you send them those documents or other
8 evidence, or was that somebody else?

9 A It would be somebody -- one of the staff members, you know, one of the
10 staff attorneys or, you know, clerks or somebody from the campaign.

11 Q Okay. So were people from the campaign, to the extent that it's different
12 than the legal team we're talking about, were they with you at these?

13 A Once in a while. There weren't many.

14 Q All right.

15 A After -- I would say after the first -- I would say after the first week -- I can't
16 remember the date, but -- oh, you know what? If you look online, you figure out when
17 Andrew Giuliani [REDACTED]. If you figure out when Andrew Giuliani [REDACTED], just
18 before that, somebody in the campaign [REDACTED], and that's when we got kicked out of
19 the campaign.

20 That's when we wound up going to the hotel -- well, initially it was the Mandarin.
21 We had to move, like, everything to the Mandarin and work out of there, because they
22 basically told us, you can't be in the campaign headquarters [REDACTED]. So --

23 Q That's when you were more on your own at that point?

24 A I think we were on our own at the campaign headquarters, but -- we
25 were -- yeah, that's when we were -- you know, we basically took our base of operation

1 from the campaign headquarters and moved it to the Mandarin.

2 Q Okay.

3 A And after the Mandarin, went to the Willard.

4 Q So -- and the reason I'm asking this is from a document perspective, is
5 that -- do you remember ever sending any legislators or their staff these follow-up
6 evidence affidavits, whatever it might be, to respond to their requests?

7 A I could've. Specifically, no, I don't remember, but I could've.

8 Q Okay. Do you know if Mr. Giuliani did himself?

9 A Himself send somebody something?

10 Q Yes.

11 A He could've. Wouldn't be the norm. Usually somebody else would do it,
12 but he could've.

13 Q Okay.

14 Now, on Mr. Finchem, did he ever provide any security services to the campaign
15 or to the legal team?

16 A Security services?

17 Q Correct.

18 A No.

19 Q All right. Are you aware that the campaign paid Mr. Finchem around
20 \$6,000?

21 A We did? Oh, no. You mean the Trump campaign?

22 Q Yes. I'm asking you, yeah, any payments from the campaign or legal team
23 for that matter --

24 A I have no idea. Wait a minute. No. The legal team didn't pay anybody.
25 We didn't have any money. I don't know who was paying, but it wasn't us.

1 Q All right. And you're not aware of anybody else paying him from the Trump
2 orbit, so to speak, campaign or otherwise?

3 A No. Not to my knowledge, no.

4 Q All right.

5 How about Karen Fann? Do you know her?

6 A I think she's the head of the Senate, no?

7 Q Other than that meeting that you had -- which I assume she was in?

8 A Yes.

9 Q Did you have any other meetings or conversations with her?

10 A Not to my knowledge. I think the mayor did. I did not. My conversation
11 with her was limited, you know, cordial, you know, introductions. That's it.

12 Q Okay. And, to your knowledge, was the mayor's followup or other
13 conversations with her about election fraud, irregularities --

14 A Yeah --

15 Q -- and -- I'm sorry?

16 A That would've been it. It would've been.

17 Q Okay.

18 And do you know who Rusty Bowers is?

19 A Speaker, right?

20 Q Speaker Bowers?

21 A Yes.

22 Q Was he in that meeting that you had?

23 A Yes.

24 Q Did you also have another meeting with him the next day after the hearing?

25 A I don't remember.

1 Q Okay.

2 A I don't know. We could have. I would've said no, but you're obviously
3 asking for a reason. It could have. I don't remember, though. I don't remember. I
4 mean, it may have been the mayor. I don't know.

5 Q And maybe, you know, we're kind of conflating two meetings as one, but it's
6 been reported that Mr. Giuliani met with Speaker Bowers and others and he came out of
7 it thinking it was more hostile than he was expecting. Does that ring any bells?

8 A That was the meeting I was in.

9 Q That is. Okay. Can you explain why it was more hostile than you guys
10 were expecting?

11 A Because, initially, when we got there, we had been talking with Senator
12 Borrelli, Mark Finchem, and one or two other senators, and they were all of the same
13 opinion that we were, that there were some major problems in Arizona.

14 And when we got to Fann, she was, you know -- I'm trying to think of a word other
15 than "hostile," but she was hostile, and, you know, she didn't want to hear it. She didn't
16 want to know. She didn't want to hear it. "You've got to give me proof. I've got to
17 see it."

18 And her own people were sitting in that meeting saying, hold on, nope, watch,
19 don't -- you know, we know this, or we've seen this, or whatever the case may be.

20 And then they had their own little thing going on. To me, it's all ironic because
21 all of the stuff that Karen Fann talked about, you know, where it was so negative about
22 then, are things that came up in the Arizona audit. Much of them are things that we
23 were talking about, we were saying that they should be looked at.

24 But that's the meeting, though. The meeting you're talking about is the meeting
25 where they were hostile.

1 Q Okay. And "hostile," obviously, describes something, but just to clarify --

2 A And you know what? Maybe it's not -- "hostile," it seems too -- you know,
3 they just weren't very receptive.

4 Q Okay. And did they disagree with the position that you guys presented?

5 A They couldn't disagree. They didn't disagree. They were -- it was almost
6 like they didn't want to hear it.

7 Q All right.

8 And they asked you for evidence. That's been reported, right? And I think you
9 just said that.

10 A Right.

11 Q And do you remember specifically following up with either Ms. Fann or Mr.
12 Bowers to give them --

13 A Did I?

14 Q Correct.

15 A No, unless the mayor told me to, you know, send them something or give
16 them something or whatever.

17 Q Okay.

18 Now, I understand at the Arizona hearing Representative Gosar and Biggs were
19 there sitting, it's been described as behind Mr. Giuliani. Do you remember
20 Representative Gosar or Biggs being there?

21 A I don't remember.

22 Q Do you know if Mr. Gosar or Biggs were in that meeting that you had with --

23 A Gosar, the Congressman?

24 Q That's correct.

25 A No, I -- I don't know. He could've been there. I don't remember that.

1 Q Do you ever remember meeting with either of them, either one-on-one or
2 collectively in a group?

3 A Gosar, I know who he is. I don't remember seeing him there. And Biggs, I
4 don't -- off the top of my head, I can't think of what he looks like. But I don't even
5 remember Gosar there. And I'm not saying they weren't there; they could've been
6 there.

7 Q Okay.

8 A But I just don't remember.

9 Q I know ██████████ asked you earlier if you remembered any meetings or
10 conversations with Members of Congress. And so I guess I'm just using this as a point to
11 see if we could refresh you if there was something there.

12 A Yeah. Honestly, I don't remember that.

13 Q Okay. So is it fair to say that you didn't coordinate with them or their staffs
14 before this hearing?

15 A Me, personally, I don't remember. But it's not saying that somebody from
16 the team didn't coordinate with them in some capacity. Personally, I just don't -- I don't
17 remember me talking to them.

18 Q Let me ask you about somebody else. Tom Van Flein, I believe it -- or Flein,
19 who's chief of staff to Representative Gosar, did you coordinate or have any meetings
20 with him?

21 A What's his name?

22 Q Tom Van Flein.

23 A No. I don't even recognize the name.

24 One second. Just give me one second. What's his name?

25 Q Last name is V-a-n, new word, Flein, F-l-e-i-n, or Flein.

1 A It's not in my phone. No. I don't -- no. I don't remember him, no.

2 Q All right.

3 So I understand that there's some outreach to other people in Arizona --

4 A Excuse me. Let me go back to this for a second just to clarify, and I think I
5 mentioned this earlier.

6 There's a number of people that may want to see the mayor. They want to talk
7 to him, they want to see him, they want to have a meeting with him, they want to give
8 him information. I would usually be the buffer for those meetings. So these guys
9 could call me, or, you know, somebody would give them my number, you know. "Call
10 Kerik and, you know, he'll get you to see the mayor" or whatever the case may be. We
11 could have that.

12 But these guys -- that guy, I don't even remember his name. So I don't know.

13 Q Fair enough.

14 I understand there's outreach that Mr. Giuliani and maybe you had with other
15 people in Arizona, including members of the Maricopa County Board of Elections, I
16 believe is the title, but it's Mr. Hickman, Mr. Gates, Mr. Sellers. Do you remember those
17 names?

18 A No. I don't remember the names, but I remember the board. I remember
19 the Maricopa guys --

20 Q What do you remember about that?

21 A -- whatever they are.

22 I don't remember who it was. We were in a meeting with Karen Fann. When
23 we came out of that meeting with Karen Fann -- no, no. Before we came out of the
24 meeting with Karen Fann, somebody came and got me, and I don't remember who it was.
25 I think it was a staff member for one of the senators, one of the State senators.

1 They said, so-and-so's here from the Board of Maricopa, and, you know, there's
2 supposed to be big problems in Maricopa County, and the Board of Elections people are
3 here. I said, where? And they said, they're here, they're in the next room, like, in
4 the -- right down the hall from the room we were in. We were in with Karen Fann and
5 the speaker and these other senators.

6 I walked out of that room, went in the other room, and they introduced me to
7 these people. There was one guy who was maybe the chairman of the board or
8 something, and there was two other people, a woman and a man I think. I think they
9 were husband and wife maybe. I don't remember. I think it was three people.

10 They introduced me to them. They said they were from Maricopa County. And
11 I told them -- and they wanted to talk to the mayor -- I think they wanted to talk to the
12 mayor, because I don't remember if I took them in there or not. But I left, went back in
13 to the mayor. And then, at some point, we went back in there with Finchem, and
14 Finchem talked to them.

15 I think that's what you're talking about -- that's my recollection of what happened.

16 Q All right. I also understand that Mr. Giuliani left a message, I believe, for
17 Mr. Hickman, saying, "I'm hoping we can have a chance to have conversation. I'd like to
18 see if there's a way that we can resolve this so that it comes out well for everyone.
19 We're all Republicans. I think we have the same goal. Let's see if we can get this done
20 outside the courts."

21 Do you remember Mr. Giuliani leaving that message or messages like that?

22 A No.

23 Q You don't. Okay.

24 A Was that -- that was a phone call?

25 Q I believe it was a voicemail message.

1 A I don't know. No.

2 Q You worked pretty closely with Mr. Giuliani. Do you have any sense of
3 what he meant when he said "let's see if we can get this done"?

4 A I couldn't tell you. I don't know what he was talking about.

5 Q Okay.

6 All right. So I want to go back to exhibit 35, just to wrap up the text messages
7 with Mr. Meadows.

8 And as it's getting up on the screen, there's a December 1st message, looks like as
9 you're leaving Arizona. You say, "on the way to Michigan from Arizona." You need a
10 hotel and vehicles. You talk about Christina Bobb, who's the coordinator, and she
11 doesn't have a credit card or authorization for spending on logistics. You reached out to
12 Mike Glassner, who's no longer on payroll. And you asked ultimately, "Can I have some
13 money coordinate with Christina to handle? Thank you, sir."

14 So why are you texting Mark Meadows, White House chief of staff, asking for
15 money for you guys traveling around for these hearings?

16 Mr. Parlatore. Can I suggest, from having texted with Mr. Kerik for the past
17 several years, he frequently uses the talk-to-text and I'm guessing "money" is actually
18 "somebody"?

19 You have to read his texts with that deep New York accent to really understand
20 what the iPhone misinterpreted sometimes.

21 [REDACTED] Fair enough. Great point, Mr. Parlatore.

22 BY [REDACTED]:

23 Q So, Mr. Kerik, can you read the text message that's up there?

24 A Yeah. I can see it.

25 Q To Mr. Parlatore's point, were you asking for money?

1 A Well, I wanted -- I guess I wanted somebody to coordinate with Christina
2 Bobb on our -- she was basically the coordinator then. I would've taken money too, but,
3 evidently, nobody seemed to have any.

4 No, [REDACTED] right. And I'm laughing because he's on the -- he's usually on the
5 receiving end of some of these and they're quite bizarre.

6 Mr. Parlatore. I have some good ones.

7 [REDACTED] But, yeah, I wanted somebody to coordinate with Christina to handle
8 the hotel and the stuff that we were doing in Michigan.

9 And this goes back to my laughing earlier when you said, did I get paid? No, I
10 didn't get paid for anything I did from the campaign -- didn't get paid from the campaign.
11 And I had an extremely difficult time just getting reimbursements and taking care of
12 things like this.

13 We were on the way to Michigan, or, you know, the legal team -- there's Giuliani,
14 me, I think Christina was there, Jenna was there, Katherine, maybe one or two more, and
15 I don't know the numbers. We needed two cars, we needed hotels, we needed all this
16 stuff. We're getting in the air, and we have nothing organized. There was nobody on
17 the ground in the campaign that was assisting us. It was getting frustrated. I was
18 getting frustrated. And I sent that to Meadows.

19 I can't say whether he responded to me or not. I don't know. But --

20 Q And, to be clear, I don't believe we have a response. So, totally
21 understand.

22 My question, though, is still -- and I understand there's a different interpretation
23 there at the last sentence. But you're still asking Mr. Meadows -- or saying that, you
24 know, we don't have credit card or authorization for logistics. So why is Mark Meadows
25 in the position to get this text as opposed to somebody else?

1 A Well, somebody's got to go to the campaign and tell them.

2 Q And would Mr. Meadows --

3 A I mean, the campaign is taking care of this stuff, right? Somebody. And,
4 you know, I reached out to Glassner. There was somebody else that I reached out to as
5 well. I can't remember the name. It was a campaign person.

6 All I was looking for was Meadows to call the campaign and tell them to get back
7 to us, to get to Christina. Because, at the end of the day, we're, like -- we're going
8 airborne, we're on the way to Michigan in the middle of this thing.

9 And, to give you an idea of the frustration, I wound up paying for all this. I paid
10 for all this stuff and put it on my credit card and was later reimbursed.

11 Q Okay. We are going to talk about that.

12 I do want to ask you about Christina Bobb, though. So she's, my understanding
13 is, a Newsmax reporter or OAN reporter who jumped over to the campaign to help out.
14 Is that right? Or to the legal team to help out?

15 A I believe so. I don't know what her deal was before she came to us. I
16 don't know what she was doing. But she did work with the campaign, with the legal
17 team.

18 Q Do you know if she's a lawyer?

19 A Excuse me?

20 Q Do you know if she's a lawyer?

21 A Yes, she is. Well, I believe she is. I believe she is.

22 Q Was she performing legal functions for your team?

23 A She was coordinating affidavits, collecting affidavits. She was doing -- in
24 my opinion, she was doing a bunch of legal work for the mayor.

25 Q Okay.

1 ██████████ And I guess I'll stop there to see if anybody has any questions about
2 what we've covered.

3 ██████████ No, thank you, ██████████.

4 ██████████ Very good.

5 BY ██████████:

6 Q All right. So I do want to move on and pick up a little bit.

7 Are you aware that, at some point, individuals, volunteers, paid or otherwise, with
8 the campaign were reaching out to State legislators about decertifying the results of the
9 election -- and this would've been later in December -- or having alternate electors
10 appointed?

11 A I know those were discussions. I don't know about people in the campaign
12 that would've done that. Or, specifically, I don't remember that. But I know that was a
13 constant discussion based on the things that we're finding.

14 Q Okay. And specifically on the issue of having alternate electors meet and
15 send up votes for Trump, what do you remember about that?

16 A I remember people talking about it. But don't quote me, because I
17 don't -- still, to this day, I don't get it. I don't understand, you know, the
18 constitutionality of how it works, other than sitting through briefings with Jenna Ellis and
19 others. I once heard Eastman, you know, walk through the Constitution on that topic.

20 But, you know, this was a constant conversation based on the fraud and the
21 improprieties that people were finding.

22 Q Okay. And do you know when this first came up, the idea of having
23 alternate electors vote for Trump?

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

25 I mean, you know, that conversation was -- I think the conversation really got hot

1 and heavy, if you will, in the aftermath of Pennsylvania. And the reason being is
2 because there was -- you know, I don't know what the President's margin was in
3 Pennsylvania, but when they determined or they came away believing that there were
4 more than 600,000 ballots that were not viewed by a Republican monitor, that threw
5 everybody into a frenzy. And they were, like, you know, this is -- it's way too much, it's
6 gotta stop, somebody's got to look at it. So I think the conversation started there.

7 Q Okay. When you say "it's way too much" and "somebody's got to look at
8 it," you're talking about the alleged improprieties themselves or just the, generally, we've
9 got to go with another rep here?

10 A No, I think it's the impropriety, right? You know, there's over 600,000
11 ballots that didn't have a Republican monitor. And they were looking at the stuff that
12 happened in Philly where they couldn't even get a court order enforced. You know, it
13 was that kind of stuff that they were concerned with, and a bunch of other stuff that they
14 pulled off the secretary of State's website.

15 Q I see. Okay.

16 Can you pull up exhibit 50, please? And exhibit 50 is a tweet, I believe, that you
17 sent.

18 Yeah. This is your tweet from December 14th, which is the date that electors, as
19 well as alternate electors, met in several States. And you say, "HISTORIC AND
20 UNPARALLELED -- PA, GA, MI, WI, AZ, NV, and NM all had GOP electors cast votes for
21 @realDonaldTrump. That preserves @POTUS' right to remedy fraud with his own
22 electors."

23 Did you write this tweet, or did somebody write it for you?

24 A I -- no, I would bet I wrote it. And it had to be in the aftermath of one of
25 these meetings.

1 Q Okay.

2 A What's the date on that?

3 Q December the 14th.

4 A Okay. All right. Go ahead.

5 Q So why did you see this as historic and unparalleled?

6 A I'd say it's historic and unparalleled because of the stuff that we were
7 finding. And I've got to be honest, guys: What I believed then, I believed there was
8 overwhelming improprieties, like that Pennsylvania 600,000 number. But I think the
9 election fraud and the voter fraud, I think it was substantial, based on what I was seeing.
10 Some of the documents I gave you, nonprivileged, one of the documents outlines
11 all of the things that we were finding in the various States. If you're sitting on my end
12 and you're looking at all this stuff, all the stuff that we found in Pennsylvania or
13 Georgia -- in Georgia, you know, it's -- Georgia, to me, is indicative of what could've
14 happened had we had more time.

15 Because much of the stuff that we found or we anticipated finding or that we
16 were looking at in Georgia over the past 12 months, a lot of that stuff has come to
17 fruition. A lot of that stuff has been confirmed. We didn't confirm it at the time. We
18 were looking at it. We thought about it. We thought there were, you know -- based
19 on what we were seeing, we thought there was substantial fraud. But, in the last
20 12 months, you know, whether it's the, you know, concealing of ballots, whether it's the
21 dropboxes that was recently exposed, there's a number of investigations in Georgia that
22 have gone on over the last year and confirmed much of the things that we were talking
23 about.

24 Q Okay.

25 A That's what I believed then, but I believe that much more today than I did

1 then.

2 Q Okay. All right. And we are going to walk through that document. I
3 think you're talking about that strategic communications plan, if I'm not mistaken, and
4 others. We are going to walk through that.

5 I just want to know, did you have anything to do with coordinating or know about
6 coordinating these meetings of alternate electors who sent their votes up for Trump?

7 A No. Co- -- no.

8 Q You only found out after the fact?

9 A No. I don't think -- I've got to be honest. I don't -- I think that
10 coordinating the elector stuff, that was talked about probably -- I think I said
11 this -- probably in the aftermath of Pennsylvania, but it really got focused on later as a
12 number of these States -- the more evidence that we collected, the more information
13 that we collected that we were investigating and the more that people were calling for
14 special sessions to extend the time to conduct investigations, the more that went on, the
15 more the electors were talked about.

16 Q Okay. So you said, just to unpack a little bit of that, "coordinating the
17 electors." Was somebody taking a point on that issue? Who was the leading the
18 coordination of electors?

19 A I don't think -- I don't think that was us.

20 Q When you say it's not "us," do you mean the legal team?

21 A Yeah, the legal team. I don't think it was the legal team. You know,
22 Giuliani talked about it constantly. Jenna Ellis talked about it at every hearing. She's
23 the one that walked all these legislators through the process and through the
24 Constitution. But, at the end of the day, I don't think it was Giuliani leading the charge.
25 I just don't think.

1 Q Okay.

2 A I could be wrong, but I don't think so.

3 Q Do you know who Mr. Giuliani was talking to about these and where he was
4 getting information about this?

5 A You know, everybody has focused on Eastman because Eastman came to
6 D.C. and met with him, but Giuliani and a number of other people spoke to -- I don't know
7 the names, but a bunch of constitutional lawyers, like, all over the country. When they
8 spoke to Eastman, that was around the time they were talking to, I want to say, three or
9 four other constitutional experts, right, around the Nation, you know, asking about these
10 issues.

11 Q Do you know who they were, the names of those people?

12 A Honestly, I don't know. And I only know Eastman because he came -- you
13 know, we had him there for a couple days in D.C.

14 Q Okay.

15 A I didn't know him before that.

16 Q Okay.

17 And, Mr. Kerik, just to make sure I'm being clear on my end, I'm not so much
18 talking right now about the legal basis or constitutional theory behind the alternate
19 electors; more of the mechanics. As your tweet points out, alternate electors met in
20 those seven States. And I'm just -- do you know anything about how those meetings
21 were coordinated, the paperwork? Was there somebody who was dealing with that?

22 A I do not know, other than to say, I think -- I think the primary coordination
23 would be in the States.

24 Q The States?

25 A Yeah, I would think it would be in the States.

1 Q Okay.

2 A Because that was the focus, right? That's what everybody was talking
3 about, in those States.

4 Q So a followup to that is, I know, for example, Kelli Ward, I believe, is the
5 Arizona GOP chair, or was at the time out in Arizona, and I think she was also one of these
6 alternate electors. I mean, does that name ring a bell as --

7 A Yes.

8 Q -- having anything to do with this?

9 A I don't know if it has to do with this. Kelli Ward, I know the name. I think
10 I met her in Arizona. I can't say what she was doing. I know she was connected to the
11 campaign. She talked to the campaign. And she talked to the mayor on a number of
12 occasions.

