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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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10 INTERVIEW OF: MARK FINCHEM

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Friday, April 22, 2022

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Washington, D.C.

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The interview in the above matter was held via Webex, commencing at 12:06 p.m.

1 Appearances:

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3 For the SELECT COMMITTEE TO INVESTIGATE

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

5

6 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

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9 [REDACTED] PROFESSIONAL STAFF MEMBER

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17 For MR. FINCHEM:

18

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2 [REDACTED] On the record. The time is 12:06 p.m. Eastern time. This is a
3 transcribed interview of Mark Finchem conducted by the House select committee to
4 investigate the January 6th attack on the United States Capitol pursuant to House
5 Resolution 503.

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

8 Sorry, Mr. Finchem, we're not able to hear you.

9 Mr. Finchem. I keep trying to keep the background noise out of here. Sorry
10 about that.

11 Mark William Finchem, last name spelling F as in Frank, I, N like Nancy, C-H-E, M
12 like Mike.

13 [REDACTED] Thank you.

14 And, Counsel, can you please introduce yourself and spell your last name for the
15 record? Mr. Pedigo?

16 Mr. Pedigo. K. Lawson Pedigo, P-E-D-I-G-O, with Miller Keffer and Pedigo here in
17 Dallas, Texas.

18 [REDACTED] Great. Thank you.

19 This will be a staff-led interview. If any members decide to join, they can also
20 choose to ask questions. At this time, no members have joined, but I'll try to announce
21 them when I see them join on -- on the side of the screen so you both are aware that a
22 member has joined.

23 Q My name is [REDACTED] and I serve as investigative counsel to the
24 select committee.

25 With me today are [REDACTED], senior investigative counsel to the select

1 committee, and [REDACTED], also an investigative counsel to the select committee.

2 [REDACTED] is participating remotely, and he is a member of our professional staff.

3 There is an official reporter transcribing the record of this interview. You can see their
4 name on the side of the screen.

5 Mr. Finchem, we ask that you please wait until each question is completed before
6 you begin your response, and we'll try to wait until your response is complete before we
7 ask our next question. The reporter can't record nonverbal responses such as shaking
8 your head. So we ask that you answer each question with an audible, verbal response.

9 We also ask that you provide complete answers based on your best recollection.
10 If the question that I ask or [REDACTED] asks isn't clear, please ask us to
11 clarify, and we will do so. If you don't know the answer, please say so.

12 Although this interview is not under oath, I want to remind you that it is unlawful
13 to provide false information to Congress. This is something that we tell everyone. It's
14 not specific to you, Mr. Finchem.

15 Do you understand that?

16 A Yes.

17 Q Logistically, please let us know if either of you need a break, or, Mr. Finchem,
18 if you'd like to discuss something with your counsel, we can all mute ourselves, turn off
19 the video, and you can have a conversation with your counsel. And we will try to take
20 periodic breaks for comfort, food and whatnot, so just let us know if you need to take a
21 break.

22 Any questions before we begin?

23 A The Witness. No.

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EXAMINATION

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██████████ Okay. To start, I'd like to turn to, ██████, please, Exhibit 1.

5

BY ██████████

6

Q And, Mr. Finchem, are you able to see a document on the screen that's

7

labeled Subpoena?

8

A I am.

9

Q Great.

10

Is this the subpoena -- and we can scroll down. Is this the subpoena that was

11

issued to you by the select committee on February 15th, 2022?

12

A It appears to be so.

13

Q Part of the subpoena requires you to produce documents and information

14

including electronically stored information.

15

Do you understand that, Mr. Finchem?

16

A I do.

17

Q Have you reviewed the schedule of requests that were attached to the

18

subpoena?

19

A I did.

20

Q And did you search or have someone search on your behalf for records that

21

would be responsive to the subpoena?

22

A I did.

23

Q And have you produced to the select committee all documents and

24

communications in your possession, custody or control that are responsive to the request

25

of the subpoena.

1 A To the best of my ability, yes.

2 Q Okay. And I just want to go through briefly the efforts that you took to
3 comply with the subpoena.

4 What did you search?

5 A Well, the keyword search, most of what was contained in your subpoena,
6 the things that you seem to be interested in or at least the way I interpreted what you
7 were asking for.

8 Q Okay.

9 A Both for printed documents and for electronic documents, everything from
10 PDFs to Word files. There was apparently some confusion. I use a Mac because I just
11 don't like to have the state computer in my possession when I'm off campus, so
12 unfortunately some of the documents I might have sent you were in Pages as opposed to
13 Word. So I think there's a problem with interpreting or making a transition from one
14 document type to another.

15 But I believe -- Lawson can correct me if I'm wrong -- that we overcame that just
16 by referencing -- because it appeared there were duplicate documents or two versions of
17 a document. Well, it was the difference between the types of programs. So between
18 Word and Pages, every once in a while I forget to make the transmission even to my
19 admin, so.

20 But, you know, went through and looked at social media postings, newsletters
21 that I put out to constituents. I was about as complete as I could be with the
22 understanding I had with what you were asking for. Now, obviously I can't produce
23 something that I don't understand what you're asking for.

24 Q Yep.

25 And, absolutely, and thank you for that description, Mr. Finchem. I just want to

1 make sure I understand.

2 Did you say you searched your personal laptop, your MacBook or your Mac
3 computer?

4 A My personal laptop and my phone, neither of which are issued by the State
5 of Arizona. But I also searched the state computer -- actually, I didn't search the state
6 computer. That's a scary place for me.

7 So we actually turned that over to our House records curator, Justin Riches, who
8 did a search based upon keywords and search phrases that seemed to be
9 continued -- revealed in the subpoena. We tried to be as specific as we could, but since
10 we've got millions of documents and, of course, there is a little bit of a -- let's say -- I
11 believe Mr. Riches explained it best to me that, look, these documents aren't yours; they
12 belong to the state. Of course I got that interaction that I had to deal with as well.

13 But we've done, I think, a search as complete as it can be understanding the
14 parameters that were presented to us.

15 Q Understood. And thank you for that.

16 Just to confirm, as part of your search or the search conducted by the
17 representative from the -- my understanding the state legislature, were emails searched
18 as well, email addresses?

19 A Most specifically.

20 Q Okay. And did you search your -- your personal email address?
21 And one that I am familiar with is @me.com and then --

22 A Yes, ma'am.

23 Q -- also an email address --

24 Okay. Thank you.

25 And also with your work email address?

1 A Which is mfinchem@azleg.gov, yes.

2 Q All right. Great. Thank you.

3 And did you say you also searched your phone such as for text messages and any
4 messaging applications?

5 A Yes.

6 Q Okay. So that would include, like, Signal, WhatsApp, iMessage and
7 Telegram?

8 A I don't use those very much. Signal -- yeah, I don't use WhatsApp. What
9 was the other one you said?

10 Q Signal, WhatsApp, Telegram and just iMessage if you had an iPhone.

11 A Well, iMessage -- I do have an iPhone, and iMessage, the messaging texting
12 thing when I do text, but the vast majority of my communications are by voice.

13 Q Okay. And just so I can confirm, did you say you used Signal, or you can't
14 recall if you used it?

15 And really the time period that I -- I'll be specific -- that I'm talking about is, like,
16 November 3rd, 2020 to January 2021, that time frame.

17 A From time to time I use Signal, but not very often. It's superfluous
18 compared to, you know, my -- because I don't text that much stuff.

19 Q Okay.

20 A So I don't recall using Signal. I'd have to go back and take a specific look at
21 that, but I don't recall using that application.

22 Q Okay. We can discuss this with your counsel later. Maybe we could talk
23 off the record. If you wouldn't mind doing just a quick search to see if there was
24 anything responsive in that time frame, we can talk about that later.

25 A Okay.

1 Q And, let's see, you said you checked social media. Did you check for direct
2 messages or private messages you might have received through social media apps like
3 Facebook, Twitter, Parler, Gab, Instagram?

4 A Well, it would be kind of hard since I've been cancelled by those, so --

5 Q And when you say "cancelled," so we're on the same page, do you mean,
6 like, suspended or removed from those platforms?

7 A Blocked. Yeah.

8 Q Okay.

9 A Removed from those platforms. You know, the whole cancel culture thing.

10 Q Okay. So you weren't able to access those messages?

11 A No, in fact, I --

12 Q Or any that you might have had?

13 A Well, the accounts that are up there now are actually new accounts. The
14 accounts that I had previously, Twitter and Facebook and -- I don't do anything -- I was on
15 Parler for a little while, but not -- it's very kludgy to use. Gab, that's a fairly new thing
16 that would have been after January 2021.

17 So going back to, let's see, Facebook and Twitter, those accounts were cancelled,
18 but I don't remember when they were cancelled. That would have been last year
19 sometime.

20 Q Okay.

21 A Probably middle -- middle of the year.

22 So I don't -- I don't have access to those -- those accounts.

23 Q And the accounts you said that you now have with those platforms, to the
24 extent you do, they're brand-new?

25 A They're relatively new, yeah. They're specific for my secretary of state

1 campaign.

2 Q Okay. So other than what we discussed, you know, the limitations, you
3 know, with maybe searching your work emails or the -- the cancelled accounts, have you
4 destroyed, deleted or otherwise manipulated any documents or information that would
5 be responsive to the request described in the subpoena?

6 A No.

7 Q Okay.

8 A Well, when you say "manipulate," define that. I suppose that if I move it
9 from Pages to Word, that's manipulation. I think your question is more to the point of
10 have you destroyed or tried to cover up something.

11 Q Yeah, no, and that's exactly right. I would say an example of manipulation
12 would be if you had, say, like a Word document, and then you changed -- that was
13 prepared in, say, December 2020 -- this is just an example -- and you changed some
14 words in it, and then produced it to us so it doesn't reflect what had been prepared in
15 December 2020.

