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

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11 DEPOSITION OF: PETER K. NAVARRO (NO-SHOW)

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Wednesday, March 2, 2022

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Washington, D.C.

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20 The deposition in the above matter was held in room 5480, O'Neill House Office
21 Building, commencing at 10:04 a.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

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8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] CHIEF CLERK

11 [REDACTED] SENIOR TECHNICAL ADVISOR

12 [REDACTED] PROFESSIONAL STAFF MEMBER

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2 [REDACTED] We are on the record. Today is March 2nd, 2022. The time is
3 10:04. We're convened in the Longworth House Office Building -- excuse me, we're in
4 the O'Neill House Office Building for the deposition of Peter Navarro to be conducted by
5 the House Select Committee to Investigate the January 6th Attack on the United States
6 Capitol. My name is [REDACTED] I am the designated select committee senior
7 investigative counsel for this proceeding. I am accompanied by [REDACTED] staff of
8 the select committee.

9 For the record, it's 10:04 a.m. Mr. Peter Navarro is not present. The person
10 transcribing this proceeding is the House stenographer and notary public authorized to
11 administer oaths.

12 I want to put on the record, briefly, the facts with respect to Mr. Navarro being
13 given notice of this proceeding.

14 On February 9th, Chairman Bennie Thompson issued a subpoena to Mr. Navarro
15 both to produce documents by February 23rd, 2022, and to testify at a deposition on
16 March 2nd, 2022, at 10 a.m. The subpoena pertains to the select committee's
17 investigation into the facts, circumstances, and causes of the January 6th attack and
18 issues related to the peaceful transfer of power in order to identify and evaluate lessons
19 learned, and to recommend to the House and its relevant committees corrective laws,
20 policies, procedures, rules, or regulations.

21 On February 9th, 2022, [REDACTED], senior investigative counsel for the select
22 committee, reached out to Mr. Navarro by email and asked whether he would be willing
23 to accept the service -- accept service of a subpoena for deposition and documents by
24 email. [REDACTED] email also asked Mr. Navarro if he was represented by counsel.

25 Mr. Navarro responded to [REDACTED] on the same day, stating that he would be

1 willing to accept service of the subpoena by email and that he was not represented by
2 counsel in the matter. Mr. Navarro also wrote in the email, quote "executive privilege,"
3 close quote. He did not explain what he meant by that.

4 [REDACTED] following up on Mr. Navarro's email, served Mr. Navarro with the
5 subpoena, which we will attach to the record as exhibit 1.

6 [Navarro Exhibit No. 1

7 Was marked for identification.]

8 [REDACTED] And the subpoena called for, as I noted, production of documents by
9 February 23rd, 2022, and testimony on March 2nd, 2022, at 10 a.m.

10 On February 24th, 2022, having not heard back from Mr. Navarro in response to
11 the subpoena and having received no documents in response to subpoena, [REDACTED]
12 reached out for Mr. Navarro, again, reminded him of the subpoena compliance date and
13 indicated we had not received any documents. [REDACTED] also reminded Mr. Navarro
14 that his deposition was set for March 2nd, 2022, at 10 a.m., and that we would be
15 convening in one of the House Office Buildings.

16 Mr. Navarro wrote back on February 27th, 2022, and advised [REDACTED] that
17 President Trump had invoked executive privilege in this matter, and it was neither his
18 privilege to waive nor President Biden's privilege to waive. He stated, quote,
19 "Accordingly, my hands are tied," close quote.

20 [REDACTED] responded the same day, Sunday, the 27th, to Mr. Navarro and
21 stressed to him that there were topics that would be included in the deposition and were
22 referenced in the chairman's letter that he, Mr. Navarro, could discuss without raising any
23 potential claim of executive privilege.

24 [REDACTED] also reminded Mr. Navarro that he would have to assert executive
25 privilege on a question-by-question basis during the deposition and that he was expected

1 to comply with the deposition and appear on March 2nd, at 10 a.m., as noted in the
2 subpoena.

3 Mr. Navarro responded that same afternoon asking, will this event be open to the
4 public and press?

5 [REDACTED] responded by email the same afternoon answering Mr. Navarro's
6 questions.

7 On the next day, February 28th, Mr. Navarro emailed [REDACTED] Please be
8 advised, I have been cleared in my communications on this matter. Below is my
9 response. As I note, privilege is not mine to waive. And it is incumbent on the
10 committee to directly negotiate with President Trump and his attorneys regarding any
11 and all things related to this matter.

12 And Mr. Navarro included some further comments, dated March 1st, in that
13 February 28th letter, along the lines of what I just stated that was in the email.

14 On Tuesday, March 1st, [REDACTED] again emailed Mr. Navarro thanking him for
15 his email, reminding him that there were topics that we would be talking about at the
16 deposition that did not implicate any executive privilege concerns. And [REDACTED]
17 provided examples to Mr. Navarro of some of those types of questions, again reminding
18 him that he could assert objections on the record on a question-by-question basis.

19 [REDACTED] asked Mr. Navarro to clarify whether he intended to appear at the
20 deposition scheduled for March 2nd, as required by the subpoena. He advised Mr.
21 Navarro that the deposition would begin at 10 a.m. at the O'Neill House Office Building,
22 provided the address, and asked Mr. Navarro to contact him when he arrives so that he
23 could be escorted to the conference room. That email was sent on the night of
24 March 1st -- last night. Now, March 2nd, after 10 a.m., Mr. Navarro has not appeared
25 for his deposition.

1 With that, I will note for the record that the current time is 10:11. Mr. Navarro
2 still has not appeared or communicated to the select committee that he will appear
3 today, as required by the subpoena. Accordingly, the record is now closed. And we
4 can go off the record.

5 [Whereupon, at 10:13 a.m., the deposition was concluded.]

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