13 Q Okay.

14 All right. And I'll just pull up --

15 A She was at that hearing, that hearing in Arizona.

16 Q Okay.

17 A I think she was at the hearing in Arizona. I think.

18 Q Can you pull up exhibit 32, please?

19 So exhibit 32 are going to be some of these alternate elector certificates. And I
20 just want to see if you recognize them, if you know anything about their creation, kind of
21 along the lines that we were just discussing.

22 A Okay.

23 Q I'll have you scroll down past this. So this, so starting here, these are from
24 Arizona. They're addressed to various people. And if you could scroll down a little bit,
25 this is from Nancy Cottle, electoral college in Arizona.

1 And then these are certificates, if you stop there. "WE, THE UNDERSIGNED,
2 being the duly elected and qualified Electors for President and Vice President of the
3 United States of America from the State of Arizona" certify -- and then go to the bottom
4 of this page -- that they're transmitting votes on behalf of these alternate electors for
5 former President Trump and former Vice President Pence.

6 Does this document look familiar? Do you feel like you've ever seen this or
7 something like this before?

8 A I was going to -- that came from me?

9 Q It did not come from you, Mr. Kerik.

10 A Oh. I was getting nervous because I was going to say, I --
11 Mr. Parlatore. I didn't slip it in there, Bernie. Don't worry.

12 [Laughter.]

13 Mr. Kerik. No, I -- no. I don't remember seeing this. I don't remember, not
14 that I -- I just don't remember seeing this.

15 BY ██████████:

16 Q Do you remember anybody, maybe Jenna Ellis or somebody else, working on
17 paperwork for alternate electors to use?

18 A Honestly, no.

19 Q Okay.

20 A I mean, they talked about it all the time. I just don't remember -- see,
21 something like this, if this was being prepared by us or Jenna was doing that, I think I
22 would've seen it, at least in passing, to get it to the mayor. I just -- look, I'm not saying it
23 didn't, but I don't remember it.

24 Q Yeah. Okay.

25 So, to follow up on talking about it all the time, this, as you've mentioned, John

1 Eastman and some of the others, Jenna Ellis, this seems kind of January-6th-focused,
2 right? Because on January 6th, the theory is that the Vice President is standing there in
3 the joint session of Congress opening electoral certificates. And, by one theory, if he has
4 options, a competing set, one for now President Biden, one for former President Trump,
5 he can choose among those and choose what to do with them, whether count certain
6 ones or delay certification at all.

7 So this seems -- this idea of alternate electors that you said everybody's been
8 talking about all the time seems very January-6th-focused. Did January 6th and the joint
9 session of Congress come up in these discussions about electoral certificates?

10 A The certificates? I don't remember anybody talking about certificates.

11 Q All right. To be more clear, alternate votes?

12 A The topic came up a number of times. And that was the purpose of
13 reaching out to Eastman and these other attorneys, whoever they were, that they would
14 talk to. The topic, yes, I remember. The certificates, I just don't remember.

15 Q Okay. And what were the conversations about January 6th like?

16 A I've got to be honest, you know, January 6th, to me, it really -- as much as it
17 was an issue for, you know, a lot of people, for me, I wasn't focused much on January 6th,
18 me personally.

19 I believed, as I said earlier, I believed then as I do now, there were substantial
20 improprieties and overwhelming fraud and abuse. And I thought, no matter what
21 happens on January 6th, if we get time, if we have enough time, we're going to find the
22 evidence, we're going to get to the bottom of a number of these things, and then there'll
23 be a process to remedy the outcome, you know?

24 Nobody can say -- I can't say -- nobody can say whether the things we were
25 looking at at the time would've overturned the election or not. But it was my job and

1 the mayor's job to get to the bottom of it, and that's what we were trying to do. So my
2 focus was doing just that.

3 So the January 6th stuff, I heard the conversations. I'm not an attorney. I don't
4 know anything about the electors and how that stuff works, other than what I've heard,
5 you know, Jenna and the people talk about it. But if you asked me today, I couldn't tell
6 you, because it's -- you know, I was focused on other things.

7 Q Okay. Fair enough. I understand you're not a lawyer and there are some
8 complicated constitutional legal issues there. But is it your understanding that this was
9 to preserve an option for the Vice President on January 6th as he counts electoral votes?

10 A To my memory, to my recollection, the one thing I remember is -- and I
11 could -- I'm going to screw this all up. You had to have a Member of Congress and you
12 had to have a Senator -- you had to have a Member of the House and a Senator from the
13 State, is what I remember or what I think I remember, you had to have one of each, that
14 protests or, you know, claims, you know, there's a problem with their election, in order
15 for the Vice President to kick it back or ask for more or whatever the case may be. Now,
16 that could be wrong, but that's what I kind of remember.

17 And that was the focus. They were looking at the six States -- or whatever the
18 number is. They were looking at the six States where the alleged fraud at the time was
19 overwhelming enough and the numbers were skewed enough that people believed,
20 strongly believed, that a further investigation would've resulted in a victory for Trump
21 versus Biden. And that's what they were trying to get to.

22 They were basically running out a clock or running out of time to get to that finish
23 line, so to speak. And a part of that had to do with the end run, the end game; it had to
24 do with the Vice President. I didn't understand it at the time. I understand it less
25 today.

1 But, like I said, my focus was continuing the investigations.

2 Q Yeah. Okay. All right. No, fair enough.

3 Part of the end game, just to use your words, or end run or end game, whatever
4 phrase you used, was having the Vice President there on January 6th with options
5 available. Is that fair?

6 A I think the primary option was -- it would have only been if the States, the
7 individual States, would have had the courage to stand up and call the numbers, what
8 they were at the time.

9 And I've said this -- I've said this publicly a number of times. I believed this then,
10 and I believe this now. I believe that the election was stolen. This is my personal
11 opinion.

12 Q Sure.

13 A I believe that the election was stolen. I believe that the fraud, the
14 improprieties, whatever you want to call them -- I strongly believe that Donald Trump
15 would have won if that stuff did not happen.

16 But I also strongly believe that's not why Joe Biden's sitting in the White House.
17 Joe Biden is sitting in the White House, in my belief, because there are Republican
18 legislators or electors or whatever you call them, whoever they are, that didn't have the
19 courage to stand up and look at the real numbers or at least, at least, call for those special
20 sessions or call for extensions to finish investigations to get to the bottom of the
21 numbers. Based on what we were looking at then, it was overwhelming.

22 So how do you move on when you have this stuff staring you in the face? And
23 that's what we had. This is my opinion.

24 Q Yeah.

25 A And that's -- you know, I'm probably talking too much, but --

1 Q No, that's fine. So why is that linked in your mind to these alternate
2 electors who sent out votes for Trump to the Vice President?

3 A Because I think -- I think the bottom line is, you know, those State legislators,
4 the Members of the House and Senate, all they had to do was say, to my
5 understanding -- and I may have this wrong -- all they had to do was say: Give us more
6 time. Hold on. Give us more time. Send it back for 10 days. Give us 10 days to
7 look at that thing in Pennsylvania.

8 Let's go to the secretary of State in Michigan, who sent out an actual memo to all
9 the board of electors in Michigan to delete the evidence -- "All the election evidence,
10 delete it from your files" -- when everybody knows that's a Federal violation of the law.
11 They're supposed to be held for 22 months. She ordered everybody to delete it. Okay.
12 Well, that's a problem.

13 So give us time to look at that, get the real numbers, look at the stuff in
14 Pennsylvania. You know, that's what -- that's what I would've been focused on.

15 Q Okay. And having the alternate electors would allow that extra time. Is
16 that what you're saying? I mean, I just want to --

17 A I think. You know --

18 Q Right.

19 A -- like I said, you're asking me, you know, these constitutional questions. I
20 don't know. You know, I don't get it. I don't understand it. But that's my -- you
21 know, I'm thinking of what I would be doing and focused on.

22 Q Okay. That's your understanding.

23 A Right.

24 Q Okay. All right. I got it.

25 [REDACTED] I think this would be a good time, because you've now talked about

1 them for a little while -- and I see [REDACTED] has his camera on, if he has some questions.

2 BY [REDACTED]:

3 Q Yeah. I want to jump in on that, Mr. Kerik, and talk about, sort of, the
4 allegations that you pursued, the evidence that you found. We've talked a lot about,
5 sort of, this overwhelming sort of fire hose of information that you were all trying to sort
6 through and where you landed.

7 So can we dig in a little bit on some of the specifics there? I know you've
8 mentioned a few things as we've talked.

9 A Uh-huh.

10 Q Let me start --

11 Mr. Parlatore. [Inaudible] being, of course, that a lot of the specifics are the
12 privileged material. So --

13 [REDACTED] Well, that's one of the things -- well, I sort of -- I want to get to that.

14 BY [REDACTED]:

15 Q But let me talk first about, just generally, your overall impressions that I
16 think over just the last couple of minutes you've shared.

17 It sounds like you were of the belief that there was overwhelming fraud and abuse
18 in connection with the election. Is that correct?

19 A Yes.

20 Q And when you say that you can't say whether things would've overturned
21 the election, what do you mean by that?

22 A Well, what I mean by that is, you don't know until it's over, right? You
23 don't know until the investigation's concluded. You don't know until you have a
24 conclusive finding.

25 Based on what we had at the time, it was overwhelming. Based on what I was

1 seeing at the time and hearing at the time and looking at, it was overwhelming.

2 As I sit here today and I think about Georgia and I think about Michigan and I think
3 about Wisconsin, there are things that we were looking at then, we basically -- we ran out
4 of time.

5 When you look at some of the documents, that one document that we talked
6 about, that strategic communications piece, all that stuff that's in the back, that's what
7 we were looking at up to then. Those numbers are the numbers we had access to.
8 Those numbers are the numbers we were finding.

9 But, at the end of the day, you know, come January 6th, you know, it all slowed
10 down. To me, I got to be honest, January 6th was just another day after the rally, and,
11 you know, let's keep doing what we were doing. Other people didn't agree.

12 But, for me, as I sit here today and I look at what's been found in Georgia, in
13 Arizona, in Wisconsin, there's a number of things that have substantiated things we were
14 looking at. So the --

15 Q Can I --

16 A -- bottom line is, we just ran out of time.

17 Q Well, okay. So that's what I want to understand better.

18 I mean, we started the day talking about your belief that you didn't have the
19 opportunity to fully investigate the allegations that were put before you. Is that
20 correct?

21 A Yes.

22 Q You also say, though, that there was overwhelming fraud and abuse. Do
23 you mean that you believe that the allegations --

24 Mr. Parlatore. What he said was he believes there was overwhelming fraud and
25 abuse. He didn't say it affirmatively that there was.

1 BY [REDACTED]:

2 Q Okay. You believe there was overwhelming fraud and abuse. Do you
3 mean there's overwhelming evidence of the fraud and abuse, or just that the allegations
4 are so substantial that that would be overwhelming and would result in a stolen election?

5 A No, the allegations. I just said it wasn't conclusive.

6 The things we were looking at was -- nobody can look at those numbers, you
7 know -- you've got a secretary of State of Pennsylvania that takes their data and puts it
8 online. It's their information, it's their data, right? We took that information. We
9 put it into a database. We create the parameters of how we want to look at it. And
10 we determine that the secretary of State, in their database, has that 25,000 ballots were
11 received on January 3rd, but they were -- you know, they were received on January 5th,
12 when they went out on January 4th.

13 Well, that's impossible. Everybody knows that's impossible. Those ballots
14 didn't go out on the 4th or on the 3rd and come back on the next day. That's
15 impossible. It's not going to happen.

16 Q Okay.

17 A You can't have 8,000 people that not only voted that were dead but they
18 actually applied for absentee ballots. You have 1,000 of those people that live within a
19 two-block range in a number of apartment buildings. They're dead.

20 That kind of stuff, that's pretty substantial. Some people may not think so. I
21 think so.

22 Q So let me stop you on that. So this is what I want to understand. The
23 allegation that 8,000 dead people voted is a substantial allegation. That's what you're
24 saying.

25 A Right. I think so.

1 Q And I agree with you. Was there substantial evidence to support that
2 allegation that you came across?

3 A There was.

4 Q What was the substantial evidence that --

5 A The numbers -- the numbers -- you know, I'm using 8,000 as a number,
6 right? I don't know what the ultimate number was, but we actually had people -- and I
7 think, if I'm not mistaken, I think it's in my documents. If it's not in my documents,
8 somebody has it somewhere.

9 We had somebody going back through the voter rolls to basically identify the
10 deceased. By hand, they were doing this.

11 Q Yes.

12 A The problem is, we ran out of time, but they were doing it. And they were
13 finding exactly what was alleged. So --

14 Q Let me give you an example of that.

15 So, if we could pull up exhibit 74 and 75.

16 I believe the Trump campaign, during the time you were working on this
17 investigation, put out two press releases, one regarding supposedly dead voters -- I'm
18 calling them "dead voters," you know, people who voted who had previously died -- in
19 Pennsylvania and also in Georgia.

20 And the one we have -- let me see if I can make that bigger. Yeah, can we scroll
21 down a little?

22 So this is Pennsylvania. If we stop right there, November 11th. Is that
23 something -- did you play any hand in this press release?

24 A I don't think so. That's Veterans Day. I don't think we had -- I can't say,
25 but I don't think so.

1 Q Can we scroll down a little further?

2 Let me just stop right there, actually.

3 Does that -- is this around the time that you were investigating and looking into
4 whether dead voters had -- or dead folks had voted in Pennsylvania?

5 A This is November 11th. This was, like, 7, 8 days after the election. And
6 this is the day after I went to that meeting with the President.

7 I can't say this came from us. But I would say, that information was coming in to
8 us at the time. It would've been -- this is my opinion. It would've been a little early,
9 for me, on the dead voter thing. I don't think we had those numbers yet. And I'm not
10 sure where this came from. I don't think this came from us.

11 Q Okay. It came from the campaign. I just didn't know if that was
12 something that was you.

13 Can we scroll down a little bit further, [REDACTED]?

14 Do you see there's a name here, John Granahan?

15 Keep going.

16 And someone has pulled his obituary. There's a woman named Judy Presto.

17 Keep going.

18 Elizabeth Bartman. Are these folks -- do you remember any of these names?

19 A No. Huh-uh.

20 Q Okay.

21 Do you remember conducting any investigation -- we'll stop there on Ms.
22 Bartman. Do you remember conducting any investigation regarding supporting the
23 claim that Ms. Bartman, who had passed away in [REDACTED] of [REDACTED], had somehow voted in
24 the 2020 election?

25 A I don't remember the name, no.

1 Q Okay. Did you do anything to investigate the claim of Ms. Bartman or any
2 other voter to determine whether they had in fact voted and registered for someone who
3 had in fact died?

4 A I don't remember the name. No.

5 But here's what I can tell you. We took a list -- I don't know what State this was.
6 I know we took a list of the voters in the voter rolls -- that was listed in the voter rolls that
7 was alleged to be dead, and we had a team of these guys, the analytical guys, go through
8 it, and they came back and identified what was real and what wasn't real.

9 A lot of this stuff had to do with voter rolls. A lot of this stuff had to do with
10 going back to the secretary of State's voter registration rolls. A problem was, a lot of the
11 secretaries of State pulled this stuff down and then they wouldn't give us access, which I
12 talked about earlier when I talked about having subpoena power. They wouldn't
13 cooperate.

14 But there was a substantial number of these types of things that we looked at, and
15 we had people that came back to us and said, yes, these people are dead. There's
16 substantial numbers of them.

17 Q Yeah. And what they did was, as numerous journalists and others have
18 pointed out and published their work since then -- what your researchers were doing was
19 running names of folks who had voted, maybe who were older, running their names, and
20 determining that someone with the same name and month of birth had died before the
21 election.

22 Do you understand that's what the research involved?

23 A I understand that could be the research involved. Do I believe that?

24 Q Well, no. I'm sorry. That was a bad question. Is that what you
25 understood your team of researchers to have done, which is compare voters who -- run

1 those names and see if there's a record of a person with the same name and month of
2 birth who predeceased the election or died before the election?

3 A That's possible.

1

2 [2:22 p.m.]

3 BY [REDACTED]:

4 Q And, for example, in Georgia, the Attorney General investigated 2,000 names
5 that were put forward, and they found that four people, four people who had died,
6 someone voted for them, and a relative had voted on their behalf and those people were
7 being prosecuted by the Attorney General in Georgia.

8 Were you aware of that?

9 A No. But I've got to be honest with you, I wouldn't put much credence into
10 the Attorney General of Georgia, nor the Secretary of State. The Secretary of State is
11 the same guy that said they had a perfect election. He said it on "60 Minutes." He
12 bad-mouthed the President and everybody else, said he had a perfect election. And
13 that was probably within 5 days after he received a memo from his own auditor, a 25- or
14 27-page memo, that said the election was a complete -- it was in chaos.

15 Since then, the Attorney General and the Secretary of State have found -- or
16 they've initiated several investigations with regard to fraud, voter fraud and election
17 fraud in the State, after they told everybody that they had a perfect election.

18 So I don't -- you know, I'd have to disagree. I don't -- I wouldn't put anything
19 past the Attorney General, the Secretary of State, or the Governor of Georgia.

20 Q So in Pennsylvania -- do you feel the same way about investigation, that their
21 investigation of claims of dead voters are not to be trusted?

22 A No. I don't know. I wouldn't know.

23 Q Well, I'll tell you that on Ms. Bartman, you're correct, your people were
24 correct, this Elizabeth "Betty" Bartman did pass away well before the election.

25 Do you see there that she was loving mother of Bruce Bartman?

1 A Okay.

2 Q Do you know what happened to Mr. Bartman?

3 A No idea.

4 Q Do you know he was prosecuted for a felony -- two felonies for falsely
5 submitting an absentee ballot on behalf of his deceased mother?

6 A Okay.

7 Q And he did it because he wanted to help the President, Mr. Trump?

8 A Okay.

9 Q How does that impact your concerns or your questions about whether voter
10 fraud somehow, you know, resulted in the wrong result in the election?

11 A That one vote out of -- that one ballot out of, you know, thousands, I don't
12 know if it would impact it. But, you know, it would be taken into consideration, I guess.

13 Q The other people were alive. The other people that you claimed had
14 passed away were alive.

15 Let's go to the next exhibit, exhibit 75 --

16 A Hang on. We can do this all day, but, you know, I would -- never mind.
17 Go ahead.

18 Q Okay. Well, the reason I'm going through this -- I'm not going to go
19 through all 4,000 dead voters that you allege, but my point is that making an allegation
20 that there are 8,000 dead voters in certain States certainly is a substantial allegation.
21 I'm wondering what efforts were made to confirm that that was accurate, that the
22 allegation was true. Because those who have fact checked it since last year have found
23 that in the vast majority of cases, the vast majority, the people were either still alive, or in
24 the few cases where people were voting for someone else, it turns out they were Trump
25 supporters.

1 A Okay. Well, that's what you're saying, okay.

2 Q Yes.

3 A And I'm not --

4 Mr. Parlatore. Isn't that exactly the point, though?

5 Mr. Kerik. Well, hold on. Hold on, [REDACTED] because that's exactly where I'm going.

6 I know, you know, that's what you're saying, and I give it -- I'll take your word for
7 it, but it took them a damn year to find out. It took them a year. Everything we were
8 doing we did within 6 weeks to 7 weeks.

9 So nobody can tell me that I didn't have a right to believe that what we were
10 looking at was a valid allegation, or valid allegations, not to mention I'm taking your word
11 for it on these things here.

12 But still, personally, I don't believe it. I don't believe it.

13 Q Okay.

14 A That being said, it's been a year. It's been a year. What we were doing
15 had to be done within literally 6 weeks.

16 Q And I'm not criticizing. I'm not doubting the challenges that you faced.
17 You said you didn't have subpoena power. You didn't have an army of folks that you
18 were thinking you might have.

19 I'm just asking you if -- I'm just trying to understand what investigation went into
20 the allegations and what evidence backs up the allegations because this is one
21 example -- we'll go through others -- where the allegations, it turns out, might not have
22 been accurate. And I'm not blaming you for that. I'm just asking you whether you
23 would acknowledge that that's a possibility.

24 A Well, the allegations, in some cases, may be accurate or inaccurate. At the
25 time we were using every resource we had available, which was extremely limited.

1 And we were using the databases from the State governments. So that's where we
2 were going, and we were doing the best we could at the time, given the staff we had and
3 the lack of resources and subpoena power.

4 Q Okay. Would you -- so at some point before January 19th, let's say, so
5 before President Trump left office, you came to the conclusion that the election was
6 stolen, the 2020 election was stolen?

7 A Yes.

8 Q And you believed that widespread fraud had altered the outcome of the
9 election?

10 A Right.

11 Q And the evidence you had is some of the evidence that you've talked about
12 today; the affidavits you received, right?

13 A Right.

14 Q The data that your folks -- you talked about Mr. Waldron's team of folks
15 going through public data -- or, you know, public source information, for example, the
16 voter rolls and death records, and so forth, right?

17 A Right.

18 Q What else did you have in terms of evidence?

19 Mr. Parlatore. You're asking him to go through all the privileged stuff?

20 [REDACTED] I'm asking for, yes, what evidence you came across that convinced
21 you that the 2020 election had been stolen?

22 Mr. Parlatore. And, again, that's -- all of the stuff that they were doing in the
23 investigation, that's, you know, in the privilege files, which, again, if the committee
24 wants -- you know, the privilege waiver is easy to perfect and we really want to turn
25 over -- I mean, you've asked some questions here about things they were looking at

1 the time that you say was disproven later. And if that's true, that's great. This is the
2 stuff that they had at the time and, really, that's kind of the goal of the committee is to
3 take these things -- or should be the goal of the committee to take the things that they
4 had at the time, make sure that they're fully investigated. If it turns out that
5 they're -- some are substantiated, some aren't, to have some kind of certainty, that's
6 great.