16 That could be an example of manipulation.

17 A No, I have not done any of that.

18 Q Okay. Thank you.

19 To begin, Mr. Finchem, could you give us a brief overview of your professional
20 background including where you worked prior to your election in the Arizona House of
21 Representatives?

22 A Well, 21 years in the city of Kalamazoo as a department of public safety law
23 enforcement officer, firefighter and level 3 paramedic. Retired in 1999, moved to
24 Arizona; worked for American Airlines for about a year and a half; joined a type 2 hotshot
25 group, fought forest fires for a couple of years.

1 Then I went to work for Intuit. I worked for Intuit for about seven years and was
2 their senior -- finally was -- when I left, I was the senior manager in charge of the
3 customer-facing fraud countermeasure unit.

4 I got my real estate license; sold homes for about 14 years.

5 Was elected to the Arizona House of Representatives in the 2014-15 cycle. Have
6 been in the House of Representatives now for eight years. At the time of the 2020
7 election, I was the chairman of the federal relations committee.

8 Q Thank you for that, Mr. Finchem.

9 I also understand that you're -- are you seeking a master's degree or an additional
10 degree at the University of Arizona, the law school?

11 A Yeah. I'm sorry. You did ask about education. So I have a bachelor's
12 degree from Grand Canyon University in state and local public policy, summa cum laude.
13 This past December, I finished a master's degree at University of Arizona Rogers Law
14 School in law and economics.

15 Q Congratulations.

16 A Thank you. Thank you. Who says you can't teach an old dog new tricks,
17 right.

18 I also have a Six Sigma process engineer certification that I received while during
19 my time at Intuit.

20 Q And as far as your district, I understand -- I'm not sure if it's changed since
21 then, but which counties does it include, or in the 2020 time frame which counties did it
22 include?

23 A Pima and Pinal.

24 Q I've also seen -- I believe it's your name associated with a company called
25 Clean Power Technologies, LLC?

1 A Yes, ma'am.

2 Q Is that -- are you a vice president of that company?

3 A Yes, ma'am.

4 Q And what does that company do?

5 A Clean Power Technologies is -- we're involved in identifying technologies
6 that will offer cleaner energy. Just to make the claim that we have clean energy is
7 frankly disingenuous. No energy is clean. I mean, you have to expend energy, for
8 example, on building solar panels.

9 In fact, there's an economics case that says all the energy that goes into building a
10 solar panel and deploying it, the solar panel will never be able to generate the same
11 amount of energy during its entire life span. That's a problem.

12 So we look at technologies, and specifically we're looking at Tesla and how we can
13 transmit electricity without wires -- which that would be pretty interesting -- so that we
14 can have realtime charging of electronic vehicles, especially if we're able to collocate that
15 over geothermal.

16 So I'm basically an energy policy analyst within that group. I've been kind of
17 sidelined, obviously, because of my legislative duties. From time to time, I do provide
18 some commentary and do provide a look at that, but we -- we have a number of projects
19 from battery farms to joint venture agreements with companies to take substrates and
20 turn them into something cleaner, not -- not clean, cleaner so that we're constantly
21 moving the ball down the field in order to provide the cleanest energy possible for a
22 thriving America.

23 Q That's great.

24 And is that just in Arizona, or you do business elsewhere as well?

25 A Well, we're -- we're all over the world, but right now we have no -- we have

1 a couple of active projects, but I have not been briefed on their status just because I've
2 kind of got a full plate these days.

3 Q Yeah, I'm sure you do. I can't even imagine.

4 And are you still involved in the real estate business, or have you let that go --

5 A No.

6 Q -- with all your other work going on?

7 A Yeah, I'm sorry.

8 I let that license go a couple of years ago. A group of nefarious actors engaged in
9 a social media war against my business. People who I had never met went out on Yelp
10 and Angie's List and ProAdvisor and basically defamed and slandered me to the point
11 where I was unable to service my customers, and my clients steadily dropped off,
12 cancelled transactions.

13 Probably one of the most despicable things I've ever seen in my life. People who
14 just outright lied about me. They obviously have never seen a photo of my family when
15 they called me a racist. We represent five different nationalities.

16 So it's that kind of garbage that, quite frankly, destroyed my business. So, no,
17 I'm not a real estate agent anymore and no longer have that license, no longer have that
18 certification.

19 Q Well, I did not know that. I'm sorry to hear that, Mr. Finchem, and for your
20 family as well.

21 Just to begin, Mr. Finchem, I wanted to turn to November 30th, what I'll call a
22 hearing that I understand took place at the Hyatt Regency Hotel in Phoenix, Arizona.

23 Do you know what hearing I'm referring to?

24 A I do.

25 Q Okay. Do you know how that hearing came about?

1 A Well, considering I'm the guy that called it, yeah, I know exactly how it came
2 about.

3 Q Great.

4 So why don't you tell us what you remember, how you organized or, you know,
5 helped host this hearing in November 2020?

6 A Well, on November 3rd, about 7:30 in the morning, my phone started
7 blowing up with people who were observing irregularities and discrepancies at a number
8 of polling places throughout the state of Arizona.

9 Throughout the day, that became -- it became very evident that something was
10 wrong. People -- I don't -- you may recall SharpieGate, as it's, I think, been referred to in
11 the media, where people who had sent in mail-in ballots were able to use ballpoint pens
12 and whatever writing device other than a number 2 lead pencil, in order to fill in their
13 ballots. And suddenly they show up at polling places, and they're told to use Sharpies.

14 And some of the folks even called and said, look, I can see that it's bleeding
15 through the paper. Something's wrong.

16 Then, of course, throughout that following week, other things came to light,
17 election workers called and said, hey, I just witnessed envelopes being processed that
18 didn't have signatures on them which, by the way, in Arizona is a crime.

19 So there were a number of irregularities. I reached out to some of my colleagues
20 and asked if they would be willing to serve on an ad hoc federalism committee hearing
21 just to give our constituents the opportunity to come forward. If there was something
22 that they were concerned about, they'd be able to provide testimony and evidence.

23 I went to the Speaker of the House. Speaker of the House ignored my request
24 for a number of days. I want to say it was seven to eight, maybe nine days. I
25 reiterated my request and gave a timeline because, obviously, you're on the clock

1 because of date-certain things that have to happen after a presidential reference
2 election.

3 Did not receive any kind of response until four o'clock, and I don't remember the
4 exact date. It was the date that we signed the contract. At noon I finally got a call
5 from the House attorney; he said, well, we'd like to know your agenda, et cetera, et
6 cetera. I said, well, too late; we've decided to move forward without you. We're going
7 to have an off-site hearing.

8 Now, as luck would have it -- that was in the midst of the whole COVID fiasco; had
9 we had the hearing at the House, ten people would have been permitted in the room.
10 Well, that defeats the whole purpose of having a hearing like that. It's to give the public
11 the opportunity to present testimony and evidence of the things that they observed.

12 My constituents said, we want to have a hearing, and we want to know what's
13 happening. We want to hear from experts. We want to hear from the county officials.
14 We want to hear from people who made observations. We'd like to hear that.

15 So as a result, I reached out to the Hyatt Regency downtown. They were very
16 gracious in setting up the ballroom so that we could have such a hearing offset, and we
17 were able to have a -- I don't remember if it was 160 or 180 people were in the room.

18 Okay. Now we're getting someplace. Now we have a well-represented polity
19 in the room. Media was there. In fact, if you'd like to see the results of that hearing,
20 there's ten and a half hours of rather mind-numbing testimony that is posted on my
21 site -- my Web site at votefinchem.com. Click on News, go to the bottom, and you'll be
22 able to see the entire hearing.

23 The genesis of that was my constituents had questions, and I had questions, and
24 those people that we were able to identify that might have answers to those questions
25 were invited to come speak. In fact, we opened it up to the community. If you saw

1 something, say something. Which, yeah, that harkens back to DHS's question, if you see
2 something, say something.

3 And we had -- we had so many people that came forward we could have had
4 another, perhaps, half a day, if not another day of testimony. But we had a time-certain
5 contract, and we had to be out of the building by, I think, five o'clock, but they were
6 gracious and let us go to 7:30 that evening.

7 Q All right. Well, thank you for that -- that answer and that explanation,
8 Mr. Finchem. I just want to go back and unpack a little bit of what you said.

9 So you said starting on November 3rd, which was election day, you started
10 receiving a lot of calls, it sounds like, from constituents, maybe even other people from
11 Arizona about irregularities that they were seeing; is that right?

12 A That's correct.

13 Q With respect to the calls you were receiving, you know, people saying that
14 they saw things that seemed irregular or -- or wrong or maybe criminal, for any of those,
15 did you refer them out to local law enforcement or state AG in Arizona?

16 A No. The position that I took was, okay, I need to get that on the
17 record -- on some record. I'm not going to take your complaint over the phone. I'm
18 not in the executive branch, but I do want to have a body of, for lack of a better term,
19 evidence -- I want to have a body of knowledge to better understand is this a public policy
20 issue.

21 Do we need to formulate public policy; do we need to refer something off to the
22 executive branch, specifically the attorney general; is there need for perhaps a -- an
23 auditor general examination of whether or not people spent money in the right place?

24 I mean, there were a whole host of questions that needed to be answered, and I
25 didn't feel comfortable with trying to refer things off to the attorney general's office

1 knowing full well that their bandwidth is severely limited. They're woefully
2 understaffed.

3 Q And my -- correct me if I'm wrong, but it sounds like you -- you wanted to
4 form a committee, hold some sort of hearing, and you went to the Speaker of the House
5 of Arizona; is that right?

6 A Well, I didn't go to him physically, but, yes, I sent an email requesting
7 approval for the use of House resources in order to hold a hearing in one of the hearing
8 rooms here in the House of Representatives which would mean you'd have to have staff,
9 you'd have to have security, all of that. And as I said, that's kind of in the middle of the
10 whole COVID-19 fiasco.

11 Q Okay. And the speaker at the time, was that Russell or Rusty Bowers?

12 A That's correct.

13 Q And understanding it's probably hard to remember, about when do you
14 remember you wanting to have a hearing and starting that process to have a hearing in
15 Arizona about, you know, the alleged election irregularities that you were hearing about?

16 A Oh, probably seven -- seven to ten days after the election. We began
17 having a conversation about that, and I want to say 10 to 12 days after that I made my
18 initial request. I don't remember exactly what the times are, but that's an approximate
19 timeline.

20 Q So about --

21 A And then --

22 Q -- mid-November?

23 Excuse me. Sorry about that.

24 A Yeah, about mid-November.

25 Q And I want to make sure I understood what you're saying. Did you say that

1 they were going to approve a hearing, but you had already signed a contract with a hotel,
2 and so you didn't go forward with that?

3 A No. I got the feeling I was being slow-walked, so, no, I explained in my
4 second request, I need to know by noon whether or not you'll permit the use of these
5 resources. If you're not, I'm going to sign a contract, and we'll go off-site.

6 And at four o'clock in the afternoon, I finally got a call from the House attorney,
7 Andrew Pappas. Well, we'd like to know what's the agenda. Who's going to be there?
8 And I just explained to him, well, you had a timeline. You failed to meet that timeline.
9 We're proceeding in a different direction.

10 Q And, so, around this time, you might have heard that members of the Trump
11 campaign were talking about taking their case to the public and having hearings in other
12 states.

13 Do you remember when you were having these discussions about having a
14 hearing in Arizona whether there were -- had been hearings or discussions of hearings in
15 other states?

16 And I'll give you a few examples, like Michigan, Georgia or Pennsylvania.

17 A I know there were a lot of people in a lot of states calling for a lot of
18 hearings. I don't know that we were the first, but this was in response to the people.
19 They wanted to have -- they wanted to have some answers. They wanted to
20 know -- because there was a certain amount of cognitive dissonance. They were seeing
21 one thing, but they were hearing another.

22 And when we put it out that we were planning to have an ad hoc hearing on -- a
23 public hearing on election integrity, individuals from all over the community said, hey, I've
24 got a story to tell; I'd like to come tell it.

25 And at some point -- I don't remember exactly when -- I got a phone call from the

1 Trump team saying, hey, we would like to appear. We've got some evidence, some
2 testimony that we would like to present to you as well.

3 Q And, so, as you recall, a hearing was already in place and someone from the
4 Trump campaign called you and asked -- that they would like to participate in your
5 hearing?

6 A Well, I don't know that I would say it was already in place. I mean, this
7 was -- it was a very fluid situation where we were putting together a public hearing. As I
8 recall, we had signed the contract, so we were looking at who's going to come, how many
9 people do we need to accommodate, what are security concerns. You know, all of those
10 things that go into planning an event that, quite frankly, we were not exactly prepared to
11 have, so we had to build that from scratch.

12 You know, as far as the timeline goes on when they contacted us, we were in the
13 process of putting together a hearing. I would say that it was not solidified until a day or
14 two, maybe three, before the actual hearing date.

15 Q Do you remember who contacted you from the Trump campaign, like the
16 initial contact in connection with the hearing?

17 A I believe it was Christina Bobb.

18 Q And did you know Christina Bobb at that time?

19 A I knew her in other capacities as a -- as a reporter. In fact, I -- I think that's
20 about the time that I learned that she had a law degree, so I thought she was a reporter
21 on OANN. Apparently, she is that, too.

22 Q I think she might wear many hats.

23 I understand Ms. Bobb -- she might have called you around November 20th.
24 Does that sound about right in terms of timing?

25 A That's possible. I mean, that -- that would fit. I mean, like I say, we were

1 putting together what is this -- this hearing thing going to look like because, keep in mind,
2 that when we have a hearing in a hearing room at the House, a capacity in that room is
3 generally around 50 to 60 people. So now we're talking -- and, you know, the camera
4 stuff is already set up, the microphones, the die has -- all that is already in place.

5 So putting all that together in an off-site with arguably three to four times the
6 number of people, which is a -- which also presents a security risk -- like I say, datewise,
7 ten days before the hearing, yeah, that's possible. I mean, that -- that's within the
8 reasonable timeline. I'd have to go back -- I don't have my phone records. I'd have to
9 go back and see if there's a phone number that I could identify and link it to for a specific
10 date and time.

11 But, yeah, probably within ten days of the hearing.

12 Q Okay. And what do you remember about that conversation with -- with
13 Christina Bobb, that initial conversation?

14 A Well, it was fairly short. She said, you know, we understand that you're
15 going to have a hearing. We would like to have the opportunity to present what we
16 believe is credible evidence. We'd like to give some testimony. In fact, you know, for
17 the folks that are attending, we might have a few questions that we would like to ask
18 them that they -- about their observations.

19 And I said, look, you know, I'm -- my job here is to collect information for two
20 purposes. One, is there a public policy question that needs to be answered that will
21 address or assuage the concerns that my constituents have. Two, is there evidence or
22 testimony that needs to be collected and turned over to another part of the body of the
23 legislature, namely the Senate, or is it something that should be immediately turned over
24 to the attorney general's office. Is there something that's so blatant, so obvious that it
25 would be like standing on the street corner and not yelling fire when the house is on fire?

1 So the whole point of the exercise was collect information and do it in an objective
2 manner. So we invited anyone -- anyone who had observations or concerns to please
3 come. And there were -- as a result, there were a whole bunch of just private citizens
4 that came up and gave their observations that they were concerned about, and that was
5 the point of the hearing.

6 Q Did Ms. Bobb tell you why she wanted -- or why the Trump campaign
7 wanted to be a part of the hearing and present?

8 A I didn't question motives. All I had was, you know, the statement, we've
9 got evidence and testimony we'd like to present to you.

10 Sure. Everybody is welcome as long as we can fit you in timewise.

11 Q Did you interact with anyone else from the Trump campaign besides
12 Ms. Bobb in connection with this November 30th hearing before the hearing, to the
13 extent you can remember?

14 A No. She was the point of contact.

15 Q Did you get a sense of Ms. Bobb's role or responsibilities on the Trump
16 campaign, what she was working on?

17 A No, she just -- she made a very simple ask. We've got some information
18 that we would like to present. We've also got some questions that may be raised by
19 some of the other things that people observe, and we'd like to have the opportunity to be
20 there.

21 It's a fairly short conversation.

22 Q When you were putting together this hearing, had you already seen enough
23 evidence that you thought justified, you know, calling a special session or taking any sort
24 of legislative action?

25 A The simple answer to that is, yes. To unpack that a little bit, there's a

1 movie that was put together -- and this was -- I have some really active constituents who I
2 know they're trying to be helpful, but they flood me with information. Kind of like
3 drinking from a firehose.

4 But one thing that really stood out in my mind, and this was a number of people
5 told me about a movie called Kill Chain. And I watched it, and I thought it was very
6 striking that a Kamala Harris, Eric Swalwell, I think Amy Klobuchar in 2016, I believe -- I
7 think that's the date for the movie -- were all coming out saying that electronic tabulation
8 bad. Machines can be hacked. The whole black box notion that, you know, instead of
9 counting by hand where it's visible, everybody can see what's out there. It's not visible,
10 and that they were very suspicious.

11 And when Harri Hursti showed in front of a -- a team -- and I don't remember
12 exactly which county it was, but the county elections office showed that votes had been
13 flipped, that gave me grave concern. And I wanted to know is it possible that the
14 equipment that that movie revealed was used in our election because immediately that
15 calls the -- the controversy into question.

16 And there were a number of other things. You know, we -- for example, in
17 Arizona for the last, I don't know, three to four years, five years, there's been a lot of
18 controversy over 5G and the fact that apparently no microprocessor in use in the United
19 States -- there's a better way to say it. Every microprocessor, every chip in use in the
20 United States in the 5G network is made by China.

21 Okay. Put that together with a -- a known surveilling capability of the CCP and
22 my background in looking under as many rocks as one can to find is there something to
23 this -- you know, one thing that probably -- you may not know this, but Arizona is a -- has
24 a great attraction for military members, particularly SIGINT guys. Fort Huachuca just
25 about -- there's a large number of retired military intel guys.

1 And they were on this -- forgive the expression -- like ugly on an ape. They
2 wanted somebody to take a look at -- this is one of the constituents that called me and
3 said, well, this is one of the ways the system could be penetrated. You got to take a look
4 at this movie. You need to know about that thing. 5G can be used to penetrate
5 systems. There are nefarious actors out there. To not acknowledge that, you are
6 derelict in your duty.

7 Okay. Well, thank you very much for the information. What do you have that's
8 solid? Well, we'll be happy to present it. And then, of course, some did, some didn't.

9 But those are the kinds of things that -- from a public policy perspective, those are
10 the questions that people come to me, and we need to determine have we gone out too
11 far in our reliance on electronics. And I'll kind of walk through this with you.

12 25 years ago, most ballots -- 30 years ago, most paper ballots were counted by
13 hand, and you might -- I'm looking at the age of you guys, so I'm thinking you probably
14 weren't around much for the hanging chad disaster in Florida, so Bush/Gore.

15 Q We were around. We were around. We remember it.

16 ██████████ Very much.

17 Mr. Finchem. Perhaps in grade school.

18 But my point in that is the whole hanging chad thing, that was a mechanical
19 tabulation system, okay. And that was ballots that were presented at the polling places.
20 They weren't mailed in.

21 Well, then somebody got the bright idea, well, you know, with this optical
22 scanning software, we can speed up the process, and we can be more accurate, and we
23 can do this and this and this and this.