7 But, you know, obviously because all of the other stuff is privileged, as much as I
8 want to give it over to you, absent the privilege waiver, we can't really go through a
9 detailed step by step of everything that's in the privilege folder.

10 [REDACTED] Okay. Can we bring up exhibit 79? And then I do want to respond
11 to that. So let me just ask a few questions around that, Tim. I'm not going to -- you
12 know, I'll respect that claim, but I do want to understand it better.

13 BY [REDACTED]:

14 Q So, Mr. Kerik, is there information that supports the allegation or your
15 contention that the election was stolen that you have in your possession that you have
16 not shared with the Select Committee?

17 A No. I've given you everything I have.

18 Mr. Parlatore. Except for the privilege stuff.

19 [REDACTED] Yeah, right.

20 BY [REDACTED]:

21 Q But except for the privilege stuff is what I'm getting at, there's information
22 that is not being presented or provided to the Select Committee that you believe
23 supports the claim that the election was stolen?

24 A I think there's things that I've already given you that would lead anyone with
25 an objective mind to believe that the election was stolen. But what I would say is that

1 we didn't -- although we didn't have time to conclude the investigations we were doing,
2 the subsequent investigations by the press and through lawsuits in Georgia, and Arizona,
3 and Wisconsin, I think there's pretty substantial information right now that -- you know,
4 that could overturn parts of the election.

5 The bottom line is we didn't have the time --

6 Q Understood, understood.

7 But I want to go back to something you started with. You said you did give us
8 information that you believe proves that the election was stolen. Is that the 53
9 documents that were produced, or something other than that?

10 Mr. Parlatore. He didn't say he gave you information that proves -- let's pause
11 here because, obviously, this is a voluntary interview, and I feel like we're starting to get
12 into a more argumentative stance here.

13 And, you know, he gave you the things that are not privileged. There's a lot
14 more information that he has that is privileged, which is all of the evidence and
15 everything that they processed at the time that he wants to give to the committee but,
16 for obvious reasons, the committee has chosen not to perfect the privilege waiver so that
17 we can't give it to you.

18 If you want to kind of go through all of those things and then just cross-examine
19 Mr. Kerik on whether something was proven or disproven later, that's not really a
20 valuable use of our time. You know, what we're talking about is, at the time that he was
21 doing this, what they believed, what information they had that they can discuss that's not
22 privileged.

23 So if we want to, you know, kind of reguide this voluntary interview back to that
24 and away from this argumentative line, that would be preferable.

25 [REDACTED] Well, my question, though, to Mr. Kerik was whether he has

1 information in his possession, produced or not, that proves that -- that substantiates his
2 conclusion. And he started his answer -- let me finish. Let me finish.

3 Mr. Parlatore. We've already stated --

4 [REDACTED] Let me finish. Let me finish, please.

5 Mr. Parlatore. Go ahead.

6 [REDACTED] Let me finish.

7 Mr. Parlatore. Go ahead.

8 [REDACTED] He started his answer by saying, I think what I gave you already
9 proves it. And then he said some other things. And I was going back to that statement
10 by him. That's all I was trying to do.

11 Mr. Kerik. So let me clarify. Okay.

12 We've given you documents that are privileged and nonprivileged. In either, I
13 would say there is -- there was overwhelming evidence of -- in my opinion, of alleged
14 fraud and improprieties. That's what we were looking at.

15 I am of the opinion today that much of that has been substantiated, or a lot of it
16 has been substantiated over the last year. We didn't have time to conclude it. I can't
17 say what the conclusions would have been, but a lot of this information came directly
18 from the various States.

19 Um, you know, we dealt with it the best way we could under the circumstances,
20 and that's my belief.

21 BY [REDACTED]:

22 Q Okay. And I am not -- I am not trying to quarrel with that. I'm trying to
23 get to your attorney's point of let's get that information, and then if we want to talk
24 about it and hash it out, and so forth, we can. But I want to understand what we have
25 and what we don't have.

1 Now, I don't mean in terms of described stuff that you haven't given to us. So let
2 me just go back to that.

3 There is -- and if we could put the document back up on the screen and then scroll
4 down just a little bit.

5 You can stop right there.

6 So, this is the President's statement from, I think, late last year, and he says that
7 what the witch hunt -- he's calling this a witch hunt, the unselect committee -- is
8 demanding is a massive trove of evidence of voter fraud.

9 Do you agree -- and, again, I'm not talking about what you gave us versus not gave
10 us, but does there exist a massive trove of evidence of voter fraud?

11 A Yes.

12 Q And you have that in your possession?

13 A What I have in my possession is what I believe is voter fraud -- is allegations
14 of voter fraud and improprieties, yes.

15 Q I'm not talking about allegations. I'm talking about evidence.

16 Do you have evidence that supports the allegations of voter fraud, a massive trove
17 of evidence?

18 A Yes. If I -- yeah. If I had -- these are all of the allegations that we were
19 looking at, yes. And if I had the time and the wherewithal now to do it, much of this
20 stuff -- much of the stuff in here has already been confirmed through other investigations.

21 Q I take it from your answer, then, that you're saying that you didn't have the
22 time and the resources to develop the evidence to support the allegations completely.

23 Is that a fair characterization?

24 A Some.

25 Mr. Parlatore. I think the issue here may be just standard of proof. You know,

1 when you say prove, I think what we're talking about is what they had at the time was
2 certainly enough to give probable cause that would have led to a whole bunch of other
3 investigations. Does he have enough that would prove it beyond a reasonable doubt?
4 Of course not. Does he have enough to prove it by probable cause that should cause
5 DOJ to do a further investigation which, you know, according to you, some investigations
6 have been done? Yes.

7 So I think that that's -- when you say prove, you may be talking about two
8 different standards here.

9 [REDACTED] Well, okay. Let me probe on that a little bit with Mr. Kerik.

10 BY [REDACTED]:

11 Q So you heard what your counsel just said. I mean -- and you've been in law
12 enforcement for a long time. You know the difference between probable cause, beyond
13 a reasonable doubt, irrefutable.

14 Tell me, the evidence that you gathered -- and I'm not -- I'm not casting any
15 aspersions on the fact that -- you know, based on the fact that you only had a certain
16 amount of time and all of that. But based on what you were able to do, do you
17 have -- in your view, do you have irrefutable evidence of voter fraud that was sufficient to
18 change the outcome of the election?

19 A Based on what we collected, based on what I saw, based on what we had at
20 the time -- and I have not gone into this since -- I believe what we had was substantial
21 evidence of voter fraud.

22 Q Okay. I used the term "irrefutable." Let's start -- I want to go down the
23 line of the different burdens that Mr. Parlatore was mentioning.

24 Did you have irrefutable evidence of voter fraud sufficient to change the outcome
25 of the election, in your view?

1 A I can't say what would have changed the outcome of the election. I can't
2 say that.

3 Q Ahh, good point. And I understand.

4 Actually, let me be more precise, because I understood you saying earlier that you
5 believed the election was stolen, but you weren't sure whether the outcome would
6 actually change --

7 Mr. Parlatore. Time out.

8 ██████████ -- because other things had happened. Is that right?

9 Mr. Parlatore. Hold on a second.

10 We have never claimed to have irrefutable proof beyond a reasonable doubt.
11 We've claimed to have probable cause. So if what we're going to do is kind of go
12 through this --

13 ██████████ No, Tim. I'm just asking the witness. I'm not -- you've testified on
14 it. I just want to hear what the witness has to say about it.

15 Mr. Kerik. I just told you.

16 Mr. Parlatore. But you're trying to question him on things that he's never
17 claimed, so --

18 ██████████ Then he can correct me.

19 Mr. Parlatore. Here's the thing. Obviously, this is a voluntary interview.

20 ██████████ Yes.

21 Mr. Parlatore. And I kind of expect a certain degree of courtesy and respect in
22 that, and it seems like what we're trying to do here now is to get into these, you know,
23 oh, gotcha questions and everything like -- as if we're playing to a jury, which is not really
24 the purpose that we're doing here.

25 We have told you from the beginning that what we have is evidence that makes

1 probable cause. If you want to go down this line -- I mean, I recognize that it may be
2 good for, you know, leaking segments of it later, you know, to the media. But why don't
3 we focus on what he's actually claiming and -- this seems to be a waste of our time. So
4 can we move on to something that makes more sense?

5 [REDACTED] Yeah. Well, I think it's important, Tim, and I apologize if my tone is
6 creating the wrong impression. I just really do --

7 Mr. Parlatore. It's the content of the questions.

8 [REDACTED] Okay.

9 Mr. Parlatore. It's the content of the questions. This is grandstanding to create
10 something that can be leaked to the media.

11 [REDACTED] Okay.

12 Mr. Parlatore. So I'm asking, for the purpose of a voluntary interview, if we
13 could move back to getting information from Mr. Kerik instead of trying to argue with him
14 and trying to get him to say, I don't have irrefutable evidence. He's already said that.
15 You know, we've kind of -- he did not have sufficient time or resources to do an
16 investigation that would build that type of a rock-solid case. They were trying to get
17 DOJ and everybody else to pick these things up, trying to get the electors, you know, an
18 extra 10 days so that that can be done.

19 So to now just, you know, trying to beat him up on whether he's got irrefutable
20 evidence, this is a waste of time.

21 [REDACTED] Okay.

22 Mr. Parlatore. And this is grandstanding. So can we move on to something
23 else?

24 [REDACTED] Well, it's not grandstanding, and I don't think it's a waste of time.

25 Mr. Parlatore. It's --

1 ██████████ And let me explain. Let me explain why. I'm trying to understand
2 Mr. Kerik's view of the evidence and what he was finding. And you've characterized it a
3 certain way, and that may be what he believes. But I can tell you his public statements
4 were contrary to what you're saying, and I want to understand what he's actually claiming
5 and what evidence he has to support those claims so that we can conduct the evaluation
6 that you're talking about.

7 Mr. Parlatore. Okay. If you have a public statement where he said there's
8 irrefutable evidence of fraud, then you can confront him with that. But, otherwise, let's
9 move on.

10 ██████████ Okay.

11 BY ██████████:

12 Q Let me go back then to the issue. Without trying to characterize what
13 burden of proof or standard you think you've met, is there a massive trove of evidence
14 that you have that we don't yet have?

15 A No. You have --

16 Mr. Parlatore. Look, remember, we haven't turned over the privileged stuff.

17 Mr. Kerik. Right. Everything that I have, that I know I have, privileged or
18 unprivileged, is -- the unprivileged has been turned over. The privileged stuff is in a
19 privilege lock box.

20 Q And the privileged stuff, I assume the President has seen?

21 A Not -- I didn't give it to him now, but yes, I think, he's seen it.

22 Q And so when he says massive trove of evidence, do you think -- and I
23 know you're not -- I'm not asking you to read his mind -- he's talking about some
24 privileged stuff that we don't yet have?

25 A Well, you would have to ask the President, but --

1 Q Fair point.

2 A Yeah.

3 Q Okay. And was there anything preventing you or the team from producing
4 that information prior to -- the information that's not yet been introduced to us,
5 producing that prior to the certification of the electors or during the whole process that
6 Mr. George was talking about?

7 A Say -- repeat the question.

8 Q So this morning you talked about a lengthy process from the time you got
9 involved up and to January 6th or so. And I'm wondering whether the evidence that
10 you're -- that you have, but that has not yet been produced, whether there was a reason
11 why the evidence wasn't brought forward or could not have been brought forward in that
12 time frame, the November to January time frame?

13 A Whatever we could produce, especially the affidavits, whatever we could
14 produce that would be helpful to those State legislators, we produced, to my
15 understanding.

16 [REDACTED] Okay. And, Tim, we can talk about the issue if stuff was produced
17 to the State legislators, whether that would still be privileged and whether we could have
18 that. I assume that's a discussion that you would engage in with us.

19 Mr. Parlatore. No. If it was produced to the State legislators, I agree that it's
20 unprivileged and I want to give it to you. The problem is I don't have that information,
21 so --

22 [REDACTED] Okay.

23 BY [REDACTED]:

24 Q Okay. Let's talk -- there's a document that you referenced earlier. I think
25 you said that there was a document in what we had that sort of outlined everything that

1 you were finding. Is that this -- could we bring up exhibit 2 -- this strategic
2 communications plan? Is that the document that you're referring to?

3 A Yes, one of them.

4 Q If we could bring that up. Hopefully --

5 A This isn't everything we were finding, but there's things on here that we can
6 talk about.

7 Q Okay. Great.

8 Now this one, you have to bear with me here because I've got -- [REDACTED] is
9 helping, and he's the one that has the ability to scroll through. So we'll just try to find
10 the spots to talk about.

11 Tell me about -- did you participate in the preparation of this document?

12 A No.

13 Q Do you know when it was prepared?

14 And I see it has a timeline of December 27th to January 6th. Was it prepared
15 around December 27th, if you know?

16 A I believe so. I think so.

17 Q Who prepared the document?

18 A It would have probably been Christina Bobb or Katherine Friess or -- one of
19 them.

20 Q Was the -- the document appears to lay out a strategic communications
21 plan. Is that something that you participated in discussions about in formulating that
22 plan?

23 A Yes.

24 Q Tell me about when those discussions took place.

25 A They were continual discussions through -- for 6 weeks. This was -- you

1 know, this is a 10-day plan. It says, 10 days to execute the plan -- this plan and certify
2 President Trump.

3 The bottom line is, these things were being discussed every day at some point
4 prior to the 10 days that we're talking about. So it was a continuous thing that went on.

5 Mr. Parlatore. Sorry. It's 2:45, so I've got -- we have to take a half hour break.

6 [REDACTED] Okay.

7 [REDACTED] All right. Can we come back at 3:15? Does that work for you,
8 Mr. Parlatore?

9 Mr. Parlatore. Yep.

10 [REDACTED] All right.

11 Mr. Parlatore. All right.

12 [REDACTED] Okay. Thank you.

13 Mr. Parlatore. All right. Thank you.

14 [Recess.]

1

2 [3:24 p.m.]

3 [REDACTED] All right. Let's go back on the record. It's 3:24, and we are back
4 on the record in the transcribed interview with Mr. Bernard Kerik.

5 And [REDACTED]

6 [REDACTED] Thanks, [REDACTED].

7 BY [REDACTED]:

8 Q So, Mr. Kerik, when we left off, we were talking about exhibit 2, which we'll
9 bring back up on the screen, which is the strategic communications plan.

10 And I think you told me -- forgive me if I'm misdescribing this, but that sort of the
11 general work that's laid out here, this planning, was going on for quite some time before
12 this document was actually created. Is that fair to say?

13 A Yeah, pieces of it.

14 Q Okay. Do you know what the impetus -- and forgive me if I've asked you
15 this already -- what the impetus was to sort of memorialize or create this plan or this
16 document?

17 A I think to basically -- if I'm not mistaken, I think it was to basically present to
18 the legislators, the State legislators in each State, where the majority of improprieties and
19 allegations of voter fraud that we were coming across, make the presentations to them so
20 they were aware of it.

21 Q Okay. But I guess what I'm asking is whether there was some -- you were
22 kind of on that path for some time before late December, correct?

23 A Right.

24 Q And did something prompt the need or the idea that, well, you know, we
25 should lay this out in a concrete document, for example?

1 A I -- if I'm not mistaken, I think the catalyst was the timeline. You know, it
2 says January 27th to -- I mean, December 27th to January 6th. That's probably the
3 10-day period, and they wanted to make sure that the State legislators and whomever
4 else they were going to talk to, Members of Congress, was aware of what we were finding
5 in the various States.

6 Q Okay. Do you know if this document -- I think you said you think either
7 Christina Bobb or Katherine Friess was the primary author?

8 A Um, I would assume one of them. I don't know who it was exactly. It may
9 have been somebody else. I don't know. But I would assume one of them.

10 Q And was the plan adopted? And I don't mean that in a formal sense, but
11 was this something that was circulated among the team and people were working off of?

12 A I remember the document. I remember seeing it. I think there were
13 meetings and calls to various legislators and Members of Congress with regard to what
14 we were looking at, what the mayor wanted to focus on, as far as I can remember.

15 Q Okay. I mean, we'll walk through some of it. There's a lot of sort of
16 tactical -- I think there may even be a section called tactics. I'm not sure. But there's a
17 lot of discussion about things that should happen. I'm wondering whether that was
18 operationalized, and whether those steps or any of those steps were taken?

19 A Honestly, [REDACTED] I don't remember that to be the case. I think there
20 were -- honestly, I don't remember that to be the case.

21 Keep in mind, the one thing I've realized as I've gone through some of these, there
22 were -- there was a bunch of stuff that was documented, recommended, you know,
23 provided to the mayor, possibly provided to the President, recommendations. And
24 quite often sometimes, you know, it may be recommended, but, you know, it's not signed
25 off on or it's not done.

1 Q Well, that's kind of exactly what I was getting at, right, whether this was one
2 of those that Ms. Friess or Ms. Bobb put this together, had some ideas, but then it just
3 sort of sat on the shelf and it wasn't really adopted or implemented.

4 A I can't say that it was implemented. And the problem is -- and the reason I
5 say that is I don't remember a full-blown, you know, okay, you know, let's everybody get
6 in one room, here's what we're going to do, here's where we're going, here's why we're
7 doing it. I don't remember that, although there's a bunch of stuff in here that we talked
8 about on a daily basis. So I just -- I don't remember that to be the case.

9 Q Okay. Do you have -- I see -- it looks like you're looking down. Do you
10 have a hard copy of the document?

11 A Yeah, yeah.

12 Q Perfect, because I think that will make it easier than trying to scroll on the
13 screen and find the stuff to talk about.

14 So if you can turn to page 6 -- well, it's page 6 in my PDF. I assume it's that way
15 on the hard copy as well.

16 A Go ahead.

17 Q And I'm looking at the key team members. It's about halfway down the
18 page.

19 Do you see that?

20 A Yeah.

21 Q So you've talked a lot about -- well, this morning [REDACTED] asked you a lot of
22 questions about who was on the team, and so forth. But I think it might be helpful just
23 to run through this section of it because there's some initials here.

24 On that first line under "Key Team Members," obviously Mr. Rudy Giuliani. It
25 says the plan is run by BK and KF.

1 Is that you and Ms. Friess?

2 A Right. I would imagine that's Katherine, right.

3 Q Okay. And how about media advisors, do you know who those initials refer
4 to?

5 A Boris, Boris Epshteyn probably. SB I don't know.

6 Q Could that be Steve Bannon?

7 A Could be, but I don't -- I mean, it could be. I don't -- I don't remember
8 having a discussion with him about this. You know, I know there has been a lot -- there
9 was a lot of media reporting saying that he was a part of the team at the Willard Hotel.
10 And as I think I've said publicly, I only remember him at the Willard, he stopped by for
11 lunch a couple of times. He wasn't like a fixture there.

12 So I'm not sure who that is. Could be, but I'm not sure.

13 Q Okay. No one else comes to mind in terms of who SB might be?

14 A SB, no, no.

15 Q And Ms. Friess or Ms. Bobb would be the best people to ask on that?

16 A Probably, yeah.

17 Q Okay. Serrano Public Relations team, who's that?

18 A Mark Serrano is the -- he has a PR team in D.C. who was doing work for the
19 campaign.

20 Q All right. Research team, CR and SP?

21 A I have no clue.

22 Q Is there someone named Christos, does that name sound familiar?

23 A Um, what was Conan's last name?

24 Q I believe it was Conan Hayes. I'm aware of a Conan Hayes.

25 A Christos -- if you can, tell me who Christos is.

1 Q I'm -- I can't help you with that one, but I have seen the name. And I'm
2 wondering whether that's the CP.

3 A CR, you mean? Right?

4 Q CR. I apologize. I lost the page.

5 A Yeah, I don't know -- I've actually looked at these before for some reason,
6 and I didn't know either one of these, SP --

7 [REDACTED] Mr. Kerik, could the CR, could that be Chanel Rion? Are you
8 familiar with that name?

9 Mr. Kerik. No. Who's that?

10 [REDACTED] You're not familiar. That's all we can ask.

11 Mr. Kerik. What's the name?

12 [REDACTED] Chanel Rion.

13 [REDACTED] Chanel Rion.

14 [REDACTED] Rion, I'm sorry.

15 Mr. Harris. She's a colleague of Ms. Bobb's at OAN.

16 [REDACTED] She's a reporter.

17 Mr. Kerik. No, I know her, but -- I don't know her, but I know of her. Honestly,
18 guys, I don't know who that is.

19 BY [REDACTED]:

20 Q Okay.

21 A SP either. I don't know -- research team, I don't know.

22 Q Okay. In your mind was there a research team?

23 A Our research team was usually the analysts, Hayes and the other guy,

24 Todd --

25 Q Sanders?

1 A Conan and Todd.

2 Q Okay. Influencer outreach, TF, do you know who that is?

3 A No idea.

4 The tech team is Phil Waldron for sure.

5 Q Got it. Okay.

6 A Peter Navarro team --

7 Q Yeah. I mean, you've mentioned Mr. Navarro. You've mentioned
8 someone named Joanna that worked with him.

9 A Yeah.

10 Q Anyone else that you can think of that would be on that team?

11 A I -- no. The only person I ever dealt with there was Joanna Miller.

12 Q Right. Okay.

13 And then it rolls on to the next page, but it looks to be part of the same category
14 with a reference to Freedom Caucus members. Do you know who that refers to?

15 A No idea.

16 Q Were there any, what you would call key team members who were
17 members of the Freedom Caucus?

18 A I don't even know what the Freedom Caucus is actually. No.

19 Q Okay. Were any Members of Congress, parts of what you would consider
20 to be key team members?

21 A Not that I remember. I think I mentioned earlier, I don't really remember
22 dealing with them or talking to them. I know the mayor did from time to time. No,
23 not that would be a part of this. The local -- you know, when I look over here, local legal
24 teams in various States -- no.

25 Q Okay. So let me go back up to -- I apologize.

1 Go back up to the first page.

2 That describes some of the -- you see about halfway down it says "Issues"?

3 A Yeah.

4 Q It says, "Massive corruption in the election process led to a vote tally that is
5 fraudulent."

6 A Uh-huh.

7 Q And then there's a series of bullet points underneath that.

8 Is this section -- and I know you didn't create this document, but does this capture
9 sort of the key allegations that your team had been looking at, you know, in that time
10 frame up to December 27th?

11 A Dead people voting would be one. Underage people voting would be
12 another. Voters who voted numerous times, illegals, felons, things like that, yes, that
13 was one. All of these would be.

14 Q Can you see anything that's missing? You know, any of the -- what you
15 thought to be the key allegations of improprieties that aren't listed in those bullet points?

16 A Hold on 1 second.

17 Mr. Parlatore. Are you speaking just of this page or the next two pages as well?

18 [REDACTED] I think it's -- I'm in the section under "Massive corruption," and then
19 it looks like there's some bullet points on page 1, and then they roll into page 2, and
20 actually into page 3, yes.

21 Mr. Kerik. Yeah, that's what I was looking for.

22 So, you know, these are -- these are some of them, yes, and it goes on to page 2, I
23 think. My pages aren't numbered, but I would imagine -- I think I have them right.
24 Yeah, page 2, the mail-in ballots, Dominion machines, and then --

25 BY [REDACTED]:

1 Q The Dominion machines has a lot of subparts?

2 A Right. Page 3 --

3 Q And then --

4 A Yeah. This is a pretty substantial bit of it, yes.

5 Q Can you think of anything -- and I realize I'm putting you on the spot a little
6 bit, but can you think of any of the -- what you would consider substantial allegations that
7 aren't included in the three pages of bullet points, roughly three pages?

8 A Not off the top of my head; but if I think of anything as we're looking, I'll let
9 you know.

10 Q Great. Okay.

11 And I don't know when is the last time you looked at that document, but I will tell
12 you there are -- I mean, there are several pages after this that go through the various
13 States and talk about the claims in those States, and so forth. So there may be some we
14 come across that you would say you would put on that list of substantial allegations, and
15 if you come across those, let me know.

16 A Okay.

17 Q So after sort of getting through those, there's a section here about what
18 works to prove the election numbers are right or wrong.

19 Do you see that? It's at the bottom of page 3.

20 A Hold on.

21 Yeah.

22 Q Did you write that section or have any part in writing that section?

23 A Write it, no. Hold on 1 second.

24 Q Sure.

25 A No. This section would have been written by Phil and -- what was the other

1 guy's name you asked me before?

2 Q I'm not sure I remember which part you're asking about.

3 A Um, Christos, Christos.

4 Q Yes.

5 A Christos had something to do with, I think -- if I've got the right guy, he had
6 something to do with the ballots, looking at the ballots -- he had a -- I think it's the right
7 guy. He had -- he had technology that would look at the ballots and be able to
8 determine the type of paper, the ink, folded, not folded, a bunch of the stuff that they
9 used in the Arizona audit. I think it was Christos that did that or was doing that for the
10 team or looking at it.

11 So I think him and Waldron may have been the guys that put this -- wrote this
12 piece in here.

13 Q Okay. On that, let me ask you -- we didn't really cover this this
14 morning -- were there outside experts on election security issues that you consulted from
15 time to time as part of your investigation work?

16 A Yeah. Wanted and not wanted. And what I mean by that is, you know,
17 for example, when we were looking at the ballots, you know, how do we
18 determine -- how do we determine the ballots in this location -- you know, they had an
19 influx of so many ballots, how can we scan those ballots -- rescan those ballots to
20 determine whether they were real or not, whether they were preprinted, whether they
21 were premade, whether they were folded in folders.

22 Um, there were things like that that came up that we would -- we would, you
23 know, have Waldron or somebody like that reach out and find people that we needed.
24 But there was a ton of people that would, you know, call or send us notes, or whatever,
25 basically trying -- you know, I've got people to do this or that. So there was -- you know,

1 we talked to a bunch of people about different things.

2 Q Who's vetting the experts as they were coming in unsolicited?

3 A So if it had to do with technology, if it had to do with data, things like that, it
4 would be -- it would be Phil Waldron in those -- that -- not Conan or Todd, the other guy,
5 Seth.

6 Q Oh, you didn't remember his last name, yeah.

7 A I didn't -- I never met -- I don't think I met him, but I talked to him on the
8 phone a number of times. If it was stuff like that, it was him.

9 If it was election law things, then it was, you know, constitutional attorneys that
10 they reached out to, that they contacted.

11 If it was individual State law election issues, they would reach out to the
12 legislators in those States that we were in contact with or that the campaign may have
13 known, and we would get them on the phone and have them clarify whatever, or
14 recommend somebody for us to talk to.

15 Q What about on technical issues involving the voting machines? I can
16 see -- and we're going to go through some of these in more detail, but there's reference
17 to the Dominion machines and to Antrim County.

18 Did you work with experts to try and get a hand on those issues?

19 A Primarily that was Phil Waldron. And the inspection of the Antrim County
20 machines was done by Todd and Conan.

21 Q Okay. Was Doug Logan part of that?

22 A I don't even know his name. I'm not sure.

23 Q Cyber Ninjas?

24 A Who was he?

25 Q Cyber Ninjas.

1 A Oh, that's why I know his name. Is that the guy from Arizona?

2 Q Yes.

3 A Honestly, I don't think he was. I met that guy in Arizona, but I don't think
4 he was involved here.

5 Q Okay.

6 A Unless -- unless Waldron brought him in.

7 Q Okay.

8 A I don't remember him prior to that.

9 Q How about Russell Ramsland, do you know that name?

10 A Yes.

11 Q Did he work with you?

12 A He spoke -- um, he spoke at a couple of hearings, I think. He was doing a
13 part -- he was doing a substantial piece of his own investigation, I think.

14 Is he from Michigan?

15 Q He has -- he's not from Michigan, but he was involved with a group called
16 ASOG, that's his company, that was involved in Michigan. Mr. Ramsland is from Texas.

17 A I think he was connected to Phil also, I think. Was he a State legislator at
18 one time?

19 Q No.

20 A No?

21 Q Not as far as I know.

22 A All right. Maybe I've got the wrong -- no, I know him, though. He was
23 involved in talking to us on a number of different issues concerning the machines and the
24 numbers, and I know he spoke -- he spoke at a couple of different things.

25 Q Got it. Okay. Thank you.

1 After -- I'm scrolling down the document. I'm on page 4 now.

2 There's a messaging plan, and it's pretty specific about different, I'll call them
3 talking points or -- well, I guess they are framed as questions, so questions that might be
4 asked of different people.

5 Do you see that?

6 A Hold on.

7 Yeah.

8 Q Do you know who came up with this part of the document, the messaging
9 questions?

10 A No. It would -- no. It could have been Christina or Katherine. I'm
11 just -- I'm judging that based on the questions.

12 Q Okay. Do you know, were you consulted or did you talk about sort of what
13 the messaging -- or the central objective of the messaging strategy should be?

14 A I remember talking about it. I can't say this specifically, this document, but
15 I remember talking about it at times.

16 Q Who is the target audience, in your view, of the messaging strategy that the
17 team was putting together?

18 A I think -- I think what we were trying to do is get the legislators to focus on
19 their own numbers, get the legislators to focus on the information that we had at the
20 time. Also, to get the citizens of those communities, of those jurisdictions, put out a
21 way for them to understand what was going on; but primarily I think it was for the
22 legislators.

23 Q And I see that that's -- about halfway down on page 4, there's a bullet for
24 legislators and several questions for legislators. And I see that's the first sort of
25 identified audience, right, in that section?

1 A Right.

2 Q And it does say citizens as well. What was the objective or what was the
3 point of trying to message citizens on these issues?

4 A To get the citizens to hold their legislators accountable, to make them to do
5 their jobs.

6 Q And did you have an understanding as to how that was going to play out or
7 how that would happen?

8 A Well, I mean, like I said, I don't remember discussing this one -- this specific
9 document, no. But it would have been, you know -- I say it would have been, you know,
10 through social media, through ads, through TV, through the way you get to the citizens to
11 campaign, to talk to the communities.

12 Q But how it was that the citizens would then have their voices heard, did you
13 have an expectation of how that would play out?

14 A No.

15 Q Okay.

16 Mr. Parlatore. Is the question you want to ask whether you were asking them to
17 go to the Capitol?

18 [REDACTED] No, just -- well, let's move on. Let's talk about that for a second.

19 BY [REDACTED]:

20 Q So the page -- page 5, there's -- in all caps it says "Everyone," and then all
21 caps in bold, it says, "You cannot let America itself be stolen by criminals - You must take
22 a stand and you must take it today."

23 Do you know who wrote that?

24 A No.

25 Q Do you agree that that was part of the messaging that needed to come out

1 of the Giuliani team?

2 A Um, the wording, maybe not. But I understand it, yeah.

3 Q Okay. And do you -- what do you interpret that to mean?

4 A You have to fight for your election. You have to hold your legislators

5 accountable, make them do their jobs, make them conduct these investigations.

6 There's -- just off the pages 2 and 3 that we talked about earlier, there's a ton of stuff in

7 here that should have been looked at, investigated by the State authorities, and the

8 legislators should have pushed that or, at least in my view, should have pushed it, and

9 they weren't doing so.

10 And, ironically, you know, it's always nice to sit back in hindsight and think about

11 what you would have, could have, should have done. But some of this stuff, these guys

12 actually agreed with us. They actually agreed that there were -- you know, that they

13 had problems with illegals voting or they -- or, you know, the dead people voting, or

14 whatever the issue was. In the meetings they would agree. Walk out of the room and

15 then they would do nothing about it.

16 So I think a big, you know -- I think a push from the American people, from the

17 people in general, do your job, do your job.

1

2 [3:54 p.m.]

3 BY [REDACTED]:

4 Q And when you say -- sorry, I didn't mean to cut you off there, sir.

5 A That's all right.

6 Q When you said "these guys," you mean the legislators, the folks that you
7 were talking with George about earlier?

8 A Yes.

9 Q Okay.

10 If you go down to page 7, there's a -- we looked at the "Freedom Caucus
11 Members" part, and then right below that it says, "Rallies and Protests. Organize Events
12 in," and it lists six different States. Do you see that?

13 A Yeah.

14 Q It lists targets. And included on that, you've got protests -- I'm sorry. I say
15 "you." Did you write this portion?

16 A No.

17 Q Did you consult with anyone -- were you consulted about, sort of, the rally
18 and protest targets that are included in this document?

19 A Not that I remember, no.

20 Q It says here that there should be -- suggesting that there should be protests
21 at local officials' homes/offices, at Governors' mansions, Lieutenant Governors' homes,
22 secretaries of State's homes, protests at weak Members' homes. Do you see that?

23 A Yes.

24 Q Did you have any discussions with anyone on the team about trying to
25 promote rallies or protests at the homes of these elected officials?

1 A Not that I remember specifically as it relates to this document, but I do
2 remember talking to -- I don't know who -- you know, how do you get the message
3 across? How do you influence the legislators to do their jobs? And one of the things
4 would be protests. Protest their offices, go public on social media, and things like that.

5 Did we specifically say, go to somebody's home? Not that I recall. Not that I
6 recall.

7 Q Do you recall that protesters were going to the homes of elected officials in
8 this timeframe?

9 A Yeah. I do -- I don't know -- I don't know if I remember them going to the
10 homes. I remember them going to the offices. And I think it was Arizona. And I think
11 I remember that because somebody from Arizona called us, or called -- I think. I think.
12 I think it was in Arizona that they were protesting or they had created protests around
13 somebody's office. I think.

14 Q Okay.

15 Do you remember being made aware by late December of 2020 that numerous
16 election officials in several States, including the States that are listed here, had received
17 death threats? Had you heard about any of that?

18 A I don't think so.

19 Q Okay. I mean, there was a relatively high-profile press conference by a guy
20 in Georgia, Gabe Sterling I think is his name, a very sort of emotional press conference,
21 talking about how one of his employees had received death threats. Do you remember
22 seeing that one?

23 A No. Gabe Sterling?

24 Q Yes.

25 A Yeah. No. I know who he is -- or I know somewhat of who he is. No,

1 but I never -- I don't think I remember that, no.

2 Q I've seen an article that there were well over a 100 documented death
3 threats of election officials in these States in and around that timeframe. Did you ever
4 see any publicity or any articles like that?

5 A No. No. Not that I remember, no.

6 Q Okay.

7 [REDACTED] Before I get into any -- I want to go through the rest of the memo.
8 Before I do, I'll pause and see if anyone, any of the members who are on the call or any of
9 the staff have any questions.

10 [REDACTED] I do have a question, [REDACTED], just a couple followups.

11 [REDACTED] Yeah.

12 BY [REDACTED]:

13 Q Mr. Kerik, do you know if this document was ever shown to or briefed to the
14 President?

15 A No, I don't.

16 Q Do you believe it would have been? I mean, ultimately, he's the client of
17 the legal team, right?

18 A Yeah. But I don't -- I can't say it was. I don't know. I don't know.

19 Q If it was, who would've done the briefing? Would it have been the mayor?

20 A It would only be the mayor.

21 Q Only the mayor. Okay.

22 A Yeah. I would -- yeah.

23 Q Did the mayor ever say anything to you that would suggest he showed it to
24 the President?

25 A No. Not that I remember, no.

1 Q Okay.

2 And it looks to me like some of this is kind of laid out as almost, like, talking points.
3 Like, here's the highlights, here's the most important stuff, let's go execute. Do you
4 know if they were ever used as talking points in conversations with Members or State
5 legislators, some of the people that you just went over?

6 A Not this document. Not that I remember, no. They may have been with
7 the State legislators, yeah. State legislators. Members of the House or Senate? I
8 don't know.

9 Q And who would've done those briefings, if they happened?

10 A Probably the mayor.

11 Q Okay.

12 A It would've been the mayor.

13 [REDACTED] All right, [REDACTED]. Thank you.

14 BY [REDACTED]:

15 Q If you could turn to page 16 of the report -- I'm calling it the report -- the
16 strategic communications plan.

17 A Tell me what's on that page, because mine aren't numbered. So tell me
18 what it is.

19 Q I'm going to tell you -- what's on the page I think is the answer to one of the
20 riddles that we were pondering. It says "SM Conservative Influencers" at the top.

21 A Hold on.

22 Okay, I got it.

23 Q And I'm going back to -- I won't make you switch the pages again, now that
24 you found that one, but I'm looking at page 6 right now, when we were trying to figure
25 out who "CR" and "SP" were on the research team.

1 A Okay.

2 Q And so now on page 16, does that refresh your memory that -- or perhaps
3 that those are the individuals that are mentioned?

4 A Where are we at?

5 Q Top of the page, "Compiled by Christos Makridis and Soula Parassidis."

6 A Okay. Christos, I know the name. He was connected somehow to
7 Waldron. This other name, I have no idea who that is. I don't think I've ever --

8 Q Okay. And -- I'm sorry, I cut you off.

9 A I don't think I've met them. I don't know --

10 Q So your guess would be as good as ours as to whether those are the
11 researchers that are listed as "CM" and "SP." You'd be guessing --

12 Mr. Parlatore. "CR."

13 [REDACTED] I thought it was "CM."

14 Mr. Parlatore. On page 16 --

15 [REDACTED] Sorry, you're right. The other one was "CR." You're right. Thank
16 you, Tim. Thank you. You're right.

17 Mr. Parlatore. I think we've eliminated Christos as a suspect.

18 [REDACTED] Yeah. It does seem that way, doesn't it?

19 Mr. Kerik. I don't -- yeah, I don't know. Yeah, I couldn't say. I couldn't say.

20 BY [REDACTED]:

21 Q Okay.

22 So let me ask you about this social media. Does "SM" stand for "social media,"
23 as far as you know, in this context?

24 A I would think so, based on what I'm looking at.

25 Q Did you have any part, play any part in the social media strategy that was

1 developed by the team?

2 A No. None of this that I remember.

3 Q Do you know -- sorry?

4 A None of this that I remember, no.

5 Q Were you involved in any discussions in which various names of social media
6 influencers were discussed as to who might be able to help get the message out?

7 A Not that I remember.

8 Q Do you remember ever seeing this list that's on page 16?

9 A Other than this document, no.

10 Q And, to your recollection, were there social media, sort of, experts who were
11 working on your team to try and help develop the proper messaging?

12 A I can't say that there were, like, social media experts on the team. What
13 I'm thinking is, as I'm looking at this, I can only guess that this was done in conjunction
14 with somebody from the campaign. And I'm guessing.

15 And I'm guessing that based on this -- because nobody that we have or nobody
16 that -- first of all, our team was small. And I don't think there's anybody -- I don't think
17 they'd be doing this, putting this kind of list together. I think that may have come from
18 either the campaign somehow or somebody on the PR side. But, you know, between
19 Christina and Katherine and the analysts, I don't see them doing this.

20 Q Okay.

21 Do you recall any efforts to reach out to any of those folks that are listed on this
22 page as big names, medium or small social media conservative influencers, to try and get
23 those folks to put forward the messaging that was being developed by your team?

24 A No. Do I remember? No. And did I do it? No, absolutely not.

25 Q Okay. Got it.

1 ██████████ Any other questions on that before I move on? Any members of
2 staff or members who want to ask any questions?

3 ██████████ Just very quickly, ██████████, to follow up on that.

4 BY ██████████:

5 Q Mr. Kerik, aside from what's in this document, are you aware of any efforts
6 to use, like, TikTok or Parler or Gab to spread messages about election fraud or
7 malfeasance?

8 A No.

9 Q Okay. Do you know if anyone used those platforms to do so? And I'm
10 just going to run through some of them: Parler? You can say "yes" or "no."

11 A From us? With us?

12 Q Correct.

13 A No, not that I know of.

14 Q Okay. Gab?

15 A I don't even know what that is.

16 Q Okay. 4chan?

17 A Don't know what that is neither.

18 Q 8chan or 8kun?

19 A Okay. Don't know that neither.

20 Q All right. TheDonald.win? It's a website, I believe, that --

21 A No.

22 Q -- somebody used. Okay. How about Telegram?

23 A I know what that is, but it's -- no. I don't know of anybody that would use it
24 for this.

25 Q Okay.

1 And then just very quickly, one of the names on there, Ron Watkins, do you know
2 anything about him?

3 A No. Never heard the name.

4 Q Okay.

5 A To my memory.

6 ██████████ Thank you, Mr. Harris.

7 ██████████ You're welcome, ██████████.

8 BY ██████████:

9 Q Let's go to page 6, Mr. Kerik.

10 A Okay.

11 Q And at the risk of -- I'll tread carefully here, because I don't want to battle
12 with you or your lawyer on the issues we talked about before the break. But there's a
13 bullet point list on page 6. And I'm thinking maybe this is a good way to sort of tackle
14 the issue that I was trying to get at earlier.

15 Do you see under "Content" --

16 A Hold on a second.

17 Q Is it helpful for me to read what's at the top of the page so you can find it
18 more easily without the page numbers?

19 A Yeah, let me see.

20 Q The top of the page is -- the first line is "Conservative SM Influencers (see
21 supporting document below for list)." That's the top of page 6.

22 Or if it's easier for you to look at the screen, we can have that little portion up on
23 the screen.

24 A Oh, this is -- yes, I have that, but it's different than yours. Hold it.

25 Okay.

1 Q Loose pages when they're unnumbered is a recipe for disaster there.

2 A Yeah, I know. All right.

3 Q Are you able to see on the screen the part we have? Because this is --

4 A Yes. I see "Content" on the screen.

5 Q Yeah. Can you work off of that?

6 A Yeah, I think so.

7 Q Okay. So, under "Content," there's a bullet point that says "Backed up by."

8 So, actually, let me just start from the top there. It says, "Giuliani Team Voter
9 fraud numbers (see supporting document below for details)."

10 A Got it.

11 Q And then it says "Backed up." Okay. And then there are, it looks like,
12 about 10 bullet points underneath that.

13 Does that -- and I realize those are broad categories of documents. Do those
14 bullet points, the categories under "Backed up by," does that capture the universe of the
15 evidence that you were able to uncover in the limited time that you had, with the limited
16 resources that you had?

17 A Hold on.

18 Yeah. I'd say -- yes. Yeah, this is a broad category. Yeah.

19 Q And I realize things like "Tech Team analyses," that's a pretty broad topic.
20 That could mean a lot or a little, right?

21 A Right.

22 Q "Sworn affidavits." Does --

23 A If I'm looking at this and I see "Tech Team analyses," I'm thinking -- and I can
24 only do this because I was a part of it. "Tech Team analyses" is going to be the various
25 State data collections that these guys did, breaking apart the data from the various

1 secretaries of State. That's what I think that is, along with the Antrim County report and
2 the Antrim County machines. The tech teams worked on those machines as well.

3 Q Okay. And would Waldron, Phil Waldron, be the best person to ask about
4 what "Tech Team analyses" evidence was developed?

5 A Yes.

6 Q Okay.

7 A Waldron would be -- yeah. Unless you talked to Todd or Conan. But if
8 you talk -- the guy that oversaw them pretty much was Waldron.

9 Q And so, if we were to talk to those individuals and get whatever analyses
10 they had, that would sort of cover that bullet point? Or are there other sources from
11 which, you know, technical analyses were drawn?