24 Okay. Fine. Well, they moved to electronic tabulation only to find out that
25 some of the software that this equipment has been built on does indeed have some

1 vulnerabilities.

2 Okay. I don't know what those vulnerabilities are. Now, I've read recently -- in
3 over the last year and a half since our hearing -- these are some of the vulnerabilities that
4 have been identified.

5 So I'm very attuned to that because my duty is to protect the electoral process.
6 That's one of our duties. And our objective as the legislative body, the policy-making
7 body for the state is make it easy to vote but hard to cheat. That's a fairly narrow box.
8 It's a lane that we can stay in. And that is for public policy.

9 If we don't know what we don't know, we're not doing our job. So to ask those
10 questions, to ask, all right, is the movie -- the Kill Chain movie, is that real, or is that just
11 somebody trying to sell a movie.

12 Okay. Now, the other thing that was an input is DEF CON 2019 out in Las Vegas
13 where every single voting machine, no matter the maker, was hacked in five minutes. I
14 was made aware of that before the election.

15 I was aware of Eric Halderman testimony -- I'm sorry. Alex Halderman. And I
16 think it was related to the DEF CON 2019 thing. I'm a little fuzzy on where it first
17 surfaced. But for him to say that, you know, multiple states have got vulnerabilities that
18 they need to face, this is something that is kind of the open barn door, and you're hoping
19 that the horses don't leave.

20 So there were a lot of inputs on the electronic side that gave me and some of my
21 colleagues quite a bit of concern.

22 Now, on the -- on the paper side, the actual physical side, one of the things
23 that -- oh, and by the way, I forgot to mention that, you know, the FBI warned -- I want to
24 say it was in 2015, '16, maybe -- warned a number of organizations that the Chinese, in
25 the manufacturing of motherboards and chipsets that went into all manner of electronics,

1 had concealed an extra chip that was basically a surveillance chip, a data-gathering chip.

2 In fact, we see that even today in some of the drones that are out doing mapping
3 and observing that are being used -- are employed by law enforcement. We've -- we've
4 now found that they are transmitting that information back to Chinese Communist Party.

5 So that, of course, is a recent development that we know about, but it goes back
6 to the question of what was causing my concern, and it's -- it's all of these things
7 combined.

8 Then, of course, we get to the paper question where people who had been
9 election workers, you know, some of them said, I was prevented from observing. Okay.
10 That's a violation of the elections procedure manual, a misdemeanor. I observed
11 ballots -- ballot envelopes getting into the system that didn't have a signature. Well,
12 that's a crime. I observed all manner of things.

13 So all of those things coming together, that was like, okay, there's enough here for
14 us to really question, A, do we have the right public policies in place; do we have the right
15 laws in place. And, B, if we do, did the people who are responsible for the election
16 administration follow those laws, or did they ignore those laws? Is it intentional, or is it
17 just incompetence? Is --

18 And I like to think the best of everyone right off the bat. You have to
19 prove -- somebody has to prove to me -- perhaps this is my training as a criminal
20 investigator. You're going to have to prove to me that there was, A, an inappropriate
21 action; B, there was a person who took it. If there's an alleged crime, I want to know
22 what are the elements of the crime you're alleging. I take great pride in knowing that I
23 don't think I ever was a part of an investigation where the wrong person went to jail.
24 I'm looking for truth. I'm not looking for somebody's agenda. I could give a flying hoot
25 about somebody's agenda contrary to what the media reports.

1 I -- I'm more concerned about the public policy question: Do we have the right
2 laws in place to make it easy to vote and hard to cheat. And if we don't, do we have to
3 adjust existing law, or do we have to come in with new law, and do we have to add some
4 kind of teeth, if you will. We have to have a penalty if somebody doesn't behave in the
5 interest of the polity as opposed to in the interest of a particular individual or party.

6 Sorry about the long-winded answer, but it is a lot of information that went into
7 the question of whether or not to have the hearing and how we would conduct it.

8

9 Q So I heard you say you had concerns with the electronic side, I think, as you
10 characterized it, with respect to machines and what might have happened in connection
11 with the 2020 election.

12 In your conversations with Ms. Bobb with the Trump campaign, did you -- do you
13 remember them expressing similar concerns about this -- this electronic side of, you
14 know, potential fraud that might have happened?

15 A No, ma'am. No.

16 Q Okay.

17 A In fact, they didn't really give up much in the way at all of -- or Christina
18 Bobb didn't give up much at all in the way of what they'd present. She just said, we've
19 got some material we would like to present. We've got some questions that perhaps
20 can be answered by the people of Arizona, and given the opportunity, we'd like to
21 participate in your hearing. That's the extent of it.

22 They didn't reveal -- like any good -- like any good lawyer, they did not reveal any
23 of the information that they might want to present or talk about.

24 Q All right. So you didn't work with them on agenda or the types of
25 allegations to present for the hearing?

1 A Well, I mean, I had my agenda. If you -- when you talk about agenda, are
2 you talking about the order of show, as they talk, or particularly --

3 Q Yeah.

4 A Because I --

5 Q I mean --

6 A -- didn't --

7 Q -- just like --

8 A I didn't have a --

9 Q Excuse me. Just like --

10 A I had --

11 Q I didn't mean it in a negative sense. I apologize. Not like you had a
12 political agenda, more like -- really like a run of a show.

13 A Yeah.

14 Q Sorry.

15 A There are two definitions of agenda here. One is did I have an agenda
16 behind what I was doing. Yeah, I had an agenda to simply find out what was going on,
17 to give people an opportunity to have a voice in their political system. I've said it
18 before, I'll say it again. Elections belong to the people; they don't belong to the
19 government.

20 Q Okay.

21 A And when the people don't have an opportunity to share their voice, we
22 begin to go down the path of a real problem. And with the angst that was in the public
23 community, we needed to give those folks an opportunity to tell their story.

24 Now, when it comes to the agenda, yeah, I may have had a short conversation
25 with her about how much time do you think you're going to need because we've got

1 some guardrails here that we're going to have to stay within, and we've got a lot of
2 people that want to provide testimony.

3 The mechanics of an agenda, we might have talked about that for a minute, but, in
4 fact, I probably asked how much time do you need, and I might have gotten an answer.

5 So it was a fairly loose agenda, quite frankly, and, you know, one of the -- one of
6 the features of this is I had absolutely no intention of issuing subpoenas to people.

7 While I could have, I didn't need to. We had hundreds of people coming forward of
8 their own volition: Voters, poll workers, election's watchers. We didn't need to use a
9 subpoena. They were very ready to share what their observations were.

10 So -- now, I -- they were not specific about anything when it came to that part of
11 the conversation.

12 Q And I apologize. I did not mean agenda in a -- in some sort of negative way,
13 but thank you for that.

14 So it sounds like you didn't or at least you don't recall substantive conversations
15 with Ms. Bobb or others about, like, topically what, you know, we're going to have an
16 expert talk about this type of voter fraud or this type of election fraud.

17 It was more about how much time do you need and maybe more logistical in
18 nature; is that fair to say?

19 A I did -- well, I did ask, you know, we're going to -- will we need to have
20 audiovisual equipment. Is what you're going to present -- is it graphic or just
21 documents?

22 I do recall that we talked about making sure that we had some kind of a, you
23 know, big screen so that whatever they had to show, they could show. Other than that,
24 no.

25 Q Okay. Did you have a sense of their -- the kind of work that they were

1 doing, the Trump campaign, that is, in Arizona and what they were doing to investigate
2 allegations of fraud?

3 A The only thing I could comment on is assumptions, but I -- I'm reluctant to
4 comment on that. I mean, there were rumors and rumors of rumors and it's like, okay,
5 without facts -- I'm a facts guy. I'm -- I'm not interested in hearing rumors. If you've
6 got something to back it up, great. I want to hear about it. If you don't, go find
7 something to back it up before we talk any further.

8 Q I appreciate that clarification. We're, yeah, just interested in if they had
9 shared with you, like, hey, we have people on the ground that are looking into these
10 machines; this is what they're saying. That sort of thing, not rumors --

11 A Yeah.

12 Q -- more, you know, what you assumed they might be doing or weren't doing.

13 A Yeah, I don't recall that they shared that with me.

14 Q Okay.

15 A It seems like that would have stood out in my mind.

16 Q For this electronic side of, you know, allegations of fraud, these concerns
17 that you had, was there an expert that during the hearing you presented to speak to that
18 aspect of the fraud -- of the purported fraud?

19 A Yeah, Colonel Phil Waldron made a presentation, and it was -- part of it was
20 around, if I recall correctly -- and it's been so long since this happened and there's been so
21 much information that has come in since, I have a hard time separating what I knew then
22 versus what I know now. So you're going to have to give me a pass on that.

23 Q Okay.

24 A I do know that there were -- there were two conversations. One was about
25 internal, meaning on the box, on the machine things that could go terribly wrong. And

1 then there was the conversation around election security, not election integrity, but
2 election security, external penetration, if you will, by nefarious actors or hostile actors,
3 and specifically around since -- you know, the big gray elephant in the middle of the room
4 is that Maricopa County uses Dominion voting machines.

5 Those have since been -- and even at the time there was an allegation by Harri
6 Hursti, hey, better pay attention here. These machines can be hacked.

7 So the question was, do you have evidence that they were, or are you
8 representing -- and this is the day of the hearing -- or are you presenting evidence that
9 they were, or are you presenting the potential, which -- which of those is this. And
10 that -- like I say, that should be on the video. If you want to go back and watch it, you'll
11 be able to hear Colonel Waldron's words in his own words.

12 Q So my understanding is that Mr. Waldron worked with the Trump campaign.
13 Is he someone that you had found for this hearing?