12 A I think there may be other sources, but that would come from Waldron.
13 Because if these guys couldn't do something, if -- for example, and I don't remember
14 what State it was, we wanted to get something -- we were looking for something before
15 we did a hearing in one of the States, and I don't know what State it was. We wanted
16 them to do the same thing in that State that they did in Pennsylvania. They were
17 backed up; they didn't have the time. I called Phil, and Phil actually had somebody else
18 looking at it. Who that was, I don't know.

19 Q Okay. Got it. Understood.

20 Okay. So I want to go through -- I'm jumping around a little bit, so I'm going back
21 to the first page. And I want to go through each of these categories of allegations.
22 And I'm not going to -- I just want to understand -- actually, maybe that's not the best list.
23 Give me one moment, because I think it might be broken out in more detail below.

24 No, I think that's the list we'll have to work with.

25 I just want to understand, as best you're able to describe for me, what the

1 essential allegation was. And then we can talk about how far you were able to get in
2 your analysis of it to make determinations regarding those set of allegations.

3 Okay? So that's my goal in sort of working through this. Are you ready to
4 embark on that with me?

5 A Yep.

6 Q Okay. So the first one is dead people voting. I think we've talked about
7 that already. Can you just describe for me briefly what the concern was, what the
8 allegation was, with respect to dead people voting?

9 Actually, you know what? I'm going to withdraw that question, because I think
10 we've covered this. I don't want to take up your time. So let me try and restate it:
11 that there were folks on the team who did certain research based on public records and
12 determined that there were people for whom votes were cast who were determined to
13 have already died before the election.

14 A Right.

15 Q Okay. And I think you've described sort of where you got that information
16 and who worked on that project. Is there anything else you think you want to add to
17 that?

18 A No. Other than the categories. You know, dead people voting is one
19 thing, but the correlation or the confirmation, if you will -- I know they took the voter
20 rolls, they matched them against deceased, and that went to dates of birth and
21 addresses. Those were the things they were looking at. And they did that through a
22 data dump. And I'm not a technical guy, but that's how it was done. That's where they
23 came up with the numbers.

24 Q Okay.

25 Underage people voting. I understand that's sort of self-explanatory, but what

1 was the nature of the evidence on that, in that category?

2 A Where it came from, you mean?

3 Q Yeah. What made you believe that there was a problem with underage
4 people voting?

5 A Hold on. So I don't know where it is on your thing, and I don't know what
6 page number this is. There's a thing here for Georgia. If you go to the page that has
7 "Georgia" at the top, it says "Margin: 10,000 votes."

8 Q Yeah. That's page 9.

9 A All right. And then there's a list down underneath it, right? 2,560 felons
10 cast -- registered to vote cast their vote. Geels 1, paragraph 9.

11 In the back, there's basically where all this stuff came from, the research backed
12 up. And I'm having difficulty here because I don't have these pages.

13 Q So we have it on the screen. So I have: Underage voting, 66,247, under
14 "Georgia." And it says Geels 1, paragraph 24.

15 A Yeah.

16 Q Is that what you're looking for?

17 A Yes. At the back of that, at the back of this report, there's sort of a glossary
18 that has all the references, referrals. So that would be in there. And if I'm not
19 mistaken, you can actually click on -- I can't do it from here on the hard copy. But on the
20 electronic pages, you can click on where we were getting the information.

21 Q So this is -- sorry, Mr. Kerik. I didn't mean to cut you off.

22 So, starting on page 18 of the document, if [REDACTED] can bring that up on the screen,
23 there's a page that says: "Top 10 Worst Fraud Incidents By State, Prepared by JaNelle
24 Cobb, TX Attorney, Lawyers for Trump."

25 Is that what you're talking about in terms of the sourcing of the allegations?

1 And I'll scroll down for the Georgia --

2 A That's where it starts, yes. That's where it starts.

3 Q And then the Georgia page, in particular, looks like it starts on page 20 near
4 the bottom, if [REDACTED] will bring that up.

5 All right. And then if we roll over to page 21, and at the very bottom, number
6 10, it looks like it's "Underaged Registrations." Do you see that?

7 A Yeah, I see it.

8 Q Is that what you were referring me to?

9 A No, I got something different. But it's close -- it's close to the same.

10 Q Okay.

11 And I do see that, on a lot of this, this portion of the plan, or the portion of the
12 document, there are hyperlinks for several of these allegations. And that's what you're
13 talking about, the ability to click on it?

14 A Right.

15 Q Who's JaNelle Cobb?

16 A No idea.

17 Q Okay.

18 A And if you go -- there was somebody else up there too. I didn't recognize
19 either one of these.

20 Q I'm sorry, on -- by the Cobb name? I don't know if that's a man or a
21 woman. That's page 18.

22 A But, yeah. I don't know -- I don't know her.

23 Q Okay.

24 Okay. So the answer -- I'm going to go back up to -- we're going to go up to that
25 page 1 where we were looking at the allegations. And maybe this will work for most of

1 them.

2 If I want to find the evidence that supported that claim, I should go to the JaNelle
3 Cobb portion of the memo?

4 A I think so. I think. Yes. I think so.

5 Q Okay. Are you aware of where that information came from, that 66,000
6 number?

7 A No, not -- I don't know off the top of my head, no.

8 Q Okay.

9 Voters who voted numerous times. Again, self-explanatory. What's the
10 allegation there? I mean, what's the source of concern in that regard?

11 A That you had one person voted more than once.

12 Q Yeah, a terrible question on my part. What made you think that was a
13 problem, that that happened on any sort of widespread basis in the 2020 election?

14 A Because you're only supposed to vote once.

15 Q But what led you believe that that happened --

16 A Oh. Oh.

17 Q -- that people voted more than once?

18 A It had to come out of the secretary of State stuff, I would imagine.

19 Q Okay.

20 Ineligible people voting. And it lists "felons," "illegals," and "those who were not
21 Indefinitely Confined." I want to put that one to the side, the Wisconsin piece,
22 because -- let me just ask about the felons and undocumented people voting.

23 What is the evidence that caused you to believe that that was a problem in 2020?

24 A You know, you're asking -- for one thing, I don't have it in front of me, so I
25 don't recall off the top of my head. But the majority of this information -- I don't know

1 what I did here. Are you guys still there?

2 Q Yeah. Yeah, we've got you.

3 A All right.

4 The majority of this information wound up coming from the State -- either the
5 State legislators or the secretaries of State for those States, when we could get it. If we
6 couldn't get it, we went to the State legislators. The State legislators then did what they
7 could to get us the information.

8 I told you about Pennsylvania, how they took it down. There was somebody else
9 that took it down too. I think in Arizona, when we were looking for stuff in Arizona, I
10 think some of the legislators got us information that we needed.

11 So the information was coming in -- you know, we just didn't make this stuff up.
12 Somebody was giving it to us from the States. And we either got it from public
13 information or we got it from some State officials.

14 Q And is that information that -- the data that you gathered on that, is that
15 information that is part of the documentation that's being withheld on the grounds of
16 privilege, if you know?

17 I'll represent to you -- let me represent to you that I don't think we've seen the
18 documentation on this in what we got. So I'm wondering whether you have it and just
19 haven't produced it or whether you don't have it.

20 A Documentation on what? What do you mean?

21 Q The backup for the claim and the numbers and the evidence that would
22 support the allegation.

23 A It's not in front of me, but I would say that the backup or at least some of the
24 backup is going to be like the indexes here.

25 Q I'm sorry, I don't follow you on that. The indexes here?

1 A The hyperlinks to some of this stuff.

2 Q Okay. So, if it is -- is all of the evidence that you were able to gather in the
3 limited time that you had on these first topics that we just covered -- the dead voters, the
4 underage voters, and the ineligible people voting and people who voted numerous
5 times -- would that be included in the hyperlinks of this document?

6 A I believe so. I believe so. I don't have it in front of me, so I can't tell you.

7 Q Okay. I just want to make sure we're looking in the right place when we're
8 trying to --

9 Mr. Parlatore. Can we take a quick break so I can have a quick chat with him?

10 [REDACTED] Sure.

11 [Discussion off the record.]

12 [REDACTED] Are we good?

13 Mr. Parlatore. Yep. He just wanted to clarify this point on, you know, the
14 different hyperlinks and supporting documents real quick.

15 BY [REDACTED]:

16 Q Yeah. Mr. Kerik?

17 A So, yeah, as I'm looking at this, what I'm realizing is, it may not even be the
18 hyperlinks. I think there were additional -- there has to be. There's additional reports
19 where this information came from. I don't have them.

20 This Geels, you know, paragraph 29, Geels, paragraph 24, the unregistered, the
21 underage, the 2,500 felons, 4,900 voters that voted in another State, all that information
22 came out of other reports, which I personally, I do not have. And they're not in my -- I
23 don't have them, those reports.

24 Q Okay.

25 A There's also -- one thing I see here in the registered voters from another

1 State, Braynard, paragraph 12, 19, and 20, these -- so a lot of this -- I'd say a substantial
2 part of this came from these other reports that were being done by outsiders, Braynard
3 being one of them. And I know that name. Geels I don't know. I don't know the
4 name.

5 Q Okay.

6 So maybe the better way to approach this, then -- because I take your point that
7 there's evidence referenced in this document that's not just in that JaNelle Cobb portion,
8 right? That's what you're explaining?

9 A Well, that's what I'm looking at, yeah.

10 Q Yeah. So --

11 A That's the stuff I'm looking at, right.

12 Q But if we look at this entire document, the entire plan, will it point us in the
13 direction of the evidence that supports that you've been able to find in the time that you
14 were able to conduct the investigation with the resources you had? Is everything sort of
15 captured in here one way or another -- by a hyperlink, by a reference to a declaration, or
16 by setting out the information directly?

17 A I'd say there's stuff missing. I'd say some of the stuff is missing, as far as
18 where it came from. I just don't happen to have it. Because some of this stuff -- I
19 mean, I've looked through the documents, and -- I guess I could say this -- Tim see them
20 neither.

21 Am I right?

22 Mr. Parlatore. So this is referencing reports like the Geels report that we did
23 search for, because that jumped out at us as well, and we don't have a copy of that. You
24 know, a lot of the privileged stuff that we have is kind of, you know, the raw data, the raw
25 analysis and everything. You know, that other reports exist that were referenced in this

1 is not something that he has.

2 And so a lot of the points on here when you're going through and saying, you
3 know, do you have stuff to back this up, in the privileged side, yeah, there's a lot
4 of -- there is a lot of raw data and the raw, you know, analysis. I just -- I don't have that
5 Geels report.

6 [REDACTED] Got it. Well, and that's why I understood Mr. Kerik to be saying
7 that there is -- so I'm going to try and put things into buckets, if this works.

8 We've got documents that were produced to us --

9 Mr. Parlatore. Yeah.

10 [REDACTED] -- including several affidavits -- I don't know about
11 affidavits -- certainly emails from people who were providing information. I think that
12 was a big chunk of it. There may be some affidavits. But we got what we got from you
13 that's been produced.

14 There's a bucket of documents that have been noted on a privilege log which, for
15 privilege reasons, were not produced.

16 Mr. Parlatore. Right.

17 [REDACTED] There's the hyperlinks in this document that would point us to some
18 evidence that was uncovered but wasn't produced, and you may or may not -- it may or
19 may not be on the privilege log. Right?

20 Mr. Parlatore. The hyperlinks in here are not to separate documents, but
21 they're, rather, the things that have been put onto the internet.

22 Mr. Kerik. And they relate to this document, this document that was produced.

23 Mr. Parlatore. The original, you know, PDF of this, you know, Geels is not a
24 clickable hyperlink to another PDF.

25 [REDACTED] Well, that was going to be my last bucket. So the last bucket are

1 things that are referenced in here, right, but they're not produced, you probably
2 don't -- or you may not even have them.

3 Mr. Parlatore. Correct.

4 And, look, to be clear, even the things that we do have are not the entirety of the
5 investigative file. So, for example, affidavits -- you know, most of the stuff we turned
6 over, as far as the emails are concerned, are those that were, you know, a lot of them
7 unsolicited, things that they didn't necessarily, you know, follow up on. Where they
8 actually had a back-and-forth and created affidavits, that would be more -- and that were
9 not then subsequently filed, that would be more on the privileged side.

10 Mr. Kerik has a certain number of affidavits in his file, but he didn't maintain
11 copies of everything that the whole team had. So just, when you look in there, for
12 example, at how many affidavits he says were collected versus how many are on the
13 privilege log, they're not going to match up, because the rest of them he doesn't
14 personally have a copy of.

15 [REDACTED] Okay.

16 Mr. Kerik. And if I can touch on that, [REDACTED]. A big portion of this -- you know,
17 there may be a lot of stuff here, but there's a ton of stuff that I just don't have. I mean, I
18 don't have it. And I think it was -- you know, it's a combination of what the mayor had,
19 you know, and other providers. And we got information from a ton of people, I mean
20 tons of people.

21 [REDACTED] Okay. And you see my goal is to try to understand what we have,
22 what else might be out there, and who might have it if you don't. So that's one of the
23 reasons why I'm sort of walking through this.

24 And if you didn't rely on it, it doesn't matter as much to me. But if you saw
25 something that informed your decision or your conclusions about the allegations, that's

1 something we'd like to figure out how to get our hands on.

2 Mr. Kerik. If --

3 Mr. Parlatore. I have a suggestion. Ask Bennie Thompson to agree to make
4 this public, and you can have everything we have in our possession.

5 [REDACTED] And I know there's been a back-and-forth on that, so I don't want to,
6 sort of, wade into that discussion.

7 Mr. Parlatore. I'm just telling you, the easiest way to deal with that is, you have
8 a conditional privilege waiver. Satisfy the condition, and I'd be happy to email the rest
9 of it to you immediately.

10 [REDACTED] Okay.

11 And that will only get us the second bucket, right? We had the first bucket.
12 The second bucket would be what's being withheld. But it's also, I think, helpful for us
13 to just go through and make sure there aren't other things that might be out there that
14 were relied upon. I think you've already -- you've pointed to some already today.

15 Mr. Kerik. [REDACTED] if I had to -- if I had to, not guess -- we got a bunch of material
16 from Navarro. You know, Navarro did a couple different reports on the election. But
17 there was a lot of material that came from him, you know. And these were referrals,
18 you know, people that provided reports and things like that. You know, I remember
19 there was a bunch of stuff that came from him.

20 BY [REDACTED]:

21 Q So did he -- I know he gave you reports. Did he give you backup evidence
22 to go with those reports?

23 A I think a lot of the backup was in the reports themselves.

24 Q Okay. Not raw data per se, but descriptions of it?

25 A Yeah. Yeah.

1 Q And I think we've seen those reports, either from you or maybe they've been
2 made public. But is there some sort of cache of documents or information that was
3 provided to you by Mr. Navarro that's being withheld on the ground of privilege?

4 A Right now, I can't say.

5 Q Okay.

6 A I can't say.

7 Q Okay.

8 Well, if you don't mind, let's just keep going. I don't want to take too much more
9 time, because I think I'm getting a sense of where the documents might be. But some of
10 these I'm not even sure I completely understand, so I think it would be helpful just to
11 have you explain to me what the allegation is.

12 And that actually gets to the next one, this overvote. Could you explain to me
13 what the concern was or the evidence that you've seen regarding something called
14 overvote?

15 A The overvote -- I'm trying to think of where it was at the time. I think you'd
16 find it -- there is a document, I think, that outlines what the numbers are. It's privileged.

17 But the overvote, for the most part, it's when we received numbers from the
18 secretaries of State on how many people voted versus how many people were registered
19 to vote, and those numbers come back more, excessive, over and above what's
20 registered, which raises questionable numbers. That's what the --

21 Q Do you remember what State or counties that involved? And I'll just tell
22 you, I believe that a declaration was filed by Mr. Ramsland in Georgia and one in Michigan
23 that claimed what you just described.

24 A I was going to say Georgia, Michigan, and I believe Arizona. I believe. I
25 could be wrong, but I believe Arizona too.

1 Q And is your --

2 A And I don't know if it was Ramsland that did Arizona. If he did the other
3 two, he may have done Arizona. But I -- for some reason, in the back of my head, I think
4 Arizona.

5 Q And is your recollection that the concerns regarding this allegation came
6 from someone on the outside, like Mr. Ramsland? Or did your team do its own
7 independent investigation and determine that there were more votes than registered
8 voters in particular counties?

9 A Off the top of my head, I can't say. I would guess that somebody brought it
10 to us, brought it to our attention, you know, from out- -- you know, that's nothing we
11 would've picked up on our own. Somebody had to come to us with it.

12 Q But in terms of sort of vetting it or doing your own analysis, do you
13 remember if any of your team did an analysis on that? Or it's just sort of, take the
14 information from another source that you considered reputable and sort of ran with that?

15 A Well, if we had access to the data, we'd go back and check it. Like,
16 Pennsylvania, you know, we went back and checked. When, you know -- and I think
17 there was a couple -- Georgia, I think, was another one. There were a couple States that
18 we would go back and check if we could.

19 If we couldn't get to the data ourselves and the secretaries of State refused to give
20 it up, then we'd go to the legislators and ask them to check it.

21 Q But on this one in particular, do you remember --

22 A No.

23 Q -- if work was done?

24 A No.

25 Q Okay.

1 This is one -- do you remember -- there was a lot of news coverage on this.
2 Mr. Ramsland put in a declaration; I think the declaration was in Georgia, if I'm not
3 mistaken, but the allegations went to Michigan. And he listed a bunch of counties that
4 had 400 or 500, 700 percent, in terms of this overvote, and it turns out that some of
5 those counties were in Minnesota. Do you remember that --

6 A No.

7 Q -- that whole story?

8 A No.

9 Q Okay.

10 Okay. "Fraudulent Ballots." I'm on to the next one at the bottom of page 1.
11 What's that first allegation about, "video of suitcases of fraudulent ballots"?

12 A This may have been Fulton County, where there was an allegation that they
13 pulled -- this is when they chased all the press and the observers out of the polling
14 station. And I forget her name -- there was a woman and her daughter. They basically
15 pulled out these Pelican cases with ballots out from under a table and ran them through
16 the scanners. I think that's what that is.

17 Q And do you remember what the evidence was of that?

18 A I think it started out as a video. There was a video of this happening when
19 it happened. And there was some followup information that -- and I do know, I think,
20 that incident, or that case, is now a part of -- it's a subject of the litigation that's going on
21 in Fulton County right now.

22 Q Have you ever watched those videos?

23 A I watched one, the initial one I think, that was presented at the hearing by
24 Jackie Pick.

25 Q And have you seen the full video? Apparently there's surveillance video or

1 surveillance cameras or -- I guess that's the right word for it -- of that entire night of that
2 room, and I think they, sort of, depict what happened with the boxes coming in and out
3 and all that. Have you ever seen that?

4 A I don't think so. I saw the one that Jackie Pick did at the hearing, her
5 explanation at the hearing. I saw that.

6 Q Okay.

7 There's an issue -- there's two more under that "Fraudulent Ballots." One is the
8 "pristine ballots -- wrong paper type; not folded."

9 I think you started to talk about this a little earlier. Can you explain what that
10 allegation is and what the evidence is that there was a problem and in what State?

11 A Yeah. I don't know the State that's here. I know that they found some of
12 this in Arizona and I think Georgia. And I don't know what this refers to.

13 But, basically, it's the -- you know, when you have ballots that come out of an
14 envelope, the ballots are folded. And they spoke to -- and I thought it was Christos, but
15 it could've been somebody else. There was somebody that Waldron had that had a
16 technology that was looking at the documents, looking at each ballot, that determined
17 whether that ballot was pristine, if you will, whether it was folded, whether it was
18 pre-made, whether the ink was real ink or printed ink. I think that's what that's talking
19 about.

20 Q Do you remember if that person's name was Jovan Pulitzer? He's got some
21 aliases, but do you recognize that name, Dr. Pulitzer?

22 A What's the first name?

23 Q Jovan, J-o-v -- well, I don't know if it's his real first name, but he goes by
24 J-o-v-a-n.

25 A I don't -- that name sounds familiar, but that doesn't mean anything,

1 because I'm not sure.

2 Q Okay.

3 And then the last bullet point here under "Fraudulent Ballots," it's on the next
4 page, page 2, it says: affidavits of seeing ballots dropped off from unauthorized
5 vehicles.

6 Do you remember where that is alleged to have taken place and what -- I guess
7 the evidence is the affidavits referenced here, right?

8 A I think it would be the affidavits. And if I'm not -- I could be wrong. If I'm
9 not mistaken, it was, I think, Michigan. I think. I could be wrong, but I know there was
10 a point in time that we were looking at a lot of this stuff in Michigan.

11 Q Do you remember a witness -- I'm sure you will, because none of us can
12 forget her. Do you remember a witness named Melissa Carone in Michigan? I think
13 she testified for 2 days.

14 A The -- yeah. I'm sure it's who I think it is. I do remember, yeah.

15 Q It's the one that the mayor had to shush at one point when she was talking.

16 A I think I do, yeah. Yeah, I do.

17 Q And was that her allegation, the part about the unauthorized vehicles? Or
18 is there somebody else on that?

19 A No, I don't know if that was her. I didn't have much to do with her. I
20 don't know if that was her or not.

21 But I do remember discussions about unauthorized, you know, movement, chain
22 of custody, things like that. For some reason, I thought it was Detroit. I could be
23 wrong.

24 Q Okay. I mean, I think she was in Detroit, in that TCF Center, but --

25 A So maybe.

1 Q Okay. I don't want to put words in your mouth or anything on that for
2 sure.

3 The next one -- and we're getting -- not too many left here -- "Mail-in Ballots
4 Fraud." And I think you've talked a fair amount about this, you've alluded to it a few
5 times, this idea of no observation by Republican officials.

6 A Uh-huh.

7 Q Is that primarily Pennsylvania? I know you've talked about it in terms of
8 Pennsylvania. Or is that a claim or concern you had for other States?

9 A I think it was a few different States, but I think the primary one was
10 Pennsylvania. And we had a number of affidavits. I know, you know, I talked about
11 the Corey Lewandowski thing in Philadelphia, but there were a number of affidavits from
12 Pittsburgh, and the numbers seemed much bigger in Pittsburgh than there were in Philly.

13 We had affidavits from attorneys on the ground there. I think there were
14 photos. I don't have any of the initial material, but I remember seeing photos of the
15 corrals where they kicked them out of the viewing area where they were allowed to be
16 versus where the docking stations were, where the ballots were viewed and received.

17 So Pennsylvania definitely was one, and the others -- I want to say -- I want to say
18 Georgia. I want to say Georgia and maybe Michigan. But Pennsylvania was the
19 primary one, because the numbers were so high.

20 Q Were you tracking the litigation in Pennsylvania on that issue? I know you
21 mentioned that Corey Lewandowski and Pam Bondi got an order. Did you track the
22 litigation after that?

23 A The litigation, that was -- the one litigation that we talked about earlier
24 where the mayor had to go and talk, that was in Pennsylvania, I think.

25 Q Okay.

1 A I don't know if they actually went -- I don't know if there was litigation filed
2 based on Philly stuff.

3 Q Well, I'll tell you, there were several cases, and I'm just wondering whether
4 you followed that. There were State court cases that went all the way up to the
5 Supreme Court of Pennsylvania. There were two Federal cases; one went up to the
6 Third Circuit.

7 Were you tracking any of that litigation about this issue of whether Republican
8 observers were close enough?

9 A I was not, but I'm sure the mayor was.

10 Q Okay.

11 Okay, let's go on to Dominion. And that's a large category here, so I'm not going
12 to go through all of the specific allegations. But let me just ask you generally what -- and
13 I think we've touched on this a little bit, but -- what investigation your team specifically
14 did with respect to Dominion, as opposed to taking information that others might've
15 done and, sort of, used that in your analysis.

16 A A lot of what we got, we received on Dominion, came from Phil Waldron and
17 members of his team. I think that guy Seth as well.

18 Waldron evidently had been looking at Dominion for some time. He knew -- in
19 fact -- could I get a moment with Tim for a second?

20 Q Of course.

21 A One second. Thanks.

22 [Discussion off the record.]

23 Mr. Kerik. All right. Tim, do you want to --

24 ██████████ Is there an issue we need to address?

25 Mr. Parlatore. No, there was just -- there's more to his answer if we were able to

1 get past the privilege.

2 Mr. Kerik. Yeah.

3 [REDACTED] I see. Okay.

4 I think the question -- are we still on the question of where the information on
5 Dominion came from? And you said most of it was from Waldron, and then it looked
6 like you were hesitating after that. And then I think that's when we took a break.

7 Mr. Parlatore. He wanted to get into a lot more detail that we're not going to
8 get into right now.

9 [REDACTED] Okay.

10 Mr. Parlatore. Not where it came from, but of describing that.

11 [REDACTED] Sorry. Well, I'm just asking where it came were. Is that --

12 Mr. Parlatore. Yeah. He was going to become nonresponsive and start giving
13 you a lot more detail than you had asked about.

14 Mr. Kerik. Most of the -- I'd say 95 percent of the Dominion material came from
15 Waldron, the analyst guys, and some outsiders that Waldron was familiar with.

16 BY [REDACTED]:

17 Q Okay. And what's the other 5 percent?

18 A Research stuff, you know, the stuff that we came up with. But I think the
19 majority of what you're looking for, what you want, is stuff that Waldron had.

20 Q Okay. And it sort of varied, right -- the allegations about Dominion, not just
21 in this document but sort of generally, have been, sort of, quite varied. Would you
22 agree?

23 A Yes.

24 Q I mean, we talked earlier today about Sidney Powell and some of her claims
25 regarding Hugo Chavez and so forth. That's a Dominion allegation, right?

1 A Right.

2 Q There's the Dominion-Smartmatic relationship and whether that was
3 problematic. Is that something -- well, I don't want to get into -- if I'm getting into
4 privileged stuff, then just tell me. But is the Smartmatic-Dominion relationship part of
5 the concerns that your team was addressing or trying to address?

6 A Let me just say this. At the time, we were looking at everything we
7 could -- anything that came across the table. We were looking at as much we could as
8 fast as we could, some of that stuff included.

9 Mr. Parlatore. I think if you look at the next page, you'll see that it's listed there,
10 but whether it was something that was prioritized is a different question, which, to
11 answer that one would get into privilege.

12 [REDACTED] Okay. Well, let's -- I guess I don't need to ask if it's prioritized, but I
13 would like to know --

14 Mr. Parlatore. Well, "prioritized" meaning do we put any effort into this at all.

15 [REDACTED] No, I got it. I got it.

16 BY [REDACTED]:

17 Q But I guess the question is, did you come to the conclusion that it happened?
18 So, for example, the very top of the next page, page 3, says, "Dominion has a
19 reputation for stealing elections around the world." Did you come up with any evidence
20 to suggest that that statement was correct?

21 A That would be in the privileged document.

22 Q Okay. How about, let me ask a broader question. Did you come up with
23 any evidence to suggest that Dominion machines had been hacked during the election?

24 Mr. Parlatore. Had since been hacked or are capable of hacking?

25 BY [REDACTED]:

1 Q Had been hacked.

2 A No, I think the primary -- the only machines that we actually got into, that
3 the analysts got into, was the Antrim machines. And, as you know -- this has been
4 publicly reported -- we found the rollover of votes, two different tallies, before and after.
5 I don't remember the exact details.

6 But those are the only machines that we were actually in. I think Waldron and
7 company may have had access to others. I don't know. I know they were supposed to
8 look at machines in Georgia; they were supposed to look at machines in Arizona.
9 Whether they did or not, I don't know. But that was ongoing at the time. And, at that
10 point, they were doing more work for Sidney, I think, than us.

1

2 [4:53 p.m.]

3

BY [REDACTED]

4

Q Putting aside the analysis of the actual machines themselves, did you come across other evidence that led you to believe that the Dominion machines were used to switch, delete, or inject votes improperly?

7

A That we found at the time?

8

Q That you found at all. I don't know what you mean at the time. At any point.

10

A No. That's what we were looking at.

11

Q And did you find any evidence of that?

12

A Up until that time, I don't think we did.

13

Q And when you say, "up to that time," what do you mean? What time?

14

A Up until probably the 5th or 6th. I don't -- I don't think. I don't think.

15

Q So you have January 6th, 2021?

16

A Yeah.

17

Q But prior to January 6th of 2021, you had not come across any evidence that a Dominion machine was used to switch, delete, or inject votes. Is that correct?

19

A I don't think so. I don't think so. Off the top of my head, I don't remember, but I don't think.

21

Q As you sit here today, are you aware of evidence that the machines were used to switch, delete, or inject votes improperly?

23

A No. No. I don't know. And I say that because I'm primarily focused on what I found, you know, where people said, you know, you can't -- you can't use a USB on the machines when you can. You can't plug them in to an outside source, but you can.

25

1 That stuff was stuff that we found. We identified a bunch of the stuff that people said
2 you can't do. That's -- that's what I remember.

3 Q Okay. There are also claims that there is points about the spikes in the
4 voting, and this may be a Ms. Powell claim, but I believe Mr. Giuliani repeated this at that
5 press conference on November 19th about spikes showing a vertical line at a certain
6 point in time suggesting an injection of votes through the Dominion machines.

7 Do you remember that?

8 A I remember that, but I don't -- I don't remember -- I don't remember if it was
9 from the machines. There were two -- there were two -- the whole thing about the
10 spikes and the infusion of ballots throughout the night, I remember the analysts breaking
11 down going back they had captured video of the -- of The New York Times -- I could
12 be -- I'm just off the top of my head, this is what I remember.

13 I think it was The New York Times database that captures this stuff real-time.
14 They took that and compared it to real-time data that they were collecting and basically
15 identified where those spikes were. And I remember graphs that they presented,
16 basically, demonstrating where the infusion of ballots were, what times they came in, and
17 things like that.

18 I don't remember that kind of an analysis on the machines. I'm not saying it
19 didn't happen, but I'm -- but I don't remember that. They may have done that, too. I
20 remember more so the comparison -- the other comparison I just mentioned.

21 Q And I think you mentioned something about this earlier today that in your
22 view -- and I'm -- I don't want to misstate your testimony -- that this infusion of votes in
23 the middle of the night was paper ballots, or absentee votes, or mail-in votes, that sort of
24 came into the system.

25 Was I understanding your testimony correctly, or what your concern or belief

1 was?

2 A The belief was, yes.

3 Q Okay.

4 A Yeah.

5 Q Last thing on Dominion. It says here that the American votes are counted
6 by servers in foreign countries. Is that something that you looked into and concluded to
7 be true?

8 A That's something that was referred to us. We didn't conclude anything on
9 it at the time.

10 Q And I think we've talked about Antrim a little bit. I'm going to sort of skip
11 over that one. I think I know -- I mean, that's an issue that's gotten a lot of publicity, a
12 lot of discussion, so I think I kind of understand what the claim is there.

13 Do you know -- was Katherine Friess involved at all in developing the evidence
14 with respect to Antrim County?

15 A No, I don't think she was involved. She was basically the coordinator, I
16 think, because -- I'm trying to remember how that came to us. I think it was a -- it was
17 a -- as I said earlier, I think, there was a guy from Antrim County that called up, said he
18 had a complaint, wound up getting tied into the lawyer DePerno, or whatever his name is,
19 and then it went from there. But to get the -- she coordinated with the analytics team
20 to get them up there and have them do an assessment of the machines.

21 Q Do you remember interviewing the clerk in Antrim County? Did someone
22 from your team interview the clerk?

23 A No, I didn't. I didn't go there.

24 Q Do you remember that Ms. Friess -- tasking Ms. Friess with going up and
25 interviewing the clerk?

1 A She was -- yeah. She was there -- I don't remember her interviewing the
2 clerk. She may have, but she was there as the principal coordinator for the assignment,
3 so she may have.

4 Q Got it. Okay. I'm going to hit one more of these. I think it might be the
5 last one on here.

6 Well, there's a section called Election Officials' Illegal Actions. I just want to ask
7 you about the first one on the list, and I think you mentioned it earlier, the Secretary of
8 State, the leading electronic voting data in violation of state law.

9 What's that allegation about and tell me where that information came from?

10 A The information -- if I'm not mistaken, I'm not sure how we got it, and I want
11 to think it was somebody from her office, from her actual office, somebody sent us a
12 memo or an email or a confidential memo or something like that, they sent us a
13 document that was attached to a memorandum from the Secretary of State, I believe
14 personally from the Secretary of State or the Board of Election telling basically all the
15 election officials to delete the information.

16 I actually thought I had that document, but I haven't seen it. I remember seeing
17 it at the time.

18 Q Let me bring up a document, see if this is the one, exhibit 7, and tell me if
19 that's the document you had in mind, Mr. Kerik.

20 If we go to the second page, [REDACTED], I think there's a part that's highlighted. This
21 may have come from you with the highlighting. Yeah, stop right there. Is that the part
22 you're talking about, or is that where this allegation comes from? Can we make that a
23 little bigger if it's easier to read?

24 A I got it. I'm good.

25 Q Okay. Okay.

1 A Go back to the top of the document. I don't know if this is the document
2 I'm thinking about, but --

3 Q Okay.

4 A I don't know. I thought it was something that was much shorter and
5 directly from the Secretary of State, I thought.

6 Q Do you remember what the direction was that you -- that was given that
7 caused your concern?

8 A Deleting -- the deletion of election -- the 2020 election material, and I don't
9 know the exact wording, but that's -- that was what the concern was at the time.

10 Q Okay. And the evidence that that happened, that it may not be this memo,
11 but it's some official document that came from the Secretary of State directing that it
12 happened, so that was -- it wasn't as if there was some cyber analysis that was done to
13 show deletion; it was the direction memo that was what caused you the concern?

14 A Right. In fact, if I'm not mistaken, I think it was -- I think there's a public
15 record. I think there was -- there were articles or, you know, pushback or something like
16 that. I don't -- I think it was beyond just the memo. I think there was a public
17 something about -- about the direction, about this order, this directive order or whatever
18 it was.

19 Q Okay. Actually, let me -- before we move past this, I'm sort of done going
20 through the particular allegations in the plan.

21 Does anyone else have any questions before we move on?

22 ██████████ Not here, ██████████. Thank you.

23 BY ██████████:

24 Q Okay. I want to move off of this strategic communications plan and just ask
25 you about one other document, Mr. Kerik. And it's -- we talked about that document

1 that -- with the -- that came from Mr. Navarro, that November 29th email that you were
2 looking for earlier. And there's one other I wanted to ask you about. It's exhibit 19.
3 And it's a PowerPoint deck that's dated January 5th.

4 There's been a few different versions of this document that have been floating
5 around the internet, and I'm wondering whether you've ever seen this document before.
6 And if it would be helpful, we can sort of flip through some of the pages.

7 In public reporting, it's been connected to Mr. Waldron, which is why I thought
8 that perhaps it might have made its way to you. Document look familiar? Stop on that
9 page for a second. Go back to that last one.

10 A Okay. I don't remember the document, but these graphs -- I remember the
11 graphs, the graphs came from Conan and Todd.

12 Q Okay.

13 A Those -- those are some of the graphs that I was talking about earlier. This
14 is the kind of material they were putting together on the -- on the data captured from
15 election night going forward -- you know, Election Day going forward. And these look
16 like the same types of graphs that they put together.

17 Q Okay. Let's go through a few more pages and see if there's other pages
18 that you recognize. Same sort of things, these graphs, just for different States, right?

19 A Right.

20 Q How about this one? This algorithm in Georgia? Have you ever seen that
21 before?

22 A Honestly, I think I have.

23 Q Where'd you see it?

24 A From -- from the analysts. And I'm laughing because I remember them
25 trying to explain this to the mayor and I, you know.

1 Q And how'd they do?

2 A Not too good.

3 Q So you wouldn't be able to explain it to me?

4 A No. Forget it. That's why I laughed. I do remember the document. It
5 was from them.

6 Q Okay. "Them" being Waldron and his team?

7 A Yeah.

8 Q Okay. Let's go to the next page. Have you seen this flow chart before or
9 something like it?

10 A I don't think so.

11 Q Okay. Next one. That look familiar?

12 A No. Go ahead.

13 Q Okay.

14 A No.

15 Q That's a Smartmatic timeline. You've seen that before?

16 A Yeah. Not in this context, not in this -- I've either seen it or heard it, yeah.

17 Q Did I ask you this already about the question of servers, about votes being
18 counted or transferred to servers in other countries? Did you look into that allegation?

19 A Did we look into it, no. We heard about it.

20 Q It's in the strategic action plan that we were looking at earlier, strategic
21 communications plan, excuse me, that that was a fact, or it's listed as a fact. I guess it's
22 an allegation.

23 Did you ever come to any conclusions as to whether votes were being sent off to
24 servers? Mayor said it several times in various appearances that votes were being
25 counted in Germany or Spain. Did you ever come up with any evidence of that?

1 A No. I think -- I think at the time, that's what we were getting, and whether
2 that was ever confirmed in the end, I don't know, or to date, I don't know.

3 Q Okay. We can scroll through some of these others. There's lies having to
4 do with connections to China. Have you seen these before? Dominion's
5 connection -- alleged connection to China.

6 A No.

7 Q Let's go to 24. How about this slide? Have you seen anything like this
8 before that the perpetrators were local zealots, foreign actors and electronic voting
9 machines that shift votes from one candidate to another?

10 A No. As I'm reading this, I've seen all this stuff before, you know, in different
11 documents, different things, but I don't think I've seen this presentation.

12 Q That's not something that you -- that second bullet point, that's not
13 something that you found evidence of, is there, that the machines shift votes from one
14 candidate to another through an algorithm or adjudications?

15 A The only machines we were in was Antrim County. There was a shifting of
16 votes, whether it was algorithm or adjudications, I don't know. I got -- I learned about
17 the adjudications -- actually, I learned the adjudications from either the people in Antrim
18 County, or we had a whistleblower from Georgia.

19 And she explained, she told us that she explained about the adjudications and
20 how the adjudications could be turned -- flipped on the machine. She was somebody
21 that oversaw one of the polling centers, and she basically demonstrated how it's done
22 and that it could be done and all that stuff.

23 I think we -- I think we may have gotten an affidavit from her and a few others
24 regarding that, but the only one where I know for a fact that votes flipped from one to
25 the other was Antrim County.

1 Q You remember the woman's name who gave you the information in
2 Georgia?

3 A No. No. No, I don't.

4 Q Okay. [REDACTED], if we can scroll through a few more of these just to see if
5 these are pages or slides that you've seen before. Do any of these look familiar? I
6 can't tell if you're shaking your head or just --

7 A No.

8 Q Okay.

9 A No.

10 Q Anything like that, do you remember a slide that Trump wins and sort of
11 laying out the various States --

12 A No.

13 Q -- and fraud claims?

14 A Nope. Yeah, if this is -- if this is a PowerPoint I don't think I've seen it.

15 Q Let me go to page 35. The other pages are just sort of more slides of
16 different allegations and then there's a page called Options for 6 Jan. Ever seen this
17 before?

18 A Is this a page?

19 Q Yeah. It's up on the screen?

20 A No, I don't think so.

21 Q Okay. That's all I had on that document. Last thing I wanted to go over
22 with you, there are a couple of tweets. I just want to bring up one of your tweets.
23 Let's see, exhibit 46. I just want to get your -- I'm not trying to sort of revisit the issues
24 we talked about earlier today before the lunch break, but --

25 Mr. Parlatore. I was going to say, we're not, you know, leading up to close this

1 out with another argumentative thing, are we?

2 [REDACTED] No. I just want to ask about this one tweet and whether this
3 is -- whether Mr. Kerik sort of thinks this might have been a little bit of exaggeration or
4 does he sort of stand by it and think that this is accurate.

5 BY [REDACTED]:

6 Q "The 100 percent irrefutable proof of election fraud" is the part I'm looking
7 at. Does that sound right to you, or you think that was maybe sort of a little bit
8 exaggerated in this context?

9 A No. I like it, and I agree with it now, especially. I don't even know when
10 this was. When was this?

11 Q Should be a date on here if we scroll down a little, maybe it's hard to
12 see -- December 11th.

13 A Yeah. Now more than ever, yeah, I agree with it.

14 Q Okay.

15 [REDACTED] [REDACTED], unless others have questions, I'll send it back to you. Thanks,
16 Mr. Kerik.

17 Mr. Kerik. Thank you, sir.

18 [REDACTED] Tim or anybody else, I don't know if you have questions on what
19 [REDACTED] just covered.

20 Mr. Parlatore. You're letting me ask questions?

21 [REDACTED] I don't. I appreciate it.

22 [REDACTED] I'm sorry. My [REDACTED] [REDACTED]. Sorry about that.

23 Mr. Parlatore. I was going to say, this could go a whole different direction if you
24 let me go too.

25 BY [REDACTED]:

1 Q I do want to follow up on a couple of things you discussed with [REDACTED]
2 just a moment ago and, you know, a lot of the allegations of fraud or improprieties were
3 also raised in litigation and in other circumstances, and I just give you an example?

4 Like the Geels affidavit, or Geels is something that's referenced in this strategic
5 communications plan and that's one of the documents that you said you don't have, but
6 that was involved in litigation in Georgia, and I believe Mr. Geels, if that's how you say it,
7 who's a witness for Mr. Trump as a plaintiff in that case appeared for a hearing before the
8 Georgia legislature and took some questions on that.

9 And it was on the December the 10th and I'd offer to you that the member who
10 was questioning Mr. Geels raised some questions about the accuracy of his information
11 and Mr. Geels said he'd be happy to look into some of the discrepancies that this member
12 pointed out.

13 Do you remember that happening or that sequence of events?

14 A That specific event?

15 Q Yes.

16 A No.

17 Q Okay.

18 A That was at our hearing or another hearing?

19 Q That was a hearing from the --

20 A Oh, that would have been after. It was same hearing, but later.

21 Q Yeah. It was a hearing with the Georgia legislature on the 10th.

22 A Right. No. I think we were gone by then.

23 Q Did Mr. Geels ever raise to you guys, meaning the legal team, that there
24 might be some issues with the work product in his affidavit?

25 A Not to my knowledge. He may have spoken to -- I don't -- I don't -- I don't

1 think he would've spoken to the mayor because I don't remember his name other than to
2 see it in these documents.

3 Q Okay. Bear with me one moment. And I'm sorry. That was Mr.
4 Braynard, Matt Braynard, not Mr. Geels, but Mr. Braynard is also referenced as an
5 affidavit decided in a communications plan.

6 Do you remember that with respect to Mr. Braynard? And I apologize for mixing
7 that up.

8 A That's all right. No, I remember Braynard. I know he testified, but I don't
9 recall him, you know, saying anything to the mayor about his, you know, his material.

10 Q Okay. And now that I mentioned it as Braynard, do you remember this
11 hearing where he testified and his work product was called into question?

12 A No, I don't. And I think -- I think the reason is -- I don't think we were there
13 then. I think we were there on -- I think, I think we were there December 7th. I could
14 be wrong. We were there on 7th and 8th maybe. If that hearing was still going on, he
15 testified after us. I could be wrong, but -- although, I do remember him testifying
16 somewhere -- I don't know. I can't remember, really.

17 Q Okay. Let me ask you a different, but similar related one. Ms. Carone,
18 who was the witness in Michigan that Mr. Harris mentioned earlier, she submitted an
19 affidavit I believe in a case in Michigan, Constantino. Are you familiar with that case?