14 A No, he -- I believe that he was with the Giuliani team. Well, my assumption
15 is that he was with the Giuliani team. I don't know that for a fact. He appeared about
16 the same time they did. So that would lead one to believe that he at least was
17 somebody that they were calling as an expert witness since he's -- that's -- cyber warfare
18 is his bag.

19 Q And it -- was the first time that you were -- learned about Mr. Waldron in
20 connection with this hearing the November 30th hearing?

21 A I had -- hmm. That's a good question. I don't remember when I met
22 Colonel Waldron, if it was before or after. I don't know.

23 I know that he was involved in analysis of a number of states. I believe
24 Pennsylvania, Georgia, Michigan, but I don't -- I'm sorry. I'm not prepared with the
25 timeline on when that was, if I met him before or after. I honestly don't recall when I

1 first met Colonel Waldron, but I think the first -- if memory serves me correctly, the first
2 time I met him in person was November 29th or 30th.

3 Q Okay. And I appreciate the -- I know it's been a long time, so we're not
4 going to hold you to it. It's hard -- I'm sure it's hard to remember the first time you
5 meet someone if you've interacted with them multiple times.

6 I think you said he was -- you thought he was involved with the analysis of
7 different states; is that -- is that right -- Mr. Waldron?

8 A I've heard he's been involved with the analysis of electronic voting
9 equipment in multiple states.

10 Q And did you talk to him in connection with that work that he was doing, or
11 you just heard of -- that he might be doing that work?

12 A No, I -- I heard his testimony.

13 Q Okay.

14 A And I -- you know, through -- through the -- through news media that he
15 had participated in analysis of various voting stations, voting equipment. But until
16 November 30th, I, you know, didn't know the guy.

17 Q Okay. I'm going to pull up an exhibit. This is Exhibit 3.

18 [REDACTED] And, [REDACTED] if you can go down.

19 BY [REDACTED]

20 Q Mr. Finchem, can you see that email? Let us know if it's too small to read.
21 We can make it bigger if it is too small.

22 A No, I can read it.

23 Q Okay. So this is an email from November 21st, 2020. This is not
24 something that you produced to us, but we obtained through the course of our
25 investigation.

1 Is that a -- the "from" email address, is that an email address that you use or
2 have -- or used at the time, 2020?

3 A It is.

4 Q Okay. And it looks like this is to Christina Bobb; is that right?

5 A And to my colleagues, yes.

6 Q Yeah. Okay.

7 And if you look in the "to" line, there's a Mark, and it says [REDACTED]

8 Do you know who that is, who Mark is?

9 A Yeah, Mark Martin who is a retired supreme court justice from North
10 Carolina, I believe.

11 Q And do you see the emails in the cc line? Those are your colleagues in the
12 Arizona State Legislature?

13 A Uh-huh.

14 Q Okay.

15 A So Mr. Biasiucci is the House whip. Mr. Borrelli is Senate whip.

16 Q Thank you.

17 The subject is, Legal Theory Analysis. If you want to read this, it says, Christina,
18 as soon as Chief Justice Martin sends what he has to me, I will see to it that you also
19 receive it.

20 Do you remember sending this email to Ms. Bobb, Chief Justice Martin and your
21 colleagues?

22 A Uh-huh.

23 Q Okay.

24 A Well, I don't remember sending it, but I did. And as I recall, this was an
25 inquiry short of a public records request. It was, hey, what do you know about this,

1 okay. People are asking me for information all the time.

2 Q Great.

3 So just to clarify, were you -- you were the one asking what do you know about
4 this?

5 A No, I was --

6 Q Maybe I should clarify that question.

7 A No, no, no. I was asked what do you -- what do you know about legal
8 analysis -- the -- what do you know about -- is there any work product that you're putting
9 together, what do you know about this, what do you know about that.

10 Again, this kind of goes back to my understanding that she was a news reporter.
11 I presume she was following up on some kind of lead or some kind of a question.

12 Q So from what you can recall, Ms. Bobb had asked you what you knew about
13 some sort of legal issue?

14 A Yeah. It was pretty obvious in the -- out in the public sphere that we were
15 putting together a -- well, in fact, we announced it, I think -- by November 21st, we'd
16 announced it -- that we were looking at what -- what are the courses of action that the
17 legislature has available to it for hearings, for actionable items, you know, lot of
18 questions, whole lot of questions.

19 And as I recall, I would have been responding to a question that somebody asked
20 me -- because we get -- we get two kinds of public records requests. One are the formal
21 what you probably would call a FOIA, and the other is that request which -- it's basically a
22 phone call saying are you guys working on something like this.

23 I mean, I get a dozen calls like that a week, and because I try to be very
24 transparent and instructive to folks, yeah. So, in fact, I'd much rather do it this way than
25 through a public records request because then it's -- we're portraying government as

1 transparent as opposed to we're going to have to suck information out of you in order to
2 get it.

3 Does that make sense?

4 Q Yeah, I have a --

5 A Okay.

6 Q I think so. Maybe I'll just -- I guess what -- initially, I just want to clarify.

7 And it might help -- what if we look at the attachment because I want to just make sure
8 we're both on the same page --

9 A Okay.

10 Q -- of this specific type of request.

11 [REDACTED] Grant, if you could turn to Exhibit 3A.

12 BY [REDACTED]

13 Q So this is the attachment that you sent to Ms. Bobb and the others.

14 A Uh-huh.

15 Q It's a legal theory brief addressing uncertifiable elections.

16 So I guess my question is, was Ms. Bobb asking about, you know, the issue here,
17 whether the Arizona legislature is bound by the state constitution and state statutes.

18 Is that something she was asking you?

19 A No. I don't remember the exact question, but apparently she had found
20 out that there was an internal memo.

21 It's kind of like that's why it feels like she was asking the question more as a
22 reporter. Got wind that I had done this. Because this was actually addressed to the
23 Speaker of the House and certain members within the body asking the question, okay, so
24 what is the issue and is there anything that we are duty bound to do if we find certain
25 things are amiss.

1 That's maybe the short way of saying this.

2 Again, it's all around trying to answer questions that the -- that the members were
3 having, so putting that together myself and having a couple of individuals who I know
4 take a look at it, that's what this is about.

5 Q So this -- this legal theory brief that we're looking at, Exhibit 3, this is
6 something that you prepared with the help of maybe a couple of other people?

7 A Well, yeah. In my -- in my travels through University of Arizona Rogers Law
8 School, I came across a whole bunch of constitutional law scholars and drew upon them
9 partly as a learning exercise, but also partly as a due diligence exercise for me and my
10 colleagues around certain questions that individuals were asking.

11 So that was the -- are you still there?

12 Q Yes, can you -- can you see us?

13 A Yeah. It looked like you dropped.

14 Q Oh, apologies.

15 A So, I mean, this is as much a due diligence exercise than anything else.

16 Q Okay. So just to confirm that I understand this correctly, you prepared this
17 after you were receiving questions about this issue, whether the state -- Arizona
18 legislature is bound by the state constitution and state statutes?

19 A Uh-huh. Yeah. Like I said, I've got some really smart constituents who are
20 asking me questions. And when I don't have answers to them, I consult the facts; I go
21 back and take a look at, well, all right, to answer that question, what do we have here.

22 And then, of course, communications like that because of the position I was
23 holding as the federal relations committee chair, it's courtesy to send whatever your work
24 product is on to the Speaker of the House.

25 ████████████████████ If we go down a bit, ██████████, in this document. A little bit

1 further down. Right here is good.

2

3 Q Mr. Finchem, do you see the sentence that says, The legal theory supported
4 by retired Chief Justice Martin?

5 A Uh-huh.

6 Q So I'm wondering how -- how -- what was the basis, you know, of the
7 statement in this memo that there was a theory supported by Chief Justice Martin?

8 Is he one of the people who helped you with this memo?

9 A I wouldn't say that he helped me with the memo. I probably reached out
10 to, I don't know, a half dozen constitutional scholars because the -- the question that we
11 were grappling with is in the hierarchy of constitutional law. And I presume all three of
12 you are lawyers, so I'm probably telling you something you already know. The question
13 is, is a state -- can a state legislature be bound by a state statute when it is performing a
14 federal duty.

15 Now, under Article 1, Section 2, Clause 1, it's the legislature to choose the time,
16 place and manner of elections. And looking at the jurisprudence that came up out of
17 this search, this due diligence search, it became very clear that the Supreme Court has
18 already ruled that legislative authority -- because all authority rises from the people to
19 the legislature, legislature to the federal government -- that the legislatures do indeed
20 have plenary authority.

21 Okay. So how does that manifest itself? And that's one of the discussions that
22 not only were we having here in Arizona and given to understand that legislators across
23 the nation were having that very same conversation around, okay, if there is -- maybe I'll
24 couch it this way.

25 Regardless of what the election is -- let's call it a mayoral election or council

1 election in Florida. If is there a case where the election is irredeemably compromised,
2 what is the consequence for that? If -- if it's in law that there's a consequence, okay,
3 then you follow the law.

4 What if there isn't a question -- I'm sorry, what if there isn't a consequence that's
5 in law. And one of the discussions that came out of that was, well, because the
6 legislature has plenary authority, it cannot be bound by a state law when it's acting in its
7 federal duty, whether it's a state statute or a state constitution. Because of the
8 Supremacy Clause, the U.S. Constitution and the legislative responsibilities that arise from
9 that supersede anything that the state might try to do.

10 So that was -- the purpose of the legal memo was to just simply try and
11 understand, okay, what -- if there is something, what does that look like.

12 Q You said that you probably reached out to a half dozen constitutional
13 scholars in connection with this legal theory brief.

14 Do you remember who -- who you might have reached out to?

15 A Oh, well, Rob Natelson. He is pretty prolific. John Eastman, Dr. Martin.
16 There are a couple of other individuals related to Dr. Martin; quite frankly, I don't
17 remember their names. George Wentz and a Jon -- a former solicitor general of the
18 U.S.; I can't remember his last name -- Saylor, Say -- something like that.