20 A No. Not off the top of my head, no.

21 Q Okay. Well, are you aware that the court in that case, they looked at her
22 affidavit and effectively found that it wasn't credible; it wasn't enough to meet the
23 requirements of her claims?

24 A No.

25 Q Okay. If you had known that, would you -- I guess what would the legal

1 team have done as these questions were coming out about some of these claims, did it
2 cause you to re-evaluate anything or any evidence that you had obtained?

3 A Well, look, there was -- you know, I'd say for all of the material that we had
4 to go through, I would say 40 percent of it, maybe 30 percent was probably immediately
5 set aside, you know --

6 Q As not credible?

7 A If we didn't think we could go, you know, move in that direction or we didn't
8 find it credible, or there wasn't backup or there wasn't something, we would put it aside.
9 There was a lot of that, so if there was something like that that came up that we didn't
10 find credible, we'd move on.

11 Q Okay. And a lot of the stuff was being -- I won't say litigated, obviously,
12 that's got its own meaning, but a lot of it was being challenged, talked about, discussed
13 publicly at the time as well. I'm sure you remember that. Is that right?

14 A Yeah.

15 Q Okay. And a lot of it was also being questioned at the time and still is, I
16 think it's fair to say that. And did that impact how you evaluated the evidence that you
17 had in moving forward?

18 A If it had something to do with something we were doing, yes.

19 Q Okay. And how did it affect it?

20 A It depends on what it would be, right? If it was something that we were
21 doing, or it was legislation -- I mean, you know, a motion or something like that, you
22 know, I think it would have an impact on the mayor's stance on what he was going to do
23 with it, if it was, you know, some negative thing that come out of it.

24 Q And I'm asking -- I guess another example of this would be in Antrim County.
25 Antrim County pretty quickly determined what had happened with the voting machines

1 and that led to the Antrim issues that some of which are included in this strategic
2 communications plan. And so did their explanation of what happened cause you to go
3 back and look at the evidence a second time and make independent determinations?

4 A Well, depends on what you're talking about, but I think what you may be
5 talking about happened after, you know, I don't think we were in the picture at that
6 point. And if we were, I don't recall. I really don't recall. I think the big focus at the
7 time was to get up there, get in the machines, look at the machines. I remember what
8 they came back with, and then that lawsuit, the Antrim County lawsuit, went on,
9 continued on far beyond us being around.

10 Q Right. And I'm just talking about the election level. I think it was only 2 or
11 3 days around that time -- don't quote me on that -- that Antrim County had determined
12 that they knew what was wrong and knew what had happened and fixed it. And I think
13 their explanation was something to the effect of the ballot had changed versions, and so
14 they just needed to update the machine.

15 Are you aware of all of that?

16 A No, I don't remember it.

17 Q Okay. All right. So I do want to move forward and plow ahead -- I'm
18 cognizant of the time here, and I appreciate, Mr. Kerik, your willingness to stay on. Just
19 let us know if you do need a break, but I'm hoping to just resolve this all in one sitting if
20 we can.

21 A Okay.

22 Q So on December 19th -- and if you could pull up exhibit 65, please. We left
23 off before Mr. Harris started questioning you on this alternate electors and the
24 importance -- potential importance of January 6th.

25 I believe -- and I don't want to put words in your mouth -- but this had been

1 something discussed, the alternate electors fairly regularly around the legal team. And
2 on December the 19th, the President issued a tweet that I think you can see there. He
3 said, "Peter Navarro releases a 36-page report alleging fraud, quote, 'more than
4 sufficient,' unquote, to swing victory to Trump," that has a link to it. I believe that's
5 what the link is. It says, "A great report by Peter. Statistically impossible to have lost
6 the 2020 election." And "big protest in D.C. on January 6th. Be there. Will be wild."

7 Do you know why the President changed his focus to January 6th around this time,
8 or began focusing on it?

9 A No. No idea.

10 Q Do you know anything about this protest or plans for a protest around the
11 time this tweet was issued?

12 A No.

13 Q Did you learn anything about this and what January 6th was later?

14 A The reason I'm laughing, I got to be honest, I actually think I learned that the
15 President was having a rally on January 6th around 1 o'clock in the morning on
16 January 6th when I got back to Washington, D.C. I left Washington, D.C. around
17 4 o'clock on the afternoon of the 4th. I drove to New Jersey to my home. The next
18 morning, I took my wife into New York City at 6:00 a.m. to -- I'd rather not to get into
19 that.

20 Q Sure. That's fine.

21 A But I had a personal issue I had to deal with the next morning, and I drove
22 back to D.C. late that night. So I got back in around 1 o'clock in the morning on the 6th.
23 When I got there, I don't know who it was, could have been Katherine, could have been
24 Boris, I just don't know. Somebody told me the mayor was going to speak at a rally the
25 next morning, and that he wanted me to be there.

1 That's the first time that I remember -- as I remember now, that's the first time I
2 heard anything about a rally, a protest, or anything like that. I don't remember any
3 word of that stuff.

4 Q Okay. That should make some of these questions go a lot faster. I still
5 have to walk through some of them, but before we get to that exactly, the rally on
6 January 6th, I understand that -- if you could pull up exhibit 64 now.

7 I understand that on January 2nd, there was a call with State legislators, a lot of
8 them, some reports over 300, as well as Members of Congress. I believe that Phil Klein
9 (ph), according to the reports, and maybe John Eastman, spoke about the legislative
10 powers as did, I believe, Rudy Giuliani and the President.

11 Do you know anything about that call from January 2nd?

12 A No. No. I'm thinking that the mayor was in the White House, and I'm
13 only --

14 Q You were not there?

15 A Huh?

16 Q You were not with him?

17 A No. I don't think so.

18 Q Did he tell you about this call after it?

19 A I heard about the call, but you know what? Honestly, I don't remember if I
20 heard about the call then or I read about it somewhere else, but I've heard about the call.
21 I was not on the call, and it definitely didn't happen from our hotel.

22 Q Okay. Hotel being the Willard?

23 A Yeah.

24 Q All right. And just to probe a little bit there. What did you hear about the
25 call?

1 A That they were making a call to a bunch of legislators to talk about the fraud.

2 Q Did you hear any specifics about what was discussed?

3 A Not really.

4 Q Do you know if Mr. Giuliani or anybody on the legal team helped prepare
5 any materials for that call?

6 A No.

7 Q Did you?

8 A No. I don't know and I didn't, no. I didn't, no.

9 Q Do you know if -- other than materials prepared specifically for the call,
10 whether Mr. Giuliani or anybody else used materials that already existed?

11 A Listen, we had tons of material. I mean, tons of stuff. Forget about the
12 stuff I have, there was tons of other stuff that Giuliani had and that, you know, that
13 Waldron had and everybody else. There was tons of materials, so if the mayor was
14 going to speak, or the mayor was putting something together, he had plenty in his
15 possession to talk about, based on what we were looking at.

16 So, you know, it didn't have to come from me or one of the staffing attorneys.

17 Q Okay.

18 Mr. Parlatore. But yes, [REDACTED], to your question, if you figure out that some of the
19 stuff was turned over in that, I'll agree it's not privileged and give it to you.

20 [REDACTED] Very good. I appreciate that, Mr. Parlatore.

21 BY [REDACTED]:

22 Q Okay. So I do want to talk to you about the Willard. You just mentioned
23 that. In The Washington Post, John Eastman described the Willard as a war room to
24 coordinate communications. Do you agree with that?

25 A No.

1 Q How would you describe the Willard?

2 A It's a hotel.

3 Q How would you -- fair point. How would you describe how you guys used
4 the Willard?

5 A All right. Here's -- here's why I'm laughing, because, you know, for the past
6 3 months, the Willard, the war room, the -- the -- I don't know all these names. So let
7 me clarify our residence, if you will, okay?

8 I came to Washington, D.C., I went to the Mandarin Oriental because the mayor
9 was at the Mandarin. We stayed at the Mandarin. The legal team was staying at the
10 Mandarin because I didn't feel like commuting back to New York every day. So I stayed
11 at the Mandarin with the mayor and the security and the legal team.

12 Now, somebody got -- [REDACTED] -- because our base of operation was
13 at the campaign headquarters. [REDACTED], and it was right before Andrew
14 Giuliani. I think Andrew [REDACTED] second week of November maybe, maybe third. I
15 don't remember the date. Andrew Giuliani [REDACTED], somebody [REDACTED] right
16 before him at the campaign headquarters, and they said, everybody out. You can't be in
17 the campaign headquarters [REDACTED]

18 Okay. We took all our boxes and all our material and we went back to the
19 Willard, and we got a conference room and we got -- not the Willard to the Mandarin.
20 We got a conference room, we got a -- you know, another room for storage. We got the
21 mayor's -- the mayor had his suite, I had my suite. So we were living and working out of
22 the Mandarin.

23 Then the [REDACTED], and the rest of the [REDACTED], and the
24 people in the Mandarin were upset [REDACTED]. So we were all locked
25 down in the Mandarin, and when the [REDACTED], and everybody was out of it,

1 we were -- the Mandarin was still, basically, you know, quarantining us, if you will, even
2 though it was over, it was gone.

3 So we said we got to get out of here because we can't eat -- you can't move. You
4 can't do nothing. So I said, okay. We need another hotel. I sent Katherine Friess -- I
5 said, find us a hotel with the same rates or close to it. She came back, she says, all right.
6 They have space in the Willard. We'll move to the Willard.

7 So we packed up and we went to the Willard. That's how we got to the Willard.
8 It wasn't a command station, a thing, all this stuff. The legal team was residing in the
9 Willard and we were working out of our suites because we couldn't go back to the
10 campaign headquarters.

11 The Willard Hotel, I put it on my credit card when I went there, and I had to pay
12 for it. I paid for all the rooms that we were using at the time and then I sent the invoice
13 to the campaign.

14 Q Okay.

15 A That's it. As I sent the invoice for the Mandarin, and as I sent an invoice for
16 the Michigan trip, too, you know. I invoiced them for the Michigan trip for the hotels,
17 cars, whatever else we had, we used. That's it.

18 Q So it sounds like you kind of disagree with the term "command center,"
19 understood, but it was the hub of where the legal team was working out of once you
20 moved it. Is that fair?

21 A It was the legal team's base of operation at the time, because we could not
22 get in the campaign's headquarters.

23 Q Okay. And so when others needed to meet with you guys, they would
24 come to you in the Willard?

25 A Yes.

1 Q Like John Eastman, I think he ended up with you in the Willard?

2 A He came to the Willard, yes, sir.

3 Q Okay. All right. And we'll get to some of those people, but you
4 mentioned the campaign expenses. I think it's been reported -- I'm pretty sure my
5 number's right, but it's about \$66,000 that you billed the campaign for based on your
6 expenses. Is that right?

7 A Right.

8 Q And was that for the -- your expenses for the whole period from when you
9 started, meaning, like, November 5th up and through the date, which I believe was
10 January 8th?

11 A I think it was -- I think the Mandarin's -- the Mandarin's numbers was 20,000
12 or something like that, and then the Willard was 66, and the Mandarin's numbers also
13 included, I believe, the Michigan stuff. I mean, I could break it down for you. I'll break
14 it down for you, but the -- keep in mind, the Willard, it was my room, the mayor's room,
15 the securities room, the conference room. Then I think Eastman came. Somebody
16 else -- somebody else -- I had to get a room for somebody else.

17 Q Was it Senator Ligon?

18 A Yes.

19 Q Okay.

20 A Yes. Him and an attorney. They had a whistleblower that they
21 wanted -- they wanted the mayor to meet.

22 Q And you got a room for that person as well?

23 A I got to be honest, I think so, yeah.

24 Q All right. Now, this is a very specific question: You sought reimbursement
25 from the RNC first, right, and they didn't want to give you the money. Is that fair?

1 A Yes.

2 Q And then you sought reimbursement from the campaign, the Trump
3 re-election campaign?

4 A Yes.

5 Q Do you remember what entity ended up paying you, specifically?

6 A No idea.

7 Q Okay. Let me just --

8 A I guess I could find out. They sent a wire to my -- or sent me a check, I
9 don't know. I could find out.

10 Q All right. If that's something you're willing to do, I think we can kind of skip
11 past this. Mr. Parlatore maybe can follow up with you on that.

12 A I'll find out for sure.

13 Q Okay. All right. So the block of room at the Willard was called -- for your
14 group was called the Seven Good Stones. Does that ring a bell?

15 A No.

16 Q Do you know anything about the Seven Good Stones or a group called the
17 Seven Good Stones?

18 A Oh, wait a minute. Whoa. Whoa. Whoa. Yeah. I know what it is.
19 That's Katherine Friess's company, I think. So she probably reserved the room under her
20 name or her company or something.

21 Q Okay. And now around the time of the 6th, I understand that other people
22 were staying at the Willard as well. I see you're still laughing. Is there something else?

23 A No. No.

24 Q Okay. So other people were staying at the Willard as well. I think couple
25 people named the Kremers, Amy Kremer, maybe another Kremer, the organizers of the

1 rally eventually on January 6th, or helped to organize, I should say, the group Women for
2 America First. Did you have anything to do with them?

3 A No.

4 Q Did you pay for their rooms as well?

5 A No.

6 Q Okay.

7 A I didn't know them, actually. I only -- I met them in Georgia, I think, like
8 later, like 4 months ago or something.

9 Q So after January 6th, 2021?

10 A I did not -- I don't know -- I didn't know who they were. I didn't know them
11 at all.

12 Q All right. So Will Ligon, the Senator from Georgia, tell me about him.
13 Why were you guys paying for his room?

14 A He came from -- he came from Georgia. He had a -- I could have this
15 wrong, but I think he had -- he had a -- he had a whistleblower. He came with an
16 attorney name Preston Halliburton. They called, they wanted -- they wanted to bring
17 this person to meet the mayor to discuss some issue that was going on in Georgia, and we
18 made arrangements for them to come, bring this person that they wanted the mayor to
19 see, to interview, and that was it.

20 Q Okay. Now, he also -- not suggesting these are related -- but he also signed
21 a letter on January the 2nd with a bunch of State legislators, I think, from various States
22 where they asked Vice President Pence to delay the certification on January the 6th.

23 Are you familiar with that letter, or the idea of this letter?

24 A No.

25 Q You're not? You didn't help draft any letter to the Vice President?

1 A No.

2 Q Were you tasked, or was anybody on your team that you're aware of, tasked
3 with rounding up support in the State legislatures for this letter, or a letter like this?

4 A Not to my recollection, no. If something like that was going to happen, if
5 they were going to do that, the campaign had, you know -- they had -- they had guys out
6 in the field that would do that.

7 You know, it's like when we went to -- when we went to Gettysburg, and we were
8 going to meet with the legislators, the campaign had a coordinator, if you will, that
9 worked Pennsylvania, that had those relationships and I would imagine -- you know, and
10 he put it together.

11 So in this case, it would have been the campaign's people that worked those
12 areas, I guess.

13 Q Is there anybody, in particular, that you're familiar with who would be the
14 likely person or people to do that?

15 A I only knew one or two of them, and I don't remember the names offhand.
16 I can go back and look. I can try to find out, and I'll let you know.

17 Q That would be very helpful. I'd appreciate that. And I'll just toss out one
18 name, Mike Roman. Do you know that name?

19 A Yeah. That's him. You got it.

20 Q That's the guy you think that would be coordinating?

21 A Yep.

22 Q Tell me about Mike Roman, if you could, real quick and why that jumped out
23 so quick?

24 A I can't even -- I don't even remember what he looks like. I've only -- I've
25 seen him twice. I saw him in -- I saw him in Pennsylvania, and I saw him in another

1 State, and I can't think of what State it was. Maybe Arizona. Maybe Arizona. I've
2 seen him two or three times. I don't remember what he looks like. He was a
3 coordinator. He has, you know -- very efficient, you know. We'd call him and say,
4 look, we need to see this person or, you know, need some information on this A, B, C, and
5 he got it.

6 Q Okay. And do you know if he was in Georgia when you were in Georgia as
7 well or help coordinate Georgia ACs?

8 A I don't remember him in Georgia, really.

9 Q Okay. That's very helpful. Thank you. All right.

10 So I understand that you were not at the Willard on the 5th. You weren't even in
11 D.C. on the 5th. It sounds like you left on the 4th. I do want to ask you if you know
12 anything about something that happened, though. There's a report that former
13 President Trump called over to Mr. Giuliani and Steve Bannon on the 5th and told them
14 that he had talked about January 6th and the Vice President's role at January 6th, and
15 that Vice President Pence had been very arrogant. And it seems to me like the President
16 was kind of upset by this.

17 Do you remember hearing anything about a call like that?

18 A No.

19 Q Okay. And even if it wasn't that day, do you ever remember Mr. Giuliani or
20 anybody else telling you about the call between the President and the Vice President, or a
21 meeting between them?

22 A No. Not -- no.

23 Q Is there something -- it sounded like you were about to start saying
24 something. Is there something else?

25 A I don't remember -- I don't remember calls. I think there was a point in

1 time -- the problem is, I don't know if I read this stuff somewhere or I think I heard it.

2 I think there was a point in time where the mayor was in the Oval Office and saw
3 the Vice President, I think. I think. That's all I can tell you. I don't -- for some reason
4 it stands out to me.

5 Q Okay.

6 Mr. Parlatore. Have you read Woodward's book, Bernie? Are you quoting from
7 that?

8 Mr. Kerik. No. Look, I want to get on with this.

9 BY [REDACTED]:

10 Q You don't remember anything about that, anything that the Vice President
11 or President was doing or saying?

12 A No. No.

13 Q And did you and the legal team have anything to do with fundraising efforts
14 to raise money for legal challenges by the campaign or the RNC, anything else?

15 A No.

16 Q Okay. Now, were you aware of the messages going out seeking money for
17 legal challenges?

18 A Oh, yeah.

19 Q Do you know who was coordinating those?

20 A RNC.

21 Q Do you know anybody from the campaign side?

22 A Oh, I don't know.

23 Q Okay. And you say that, again, with a little smirk. Is that -- is there
24 something more to that about the RNC's coordination of that?

25 A No. I'll leave it at that.

1 Mr. Parlatore. Not relevant the way you're asking about.

2 BY [REDACTED]:

3 Q I know you've gone -- or at least you've been reported to go on record saying
4 something to the effect of, they raised all this money and then never paid you guys. Is
5 that fair or accurate?

6 A I don't -- you know what? It's not about -- I didn't ask to get paid. I never
7 asked to get paid, but I had to fight for the expenses, and you see this, all this, I'm paying
8 for this. They collected \$240 million, and I have to pay for my own legal fees. This is
9 nuts. Anyway, that's it.

10 Q Okay. Just to follow up then.

11 Do you know what they did with any of that \$240 million besides not pay you?

12 A No, I don't.

13 Q All right. Can you pull up exhibit 23, please, and I guess before we get to
14 that, if there's any follow-up from anybody on the line or in the room?

15 All right. Let's go to exhibit 23.

16 So Mr. Kerik, this is a permit that was -- I understand had been submitted by
17 somebody named Cindy Chafian about an event that I believe occurred at Freedom Plaza
18 on January the 5th, and you are listed on the second -- I think the third page, actually.
19 You can go down -- as a confirmed speaker -- stop there, fourth one up from the bottom
20 of that list.

21 Do you know why you'd be listed as a confirmed speaker on a permit submitted
22 for a rally at Freedom Plaza or anywhere in D.C.?

23 A No. Who did this?

24 Q I believe at the top it says Cindy Chafian. Do you know who that is?

25 A No. No idea.

1 Q Some of the other organizers of events around that time -- I'll just go
2 through -- one is Ali Alexander. Do you know who that is?

3 A No.

4 Q Never talked to Ali Alexander that you're aware of?

5 A No. Oh, wait a minute. Ali?

6 Q Yes.

7 A Yeah. Well, no. I don't know who he is. I've never talked to him.

8 Q Okay. You paused, though. What -- is there something about him you're
9 familiar with, you heard about?

10 A I've just heard people tell me he's not, you know -- he's not a good guy. I
11 don't know him. I don't know him personally. Never met him.

12 Q Did you hear those things from people on the legal team?

13 A I don't remember, but I remember hearing the guy's name.

14 Q Do you remember how the name came up?

15 A Honestly, no. I think -- no. I don't know, but I know the name.

16 Q Okay. Do you remember -- and I'm just trying to jog your memory here,
17 but do you remember it coming up in the context of a rally or a protest?

18 A No. I remember somebody telling me to stay away from him, but I can't
19 remember who it was and why.

20 Q Okay.

21 A And if the guy walked in your room right now, I wouldn't know what he
22 looked like, so I don't know -- I'm not sure.

23 Q Okay. How about Alex Jones? Do you know who that is?

24 A No. Oh, wait a minute. The info guy, right? The InfoWars or whatever
25 he's called.

- 1 Q Yeah. That's right.
- 2 A Is that who it is?
- 3 Q Correct. Alex Jones.
- 4 A I don't know him. I know who he is, but I don't know him, no.
- 5 Q Did you ever have any dealings with him -- or excuse me.
- 6 Did the legal team, to your knowledge, have any dealings with him?
- 7 A No.
- 8 Q All right. Do you know if the campaign did?
- 9 A No idea.
- 10 Q What about Roger Stone?
- 11 A Of course, I know him.
- 12 Q Okay. How do you know him?
- 13 A I've known him for years.
- 14 Q Going back to your time in New York? How'd you meet him?
- 15 A I don't even remember, political stuff. I've known him a long time.
- 16 Q All right. And so did you work with him at all while you were with the legal
- 17 team, November 5th to January 6th-ish?
- 18 A Nope. I saw him on January 6th.
- 19 Q You saw him on the 6th, is that what you said?
- 20 A Yep.
- 21 Q Is that the only time you saw him in that period that you're aware of?
- 22 A I may have seen him around the hotel, but I saw him the morning of
- 23 January 6th. When the mayor and I were leaving, he was standing in front of the
- 24 Willard, and I was taking the mayor out to the car. And we were walking, and he
- 25 was -- he was out in front of the Willard. Walked by him and I said, Are you going -- I

1 don't know if I asked him or he asked me -- you going to the rally?