19 And, you know, just trying to get some of the -- the more brilliant minds that have
20 been in this body of law for decades to try and understand what is the -- what -- what
21 makes some of this operable, or is it inoperable because there's -- yeah, there's words on
22 paper, but there's nothing that makes it operable.

23 And in the final analysis, the question came down to whether or not the
24 legislatures have plenary authority, and we resolved that. I think it's the Blecker case.
25 It's like -- and there's a couple of others where the SCOTUS has reiterated multiple times

1 that legislatures have plenary authority, and they have the authority to do many things.
2 And a lot of that falls under the unenumerated powers that the legislatures retain.

3 Q You mentioned a -- you know, various constitutional scholars. I think you
4 said Rob Natelson, John Eastman, Mark Martin.

5 How did you know who to contact about this or who to go to?

6 A Research.

7 Q And these were the -- the scholars who you thought would -- would have
8 answers to the questions you had?

9 A Well, yeah. That's why I reached out to them.

10 Q Did you reach out to anyone from the Trump campaign about -- you know,
11 to see if they had looked into this issue?

12 A Well, I don't know who all is associated with the Trump campaign. So -- I
13 mean, I reached out to a lot of people in trying to do my due diligence, and whether or
14 not -- it's my understanding that Trump campaign had association with a lot of lawyers, so
15 I wouldn't know whether or not they were part of the Trump campaign or not.

16 But trying to get a full understanding, I reached out to a whole bunch of lawyers,
17 and some of them it was just a quick conversation, hey, explain to me what plenary
18 power means in your mind, explain to me what your thoughts are on, you know, state
19 authority and how that interacts with the U.S. Constitution.

20 So whether or not I had interaction with other lawyers having to do with the
21 Trump campaign, to be honest with you, I have no idea.

22 Q What about Rudy Giuliani? Do you remember asking him -- talking to him
23 about this issue?

24 A I think at some point afterwards we had a -- a conversation or a couple of
25 conversations because I had a -- questions -- follow-up questions for his legal theories,

1 his -- his thoughts on some of the things that had been presented in the -- in the hearing.
2 But those would have been primarily phone conversations.

3 We might have -- I don't -- I -- because I don't do very much in the way of texting, I
4 don't recall -- it might have been -- usually -- the texts that you'll see for me, hey, do you
5 have time for a phone call. That's usually what you'll see from me.

6 Q Do you recall talking with Mr. Giuliani about, I guess, specifically Arizona law
7 and how it interacted with federal law -- the federal constitution on this issue of, you
8 know, calling a special session?

9 A I'm sorry. Can you repeat the question? I'm not sure I understand it.

10 Q Yes. Sorry. It wasn't a good question.

11 Do you remember talking to Mr. Giuliani about the -- the issue that was -- and we
12 can pull it back up -- the issue that you had presented in your legal theory brief about
13 whether the Arizona legislature was bound by the state constitution, state statutes to call
14 a special session?

15 A I might have asked him about it. I know that he had a conversation with
16 the Senate president the day after the hearing. I wasn't part of that conversation. He
17 probably already knew that we have to have a two-thirds body in order to call a special
18 session without the governor calling the special session. And with a 31-29 split in the
19 House of Representatives, 31 Republicans, 29 Democrats, it's a virtual certainty a special
20 session would not be called by the body.

21 Q What about Jenna Ellis? Do you know who that is?

22 A I do.

23 Q Did you talk to her about your legal theory brief if you can recall?

24 A I don't recall.

25 Q For someone we know -- I understand it was a lawyer associated with the

1 campaign, Katherine, I don't know if it's Friess or Friess, F-R-I-E-S-S.

2 Do you know who that is?

3 A I know who it is. I didn't know what her connection to the Trump campaign
4 would be.

5 Q Okay. Do you recall interacting with her in connection with the
6 hearing -- the November 30th hearing?

7 A A little bit, but I don't remember exactly what the conversations would have
8 been. I -- I do remember that she was -- this is going to the Wayback Machine. I think,
9 actually, Christina Bobb came down ill -- I had forgotten about this. Christina Bobb came
10 down ill just before the hearing and handed off the point of contact organizational stuff
11 to Katherine Friess, but the conversations that we had would have been about getting
12 people from one place to another, the organizational stuff having to do with the hearing.

13 And we did not have -- to the best of my recollection, we did not have any
14 conversation around -- other than offhanded comments, maybe, about what do you think
15 of this, what do you think of that. I wouldn't call it any substantive conversation about
16 the contents of the hearing or those kinds of things.

17 I don't recall that.

18 Q Okay.

19 [REDACTED] if you could pull that -- if you can just go back to that
20 Exhibit 3A.

21 [REDACTED]

22 Q I just had another question, Mr. Finchem, about the document. If we go to
23 the bottom of page 2.

24 [REDACTED] Sorry. A little bit further down, please. There we go. And a
25 little bit further down, but keeping -- okay.

1

2 Q Mr. Finchem, do you see where it says, References and Notations,
3 Post-Election Questions Prepared by House Counsel?

4 A Yeah.

5 Q So what is -- what is this section? It was a little unclear to me what this
6 section was, this part of your brief -- the legal brief.

7 A You're going to have to scroll down a little bit more so I can see.

8 Q Yes.

9 A [Witness reviews document.]

10 Oh, so the question that I had in my mind was back to the question of plenary
11 authority, and that is Arizona -- or ARS 16-212, notwithstanding, if plenary authority and
12 the duty of the legislature to address an election that is encased in controversy, if
13 that -- under the Supremacy Clause, if that supersedes state statute, then the question is
14 operability of 16-212, whether or not it's even -- is it even operable.

15 That was one of the questions in my mind, you know, if you -- if fraud vitiates
16 everything, then the question becomes if -- and part of this is, okay, trying to look into the
17 future, beyond the hearing, what are the eventualities that we might see.

18 A, it was a flawless election. Nobody can complain. Everything was fine. B,
19 well, we had some problems, but those problems wouldn't have changed the outcome.
20 C, we had fraudulent behavior; we had misrepresentation; we had, you know,
21 maladministration, but it still wouldn't have changed the outcome. Or, D, same
22 argument, but it could have changed the outcome. It would have gone to a case where
23 a particular county -- because we have 15 county elections here, it would have gone to a
24 case where a county, because of the activity, was irredeemably compromised.

25 Okay. If you set that aside -- that election aside as a consequence for its

1 irredeemably flawed nature, then what is the -- what happens? And under Arizona law
2 ARS 16-212, again, what it's saying is that because the electors have already been elected,
3 the legislature cannot retroactively change the selection for November 2020 election.

4 Well, except, under the Supremacy Clause that doesn't hold water.

5 And then you take into account the 1960 election in Hawaii where electors were
6 awarded to Nixon. A recount was done after those electors were transmitted to
7 Congress. And at a point after that happened, the recount was done. It was revealed
8 that John F. Kennedy actually won and the State of Hawaii withdrew their electors.

9 Okay. Nobody has talked about that.

10 And the case now becomes, all right, if it was legal then, under what authority did
11 they do that? Did they do it under state statute, or did they do it under federal -- under
12 federal law under the Constitution?

13 So, again, that kind of gives you a -- you're able to peer into my mind as to the
14 questions that we were trying to get an answer to, is ARS 16-212 even operable.

15 I didn't comment on that in here, but I thought it was questionable on its face
16 given the plenary authority of the legislature.

17 I hope that answers your question.

18 Q So it sounds like, though, for these questions and answers, you didn't
19 prepare this section of -- of the legal brief; is that right?

20 A Well, I had a hand in it.

21 Q Oh.

22 A I mean, you're going to have to scroll down a little bit further.

23 Q Yeah.

24 A Stop.

25 [Witness reviews document.]

1 I would say that this -- yeah, I remember now. This is a -- this was kind of a gang
2 tackle. Everybody was looking at this. When I say "everybody," you had a whole
3 bunch of different constitutional lawyers saying, okay, if you look at state statute, this;
4 you look federal statute, that.

5 So it was a robust conversation, and what you see here is the condensed, if you
6 will, notes of, you know, here's the things that we observed and the conversation that we
7 had around what is perhaps the most serious question that I'll face in my lifetime,
8 what -- what exactly -- what does this mean and what is our pathway -- what is our path
9 of action.

10 Q If we go back to Exhibit 3, the cover email to this attachment, and we go
11 down -- so you -- you sent this document to Ms. Bobb --

12 A Uh-huh.

13 Q -- Chief Justice Martin and some of your colleagues.

14 Do you recall doing anything else with this document, you know, sending it to
15 anyone else?

16 A I'm sorry?

17 Q Do you recall sending this document -- the legal brief -- legal theory brief to
18 anyone else?

19 A I don't recall, but I'm -- you know, I've -- I've given you all the documents
20 that I've got, and if it's not in there, probably not.

21 You know, the -- it's -- it's possible that it would have been sent to the folks that I
22 previously mentioned just for them to get eyes on it. So I don't remember how widely it
23 was distributed, but, again, it was a -- a search for answers, kind of looking at, all right, is
24 there an agreement here or is this incorrect.

25 And I should add that there were probably quite a few telephone conversations

1 around what was on paper and whether or not the argument met a legal standard that
2 was defensible, or if it was just, you know, this is -- this is -- this is not a -- a
3 viable -- what's the word I want to use? -- this is not a viable place to stand because what
4 you've -- you've collected a bunch of different legal theories -- what we were trying to do
5 is get to the place where it was cogent and understandable and whether or not it
6 answered the ultimate question: Do legislatures more generally have the authority to
7 act in a specific way, meaning the way that is outlined in that document.

8 Q Do you know whether Ms. Bobb did anything with the legal theory brief that
9 you prepared?

10 A I have no idea.

11 Q Let's see. Okay. Go to --

12 [REDACTED] Can I step in?

13 [REDACTED] Oh, yep.

14 BY [REDACTED]

15 Q Representative Pinchem, my name is [REDACTED]. I introduced myself
16 earlier. Just a few quick questions as follow-up.

17 My understanding on this document and the attachment that we just looked at
18 and the memo is that the question-and-answer section looks like it came from House of
19 Representative legal counsel, and that your memo was kind of in response about the
20 bigger issue that you mentioned of whether or not there is some kind of role -- supreme
21 role of the state legislature to do something notwithstanding state statutes.

22 Is my understanding correct that that question-and-answer session came from
23 House counsel?

24 A Well, there was an input from House counsel, certainly, and part of the -- the
25 back and forth is I disagreed with House counsel. They were asserting that state statute

1 had some level of authority and the constitutional scholars were saying, where did you go
2 to law school.

3 Q Understood.

4 And one of the things you mentioned is that there's a lot of questions around this
5 time. We were looking at late November. I think this was from November the 21st or
6 thereabouts.

7 A Uh-huh.

8 Q There were a lot of questions about what legislatures could do, meaning
9 having hearings or some other actionable items.

10 As far as the other actionable items, is this one of them that's mentioned in this
11 brief of choosing its own electors?

12 A Well, I think the -- I would probably portray the question differently, and
13 that is if a -- an election is found to be irredeemably compromised, and again going back
14 to the legal doctrine that fraud vitiates everything. So what's the consequence? You
15 let an irredeemably flawed county election stand, and -- and if you do, you now have
16 corrupted election. If you don't, then what is the action necessary to correct that
17 problem?

18 Now, one of the things that might play out is you set that aside, and it alters the
19 way -- the way that electors are allocated.

20 All right. Well, so far that hasn't happened, but this is more, again, around a -- a
21 question/answer "what happens if."

22 Q Right.

23 And the -- on the "what happens if," the triggering thing there, as I understand
24 you to be saying -- I don't want to put words in your mouth -- is having irredeemably
25 compromised election, some words to that effect that you used; is that right?

1 [REDACTED] I think we just lost Mr. Finchem. Mr. Lawson, can you still hear
2 us? I think you're on mute.

3 Mr. Lawson. Yes, I can still -- I'm hearing everything.

4 [REDACTED] Okay.

5 Mr. Finchem. Sorry. I lost connection there. They just changed my password
6 on the state system, so they interrupted me. I didn't hear the last, like, 60 seconds.

7 [REDACTED] Yeah, that's quite all right. Let me ask it again.

8 BY [REDACTED]

9 Q So for the state legislature to do something, it sounds like in your
10 mind -- and the questions sort of, like, here -- the triggering event would be the election is
11 "irredeemably compromised."

12 I think you used that phrase.

13 A Yeah.

14 Q Is that the necessary condition for the state legislature to take some action
15 as you understood it?

16 A Well, maybe it's -- that's part of it. The other question is -- and, you know, I
17 address this in my -- in my letter to Vice President Pence. If there is a case of
18 controversy in the courts and there is sufficient evidence to justify a -- an audit, is it
19 proper to proceed with the awarding of electors knowing that those are still open issues.

20 So all of that was going into the -- the decision-making process of -- of -- well,
21 actually, the due diligence process of are we living in the land of "is" or the land of
22 "ought." Do we want to make sure that -- of course we want to make sure that anything
23 we do is grounded in constitutional authority, and the -- the question about altering
24 electors, that is more a question of, okay, if something is found, then what is the
25 appropriate response.

1 That's way down the path, but knowing that we were on a very tight timeline, we
2 needed to know if there were options, what might those options be. And if there are
3 not options, then we need to discount them as quickly as possible.

4 Q And these options -- yeah, these options that you mentioned, including the
5 electors that you're considering given the tight timeline, is that something you discussed
6 with Ms. Bobb?

7 A I don't remember.

8 Q How about Mr. Giuliani? Is that something you discussed with
9 Mr. Giuliani?

10 A Well, as another lawyer. And, quite frankly, I probably -- I had that
11 conversation with every lawyer in the room because I -- because I'm not a lawyer -- I want
12 to be very specific about that; my master's degree is not putting me in the status of
13 esquire, thank you very much.

14 Q Yes. Understood.

15 You mentioned having a couple of calls with Mr. Giuliani. Can you tell us what
16 happened in those calls? What did you guys talk about?

17 A Probably more along the line of is there any -- is there anything else that you
18 had developed in the way of things that we should consider, you know, or --

19 Q Meaning him asking you whether there's anything else you --

20 A No, no, no, me asking him. It's like -- because it was very clear that was an
21 ongoing effort by his team to investigate, uncover, whatever word you want to use, but
22 to collect evidence and information. The fact that they had an ongoing operation, and
23 this was something that obviously Arizona had a problem that we were trying to address.

24 And on my quest to have as much information as possible to present to the body
25 and to do exhaustive due diligence, I probably had a couple of phone calls with

1 Mr. Giuliani around have you found out anything else, you know.

2 One of the things that I really wanted to know about was the electronic
3 penetration or the potential for electronic penetration and whether or not they were able
4 to confirm some of the information that had been presented in the hearing.

5 Other than that, I -- frankly, I don't recall. I usually didn't get a call back. If I
6 called them to find something out -- I did text him once and said, hey, I do have a
7 question for you if you have a minute to answer it.

8 Q Did Mr. Giuliani ever get back to you with the answer to your question about
9 proof of electronic penetration?

10 A I don't recall ever getting a response back on that, no.

11 Q And what about this issue -- you mentioned -- you called -- referred to it as
12 alternate elector, so I'm going to refer to it the same way.

13 Did you discuss alternate electors with Mr. Giuliani?

14 A I don't recall having that conversation specifically. I do recall having the
15 constitutional question around plenary authority. You know, that -- that was the thing
16 that I was trying to get an answer to.

17 Q When did that conversation happen to the best of your recollection?

18 A It was after the hearing.

19 Q Shortly after, or are we talking like a month after?

20 A I would say within a couple of weeks because November 30th we're getting
21 into the Christmas holiday. It would have been within a couple of weeks, and to the --

22 Q And you sent --

23 A -- best of my knowledge --

24 Q -- this --

25 A -- I was pretty well unplugged for a while.

1 Q Okay. And you sent this memo that we're just looking at on or about
2 November the 21st.

3 Did you have any follow-up conversations with Ms. Bobb about this memo and the
4 issue of plenary authority?

5 A I don't recall any specific conversations with her, no.

6 Q You mentioned Mark Martin. He's one of the people who's cc'd on this.

7 A Uh-huh.

8 Q You also ran through a list of names including Mr. Giuliani, Ms. Ellis,
9 Ms. Bobb, Ms. Friess or Friess.

10 Did any of them give you -- suggest that you reach out to Mr. Martin -- or Chief
11 Justice Martin in looking into this issue of plenary authority?

12 A No, I did that myself.

13 Q You just found his name by yourself? You weren't given it by anybody?

14 A Well, I read a law review article that he had written and some other
15 information, and I'm thinking, okay, this guy -- and I think that -- as I recall, we had a
16 mutual -- I don't want to say colleague -- a mutual acquaintance, and that individual said,
17 hey, there's somebody you need to talk to. This Mark Martin guy, he is a constitutional
18 scholar that -- he's worth listening to.

19 And, again --

20 Q Who's that --

21 A -- you know --

22 Q -- colleague --

23 A -- [Inaudible].

24 I'm sorry?

25 Q Who was that colleague? I'm sorry to interrupt you.

1 A I don't rightly remember if it was Rob Natelson or if it was somebody else.

2 Q Same question about Professor Eastman. Were you given his name by
3 anybody associated with the campaign and those I just listed off?

4 A All right. Let me finish answering the last question.

5 Q Sure. I'm sorry. Go ahead.

6 A I don't recall specifically the conversation or who I had it with, but I do -- I do
7 remember saying, hey, do you mind if I give Mark Martin your phone number. It would
8 be productive for you to have a conversation with him. He's -- he's got some knowledge
9 in this -- in this area.

10 Supreme Court Justice of North Carolina? Yeah, I'm thinking so.

11 All right. Your next question again.

12 Q Yes. I appreciate it. I'm sorry for interrupting you.

13 Same question for Professor Eastman. Did anybody associated with the Trump
14 campaign or the Giuliani legal team, as you understood it, give you Professor Eastman's
15 name and suggest that you contact him?

16 A Well, as I was asking for constitutional scholars that I might reach out to in
17 my own due diligence search, John Eastman's name came up. I don't know that they
18 made a recommendation that I call him.

19 I did notice that he was very involved in a number of cases in controversy having
20 to do with this around the country. I guess that's kind of like a bug to a light -- a bug
21 zapper. I got attracted to the light. It was like, okay, if this guy's got information that I
22 need to hear, then I probably ought to call him or at least interact with him.

23 Q Makes sense.

24 Do you remember who gave you his name?

25 A Gosh, I don't. I don't.

1 Q Do you remember --

2 A I do know that he -- he was a pretty prolific figure, and I -- I probably went on
3 the hunt for his contact information, and that's how we came to be -- that's how we came
4 to have interaction.

5 Q Okay. And even if you don't remember exactly who gave it to you, do
6 you -- was it your understanding that you received it from somebody who worked with
7 Mr. Giuliani or his legal team?

8 A You froze up.

9 Q I'm sorry.

10 Even --

11 A Sorry. I didn't hear the question.

12 Q No -- no problem. Let me start over.

13 Even if you don't remember exactly who it was that gave you Mr. Eastman or
14 Dr. Eastman's name, is it your understanding that you received it from somebody working
15 with Mr. Giuliani or his legal team?