2 He said, I'm not going. I wasn't invited. I want nothing to do with it. That's
3 what he told me. And we left, and I didn't see him again.

4 Q Were you ever together inside the Willard like in the rooms that you guys
5 had?

6 A No. No.

7 Q All right.

8 Mr. Parlatore. [REDACTED], I got a quick question about this document that you have up
9 here.

10 [REDACTED] Sure.

11 Mr. Parlatore. Is this a real document, because just looking through this, there's
12 substantially every single name is misspelled? "Bernark" Kerik, "Robert" Stone,
13 "Papadopolis," "Boebart." This almost looks like it's a joke document. You can't
14 intend -- you can't accidently misspell every single name on here.

15 [REDACTED] I'm not going to sit here and comment on that. I understand what
16 you're saying. It's a document that we have that we had to ask Mr. Kerik about, but I
17 am going to move on to the next one, though.

18 BY [REDACTED]:

19 Q That's exhibit 24. And this is actually somewhat similar. You also -- your
20 name appears to be a speaker on a preliminary, I believe, draft of an agenda for the
21 January 6th rally, being -- I think you had the 7:40 a.m. time slot. And this is from
22 Women for America First.

23 Go down -- 7:50, I'm sorry. Police Commissioner Bernie Kerik. Do you know
24 how you ended up on this schedule for the January 6th rally at the Ellipse?

25 A I have no idea.

1

2 [5:50 p.m.]

3 BY [REDACTED]:

4 Q Did you ever give anybody permission to use your name as a speaker?

5 A No. No.

6 Q Would you have done it if you were asked?

7 A No.

8 Q Why not?

9 A I'm not there -- I wasn't there to speak. I had work to do. I didn't even
10 want to go to the rally.

11 Q Fair enough.

12 All right. So you returned on January 6th, that morning. It sounds like that's
13 when you first found out that there was going to be this rally?

14 A Yeah, I think -- for some reason, I think when I got there -- I may have found
15 in the morning. I don't remember. But I was -- yeah. So I think when I got back that
16 night.

17 Q Now, Mr. Giuliani ended up giving a speech at that rally. Did you know he
18 was going to be speaking in D.C. beforehand?

19 A Yeah, then. That day.

20 Q That's when you found out he was going --

21 A It was the night before. Whenever I found out about the rally, that's when
22 I found out he was speaking.

23 Q Understood. Did you have any involvement in writing his remarks?

24 A No. He doesn't do written remarks most of the time.

25 Q And when you say he doesn't do written remarks, are you saying that they're

1 just off the cuff?

2 A Yeah. Most of the time, yeah.

3 Q Okay.

4 One of the things that he said during that rally on the Ellipse was -- and I may not
5 have this quote exactly right, but he said, quote, "If we're wrong," meaning about
6 election fraud, "we will be made fools of. But if we're right, a lot of them will go to jail.
7 Let's have trial by combat."

8 Did you know that he was going to say or use the words "trial by combat" on
9 January 6th?

10 A No.

11 Q What do you think about that, sitting here today? I mean, is that
12 something that gives you pause or --

13 A You have to ask him. I can't answer for him.

14 Q If he asked you, "I'm going to say 'trial by combat,'" what would you tell him
15 beforehand?

16 A I don't know. You know, don't take it out of context. Whatever. You
17 know, I mean, people get up there, they give these speeches, and they -- you know,
18 they're trying to inspire, they're trying to motivate, they're trying to, you know, inspire
19 people, and they say things. So it's -- I don't know. I don't put much thought into it.

20 Q You use the word "inspire." Did you have the sense that Mr. Giuliani
21 wanted to inspire the folks at the January 6th rally?

22 A I think he wanted people to understand that there were problems with the
23 election. That was his focus.

24 Q Okay. So, up through January 6th, he still very much believed there were
25 problems with the election. Is that fair?

1 A A thousand percent.

2 Q And he wanted to reemphasize -- and, again, I don't want to put words in
3 your mouth, but I'm just trying to understand a little bit better.

4 A I think he wanted the American people to know that there were problems
5 with the election.

6 Q And to what end? I mean, on January 6th, we're talking about hours now
7 before the joint session of Congress. What's the point at that point?

8 A To let the -- I just said it. You know, you're trying to relate his speech to
9 what was going on at the Capitol, and I don't think -- I mean, I can't answer for him. I
10 can't speak for him. But --

11 Q Sure.

12 A -- one thing had nothing to do with the other.

13 Q And, to be fair, I'm just asking what you knew based on being with him, it
14 sounds like, pretty much every day for the last couple months, for the prior couple
15 months. And, you know, these are questions we have to ask. We need to find out --

16 A Yeah, I get it.

17 Q -- answers to these questions. Okay. You just -- I think you cut out there
18 for a second, so I want to make sure you say what you wanted to say.

19 A No. I said, I get it, I understand.

20 Q Okay.

21 Did you have any knowledge that anybody would be marching to the Capitol after
22 the -- or during the rally on the Ellipse?

23 A I didn't know about it. I didn't even know about the rally.

24 Q But you did get back to D.C. that morning.

25 A Right.

1 Q Did you know at that point?

2 A About the rally? He was going to speak. I was going to take him over to
3 speak.

4 Q Let me be clear. So you come back, you learn about the rally. When you
5 learn about the rally, did you also learn about any plans to march to the Capitol that day?

6 A No.

7 Q All right. Did you stay to watch the President speak at the rally?

8 A I left.

9 Q Where did you go?

10 A Back to the hotel. It was cold.

11 Q Did you stay at the hotel for the rest of the day?

12 A Yes, sir.

13 Q Okay. Did you ever leave the hotel at any point?

14 A No.

15 Q And what were you doing at the hotel?

16 A Working.

17 Q Working on what?

18 A I was doing the same stuff I was doing for the last 2 months.

19 Q Okay. And I guess I have the same question. Why were you still doing
20 that, now that we're kind of at the time when Joe Biden is going to be certified as the
21 winner of the election?

22 A In all honesty -- in all honesty, I didn't think the 6th made a bit of difference
23 to me. It didn't make any difference to me. Because I so strongly believed that the
24 evidence that we were finding at some point would be dealt with in the courts and there
25 would be a remedy to address the election. That's what I believed.

1 You know, there are Constitutionalists that believe otherwise. I just -- I believed
2 what I did. You know, based on what I saw, I didn't think what was going on was right,
3 and I was going to continue doing what I was doing until I was told, "Stop."

4 Q All right.

5 A That's it.

6 Q I do want to ask you about some of your comments about January 6th. So
7 can you pull up exhibit 76, please?

8 So I believe that on January 6th, I think you appeared on TV, on Newsmax. And
9 that's a picture of you on the bottom left there. It looks like you're in a hotel room. Is
10 that from the Willard?

11 A Probably.

12 Q Okay. And --

13 A Yeah. It looks like it.

14 Q So, based on this tweet, it says that you said, 'They're acting like it was an
15 armed takeover of the Capitol, and that's nonsense. You had 6 to 10 people that got
16 into the building. Okay. Deal with it.'

17 Why did you say 6 to 10 people? You know it's more than that, right?

18 A Well, now I do. Yeah, of course. Now I do. But, at the end of the day,
19 what I was looking at at the time, what I saw on TV at the time, what I was being told at
20 the time, that's what I was responding to. Now, yeah, that's different. But this
21 is -- whatever I was watching or whatever was going on is what I saw.

22 Q Okay. All right. But it's more than that now, is what you're saying. You
23 realize that.

24 A That there were more than 6 to 10? Yes.

25 Q Okay.

1 All right. And could you go to exhibit 35, please?

2 So we know that, you know, police officers died as a result of January 6th. You
3 may see where I'm going with this. And this text message, the last one that we have a
4 record of you sending to Mr. Meadows on this page here, you sent the chief of staff a
5 text, I believe it was January the 9th, saying, "Good evening, sir. The White House may
6 want to consider moving the flag to half staff for the deceased capital police officer.
7 Hope you're OK."

8 Do you remember sending that text to Mr. Meadows?

9 A No. I don't remember, but I probably did.

10 Q Okay. Is that a sentiment that you remember feeling at that time?

11 A Based on what I saw or heard, yes.

12 Q Okay. And why was it important to do that, to fly the flag at half-staff for
13 that?

14 A Because the reports were that a cop was killed. And if that report was true
15 and the cop was killed there in the line of duty, that's what you would do. That's what I
16 would do.

17 Q I imagine, you know, you've been a cop, commissioner for a number of
18 years. I think you've probably had colleagues killed in the line of duty or people you
19 know or worked for you, right?

20 A Many.

21 Q All right. And that can be rough, is that fair, for colleagues, families?

22 A Yeah. Of course.

23 Q Okay.

24 And can you pull up exhibit 77, please?

25 And, Mr. Kerik, I'm not trying to be confrontational with this, but I do want to get

1 your perspective on it. Because, on exhibit 77, this is a tweet that you sent out in July
2 of 2021 after a hearing where Capitol Police officers testified.

3 And you said: "No words! Having commanded the NYPD on 9/11 and been
4 stabbed and shot at; and witnessed numerous colleagues shot and killed in the 80s - 90s
5 in the line of duty, I am shocked at the cowardice. They should be fired - not fit for
6 duty."

7 And these were officers who testified about their experiences and loss of fellow
8 officers.

9 What prompted you to say this?

10 A I thought it was going to be a more recent tweet. So here's the way I feel,
11 and here's why I said that.

12 I have been stabbed. I've been shot at. I've had partners shot, and I returned
13 fire to defend them. I've had partners shot and killed. I survived 9/11, and I had 23
14 cops that worked for me that died on 9/11. And I had to memorialize 400 public
15 servants, 343 firefighters, 23 New York City cops, 37 Port Authority cops. I've been in
16 this business a long time.

17 But to sit there and watch these men whine and cry because somebody spit at
18 them and because somebody called them bad names -- and that was their words, not
19 mine -- it made me sick. Because I've been through a hell of a lot more than somebody
20 calling me bad names and spitting at me, and I wasn't whining and crying, and I wasn't
21 signing off with PTSD, and I wasn't asking for PTSD retirement. If that was the case, I
22 should've retired 30 years ago.

23 Q Mr. Kerik, not everybody has the same experience as you, though, right, in
24 losing -- I think you said, losing a colleague in the light of duty can be traumatic. I mean,
25 that's still right, correct?

1 A Yeah, it could be traumatic, but that's not what I heard at the time. I
2 watched grown men cry on TV because somebody spit at them and called them bad
3 words. Really? Come on. The theatrics of this was insane.

4 Q So, we'll move away from this. I guess my question is that, you know, on
5 the 9th, you sent a message to Mark Meadows saying, fly the flags at half-staff. Then, 7
6 or so months -- 6 or 7 months later, you know, this tweet is a little bit different. And
7 what I'm trying to explore is the politics of it all and whether the politics has shaped any
8 of your messaging about what happened with the election or about what happened with
9 January 6th.

10 A Yeah, the politics is horrendous. It is. And I've said that. It's all about
11 theatrics.

12 First of all, you've got reporters saying that five cops died. No, five cops didn't
13 die on January 6th. One cop died. One cop. You had three cops that committed
14 suicide. They committed suicide. Nobody can say it had anything to do with
15 January 6th.

16 And nobody is talking about Ashli Babbitt. And since we're talking about cops
17 and what happened in the Capitol, let me tell you something. What happened to Ashli
18 Babbitt is outrageous. Because I can tell you, there isn't a cop in this country, not
19 one -- and you guys are attorneys. I think you're all attorneys. There isn't one cop in
20 this entire Nation that could have a trespasser climbing through a window that's totally
21 unarmed that's shot point-blank range and killed and not be indicted and go to prison.
22 There isn't one.

23 Every single day in this country, all over the country, we see cops confronted with
24 knives, and they use deadly force, and they go to jail. We see cops involved in
25 shootings -- shootings -- returning fire: unjustified use of force. And yet Ashli Babbitt

1 is dead because somebody shot and killed her as she was climbing through a window
2 unarmed.

3 We -- you know, I really -- I'd rather not talk about this stuff.

4 Q That's perfectly fine. You've said your piece, and I would just note for the
5 record that behind Ashli Babbitt and behind the line that they were holding were
6 Members of Congress trying to do their job, as well as angry mobs all around, some of
7 whom, not all of whom, but some of whom were saying things like "Hang Mike Pence."

8 So I understood what you said, but, you know, I just want to make sure that both
9 sides are reflected here and that, hopefully, as you've seen through this process, that it's
10 not a -- what you've seen today, you know, we're just asking questions trying to get at the
11 truth.

12 A Yeah.

13 Q So, along those lines, though, was there any reason -- this is something I also
14 have to ask. I think I know what you're going to say. But was there any reason that
15 you had to expect violence on January 6th?

16 A Did I -- say again?

17 Q Did you have any reason to expect violence at the Capitol on January 6th?

18 A No. I didn't know -- I didn't know about the Capitol on January 6th.

19 Q Okay.

20 A The first time I heard anything about the Capitol was when the President
21 said, "You're going to peacefully march to the Capitol and let your voices be heard."
22 That's all I heard about the Capitol. That's it.

23 Then I learned about the Capitol and what was going on there when I got back to
24 my hotel room.

25 Q Okay. And did you watch --

1 A And it may have been going on before the President even started speaking.

2 Q Did you watch what was happening and unfold at the Capitol?

3 A I -- 2 seconds. I remember it being on TV. I think I walked into the
4 mayor's suite. We were just getting back. Somebody had the TV on, and there was a
5 picture of it, there was something going on on TV. That's all I saw. Then I walked out
6 and went back to my room.

7 Q Okay.

8 A So you'd been doing a lot of work -- and, again, I'm just trying to get the facts
9 here. But you'd been doing a lot of work on the election and what you perceived was
10 going on in the election. I think you stated earlier you didn't know at that point whether
11 there was widespread fraud that actually would changed the outcome; more
12 investigation was needed.

13 A But, as it got to January 6th, this is really kind of a last-moment thing. So, in your
14 mind, do you think that the violence that happened on January 6th was justified at the
15 Capitol?

16 A Violence isn't justified anytime.

17 Q Do you think --

18 A What happened at the Capitol, in my mind, is a protest that got out of hand.
19 It's trespassing.

20 A Everybody keeps talking about "insurrection." I completely disagree with the
21 word "insurrection" as it relates to a protest that got out of hand or trespassing on
22 Capitol Grounds, you know. But the theatrics of this entire thing, you know, people are
23 going to say, you know, what they want. I disagree.

24 A But, however, I don't agree with violence. In New York City, we have protests on
25 a daily basis, you know, hundreds of protests a month, that are legitimate protests.

1 They're done peacefully, they're organized, and they're nonviolent. The second you get
2 violent, they're wrong, period.

3 Q Let me ask it this way. Setting the violence aside, to the extent that's even
4 possible here, but setting it aside, do you think it was appropriate and necessary --

5 Mr. Parlatore. Are we kind of past asking Mr. Kerik about what his involvement
6 was and now we're just going to ask him his opinions about what happened?

7 I feel like we've kind of gotten past what the purpose here is and now we're trying
8 to, you know, see what kind of admissions we can get from him for leaked statements
9 here.

10 [REDACTED] Well, no, we're trying to get the motivation of -- to the extent that
11 it exists -- of why January 6th happened. And so, understanding -- you know,
12 people -- Mr. Kerik's well-placed. He worked closely with the campaign and the legal
13 team and --

14 Mr. Parlatore. What can he possibly give you as to the motivation of the people
15 that walked into the Capitol? He wasn't part of it.

16 [REDACTED] Let me ask him. And I think that's a -- you know, if he says he
17 doesn't know, that's perfectly fine.

18 BY [REDACTED]:

19 Q Do you think that -- or was there any discussion about needing to interrupt
20 the joint session of Congress, violence aside, but interrupt it, by protest or otherwise, to --

21 A I know I've already said this. I never heard anybody talk about anything
22 about the Capitol until the rally. That's it. That's it. I don't know anything about the
23 Capitol, didn't know they were going to the Capitol, don't know who was in charge of that
24 protest, don't know why my name is on these damn documents. I ain't got a clue.

25 Q Okay.

1 So just a couple more things to wrap it up.

2 So I don't know if you saw, but recently there's an Arizona report that came out
3 discussing the Cyber Ninjas audit. Did you see that?

4 A No.

5 Q Okay. You haven't read it?

6 A No.

7 Q Have you heard about it?

8 A I was there.

9 Q No. I'm talking about this report that just came out about the --

10 A Oh, no, no, no. I didn't read it and haven't heard about it.

11 Q Okay.

12 Okay. And one of the things that, you know, I think you can appreciate as a
13 former investigator -- or as a current investigator, just a former criminal investigator, as a
14 police officer, is understanding, kind of, the witnesses and what they're talking to you
15 about.

16 So I did want to ask this. And, again, I'm not trying to be overly antagonistic.
17 But you received a pardon from Mr. Trump. Is that right?

18 A Yep.

19 Q And you worked without pay for a number of months, right, between
20 November the 5th ultimately through at least January 6th, correct?

21 A Right.

22 Q And it sounds like you had a good fight on your hands to get reimbursed
23 even for the expenses that you had.

24 A True.

25 Q So I guess the question that I would ask anybody along those lines is, did you

1 feel any sense of, like, obligation? You had to find certain evidence or look for certain
2 evidence --

3 A No.

4 Q -- in certain instances while --

5 A One hundred percent no. I've known Donald Trump since 1994 and 1995.
6 I considered him a friend. I know the leader he was in New York City. I saw what he
7 did on the job when he was the President. I supported him prior to becoming President.
8 I was there to support him the day he announced his candidacy. I'm not embarrassed
9 by it. I'm not ashamed of it. I would support him again. And what I did I would've
10 done for him whether I got pardoned or not. It didn't make any difference.

11 Q Okay.

12 And is there anything -- what would you need to see, I guess, from your
13 perspective as an investigator working on these issues, to change your mind, to come to
14 the conclusion that, you know, maybe there were issues with fraud, maybe there were
15 issues with certain criminal conduct, but it wasn't so widespread that it affected the
16 outcome of the election?

17 A What I would have to see? What would I have to see? I'd have to see
18 State investigative bodies investigate the State crimes that were overly apparent -- that
19 were overly apparent there were crimes that were not investigated, and have the DOJ
20 investigate the Federal crimes that should have been investigated.

21 Q And does the absence of public information about that lead you to believe
22 it's not -- that there's something there that's just going unaddressed? Because there
23 have been cases, like in Georgia and Arizona, where people are prosecuted for election
24 crimes, I think some in Florida recently.

25 A Yeah, a couple at a time, a couple at a time. But the major stuff, I haven't

1 seen it yet, although it's happening in Georgia as we speak.

2 But to go back to what we were talking about all day today, we had 6, 7 weeks.

3 This has taken a year. This has taken a year. And it's still going on.

4 Q Okay.

5 All right. And just some final questions to wrap up. I know I already said that,
6 but I promise it's the case now.

7 Did you talk to Mr. Trump about your subpoena and your appearance here, aside
8 from issues about privilege?

9 A No.

10 Q Okay. Never talked to him about what you would say or what he wanted
11 you to say?

12 A No.

13 Q Okay.

14 A I'm laughing because I actually saw him one time, I saw him one time in
15 Mar-a-Lago, and when I walked in the door, the second he laid eyes on me, he said,
16 "Don't talk to me about the case." So that's why I'm laughing.

17 Q Okay.

18 Did you talk to anybody else --

19 Mr. Parlatore. Both parties in that conversation were pre-briefed by their
20 attorneys that that is not something to talk about.

21 [REDACTED] Sounds like good advice, Mr. Parlatore.

22 BY [REDACTED]

23 Q Did you talk to Mr. Giuliani about your subpoena or your appearance here
24 today?

25 A Other than I was -- in fact, no, I didn't even talk to him about it. He read it

1 in the -- he read it somewhere.

2 Q Okay. And when I say "appearance here today," I'm also including on what
3 documents you should or should not provide --

4 A No. Nope.

5 Q -- as privileged. Okay.

6 A We didn't have that conversation.

7 Q Okay.

8 What about any members of the Trump family or anybody in, kind of, the Trump
9 orbit? Former White House officials?

10 A Nope.

11 Q Okay.

12 [REDACTED] All right. I think that's all I have. I'd just pause briefly to see if
13 there's any questions from people in the meeting here.

14 [REDACTED] I don't have anything to add. Thank you.

15 [REDACTED] Okay.

16 Anybody in the room?

17 No.

18 All right. So, Mr. Kerik, I think we've reached the end here. I appreciate your
19 indulgence. We originally talked about ending at 5:00 or as close to 5:00 as we could.
20 We've gone now to 6:15, so I do appreciate that. I appreciate that you came in and sat
21 with us and talked to us.

22 We have a couple things that we're going to follow up with Mr. Parlatore on, and
23 if we have any additional questions, we'll just figure out how best to take care of that
24 through him. But, at this point, I think the interview for today is wrapped up.

25 I see, [REDACTED], you turned on your camera. Okay.

1 ██████████ No. Just to thank Mr. Kerik.
2 Thank you, sir.
3 Mr. Kerik. Thank all of you, all of you. Thank you.
4 ██████████ All right. Thank you, Mr. Kerik.
5 Thank you, Mr. Parlatore.
6 Do you have anything to add before we officially go off the record?
7 Mr. Kerik. No, sir. I don't.
8 Mr. Parlatore. No.
9 ██████████ All right. Very good.
10 Then it's 6:14, and we can go off the record.
11 [Whereupon, at 6:14 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date