16 A I can't say that. I don't know who I -- I really do not recall who I received
17 John Eastman's contact information from, but I -- I do recall that he, as I said, is -- was a
18 prolific figure and somebody that I thought it was important to talk to.

19 [REDACTED] Great. Thank you, Mr. Finchem. [REDACTED] Let's go to
20 Exhibit 4 [REDACTED] And this is another email exchange.

21 [REDACTED] And if you can go down, [REDACTED] to the first email.

22 BY [REDACTED]

23 Q So, Mr. Finchem, are you able to see that. It's a November 21st, 2020
24 email.

25 A Uh-huh.

1 Q Okay.

2 A Yes.

3 Q Okay. It says from Floyd Brown to you. Subject: Here's the memo.

4 You can now release it.

5 Who's Floyd Brown?

6 A That's a media company.

7 Q Oh.

8 And it looks like Floyd says, Let me know if you have any questions. Yours Truly,

9 Floyd. [REDACTED] And if you go up [REDACTED] in Exhibit 4.

10 BY [REDACTED]:

11 Q You forward this to Christina Bobb. You say, From Justice Martin and Bill
12 Olson.

13 Who's Bill Olson?

14 A You know, that might be the guy that connected me with Justice Martin.
15 He's an attorney that I came across in research, and somehow we got connected. I
16 asked a question. He responded to it, and we struck up a conversation.

17 Bill Olson, I think -- he's my contact pathway to Justice Martin. That's how we
18 came to -- to be connected.

19 Q And is -- is Bill Olson one of the constitutional law scholars that you
20 consulted with in connection with these questions of, you know, plenary authority and --

21 A Yeah, I don't know that I would say he is a constitutional scholar. He's an
22 attorney, certainly. And I don't know -- I mean, the constitutional scholar world, I think
23 they get pretty persnickety about using that term because it's a -- I wouldn't say it's a
24 closed group, but they're rather proud of what they do, and I don't know that Bill would
25 take that on as a -- a moniker.

1 But I do know that he's an attorney, and I do know that he -- you know, we had a
2 number of conversations around -- you know, if we have problems, what are the
3 remedies; what does this look like; how do we draft public policy to address -- to address
4 this kind of a problem if that's what we're facing.

5 Q If we go to the attachment that's Exhibit 4A.

6

BY [REDACTED]

7 Q This is what you received from Mr. Brown and later forwarded to Ms. Bobb.
8 The Constitutional Duty of State Legislatures in a Contested Presidential Election.

9 A Uh-huh.

10 Q And do you remember this document?

11 A I do.

12 Q Why -- do you know why Mr. Brown sent this to you?

13 A Well, he's a constituent, number 1, and he's one of those people who is
14 deeply concerned about what happened in Arizona and had questions.

15 It's like, well, okay, so if you know something, if you see something, you have a
16 document that might be helpful in our due diligence, bring it.

17 Q So is it your understanding it was Mr. Brown -- he's -- who obtained this
18 memo and then sent it to you?

19 A I don't remember the exact context, but from time to time I get things from
20 constituents saying this might be of interest to you; this -- I know you're looking for
21 something; perhaps this is something that would be of interest to you.

22 Q It has one of the authors -- it says Patrick M. McSweeney.
23 Do you know who that is?

24 A No idea, ma'am.

25 Q Okay. Do you remember why you sent this to Ms. Bobb?

1 A Well, I thought it'd be interesting. I mean, we had struck up a conversation
2 around the things that were going on because I know she's got one foot in the broadcast
3 journalism area and one foot in the legal area, you know, having an ongoing conversation
4 around legal matters.

5 And at the time, by the way, I would like to put out there that this is about the
6 time that I was going through my constitutional law class. So it's interesting that that
7 pops up at the exact same time that I'm getting my education.

8 And, you know, when you start having that academic discussion, you have
9 questions, and this is one of those things I thought, well, this is interesting. This is an
10 interesting paper. It's come across my path, answers some of the questions that I've
11 got.

12 I sent it off to a number of people, not just Christina Bobb, but also to a couple of
13 my good friend attorneys who are -- I don't know that they're constitutional law
14 attorneys, but they're -- they're the kind of academics who like to look at stuff like this.
15 Apparently they don't have a life.

16

17 Q You just mentioned you may have discussed this with Ms. Bobb because you
18 struck up a conversation with her about the issues addressed here.

19 Tell us about the conversation you had with Ms. Bobb on these issues.

20 A Well, it's -- you know, the -- the issue of the day is a case in controversy.
21 And as we take a look at some of the -- and this is -- this is probably at the point where I
22 found out that she was an attorney. And as we start digging into this, I want to know
23 more information: I'd like to have your perspective on this; I'd like to know what do you
24 think of this.

25 That's probably the extent of the conversation.

1 Q Do you remember what you said to her and what she said to you?

2 A No, man, that's been a -- that's a year and a half ago. I don't remember
3 what I said yesterday for a lot of things.

4 Q Okay.

5

6 Q Do you know why Mr. Olson and Mr. McSweeney prepared or published this
7 memo?

8 A I couldn't speak to their motivation. I -- it's -- I think it's very well done. I
9 think if I were to hazard a guess, it's a research paper. It's something that was an issue
10 of the day.

11 Obviously, they took some time out to prepare it, and I think they did an excellent
12 job. I think that they were trying to inform a guy who was asking some questions.
13 Now, whether or not they prepared this for me, I doubt it. There was a lot of work that
14 went into this thing.

15 So I wouldn't be able to speak to their motivation for doing the work, but I did find
16 it very useful and very illustrative.

17 Q Do you remember if you asked them to prepare this memo?

18 A I don't think so. I mean, I -- I asked for information. I didn't specifically
19 ask anybody to prepare a memo that I recall.

20 Now, there might have been offers to prepare such memos.

21 I did have a conversation with Justice Martin around, you know, what's
22 the -- asking the -- the student question: So, what's the body of law that you're talking
23 about having to do with plenary authority?

24 And that was the thing at the time that I was, quite frankly, a bit fascinated about
25 because I had always been told that, you know, state legislatures have to act within state

1 statute. And, you know, now I'm confronted with something that's like, well, that's not
2 necessarily the case.

3 So I had some questions for my professor at UofA in the classroom forum, well,
4 what about something like this. And the response was crickets.

5 Q Did you have any involvement in preparing this memo?

6 A Other than asking questions and giving feedback on. I -- I can't say that I
7 did or didn't. I mean, I -- I don't know when these folks exactly did this. I -- as a guy
8 who's a nonlawyer, I'm pretty sure that they really didn't have a lot of regard for anything
9 that I might say other than for me asking questions. I mean, you look at the -- at the
10 folks that are on this thing. I'm just a guy. They're the ones that have esquire behind
11 their name.

12 Q You mentioned feedback. Do you remember giving feedback on this
13 memo?

14 A Outside of asking questions, that's probably the only -- maybe "feedback" is
15 the wrong word. I had a lot of questions.

16 Again, this goes back to you got a nonlawyer legislator who takes his job pretty
17 serious trying to do due diligence and grapple with the understanding, this -- this legal
18 theory that state statute cannot -- that legislators cannot be tethered to state statutes
19 when they are acting on a question that is contained in the federal constitution.

20 So I -- I'm not sure that my -- my commentary or my -- our discussion, my asks, my
21 thoughts were relevant other than asking the question or asking a series of questions that
22 I believe were answered in this memo.

23 Q If we go back to the first email, Exhibit 4, the cover email to this. So you
24 can see that you sent this to Ms. Bobb on November 22nd. We understand that Rudy
25 Giuliani and President Trump spoke with Speaker Bowers on -- on that same day, on

1 November 22nd.

2 Do you have any information relating to that phone call?

3 A I do not.

4 Q Okay.

5 [REDACTED] Go to Exhibit 5.

6 [REDACTED] This is another email. Go down --

7 BY [REDACTED]

8 Q So this is -- can you see that, Mr. Finchem? It's a November 29th email.

9 A Yep.

10 Q Okay. So it's an email from you to someone named, I believe, Lyle Rapacki
11 and Christina Bobb.

12 A Yeah.

13 Q Who is Mr. Rapacki?

14 A He was the security detail person for the November 30th hearing. And this
15 is an organization -- it looks to be an organizational email letting folks know, you know,
16 what's the -- forgive the expression, order of show; who are people that are going to be
17 giving testimony and how did they get access through Mr. Rapacki to get into the building
18 because not -- you're going to have to go through a security screening.

19 We had people from Antifa and BLM and some other bad actors in Arizona. The
20 minute they found out that there was going to be something, they started to mount a
21 protest, and of course it ended up being a greater security package than what we had
22 initially asked for. And that's why we had the list of individuals who were going to be at
23 the testimony table.

24 I don't know if there was a subsequent list to this because that looks like a rather
25 short list.

1 Q There might be. This is the only email that we have related to the witness
2 list so it could have changed.

3 A Yeah, I -- the more I think about it, it was probably a phone conversation
4 with Mr. Rapacki about -- because he'd have, for example -- let's see. This is on the 29th
5 in the evening. Yeah.

6 He would have -- the following morning, first thing in the morning, I remember a
7 series of phone calls or personal contacts. He'd come up to me because he was in the
8 building.

9 Excuse me just a minute.

10 He came up to me in the building and said, hey, we've got some more witnesses
11 that we'd like to be placed on the list; where do you want them organizationally; what's
12 the order here.

13 But that basically is the -- the group of people that were allowed in the first
14 portion of the hearing, who were allowed at the witness table.

15 Q Was it just Mr. Rapacki providing these services, or did he have a team with
16 him?

17 A You mean the security services?

18 Q Yes.

19 A Well, he had a liaison with the Phoenix Police Department. I don't believe
20 the Maricopa County Sheriff's Office was there. And I think that he might have -- I don't
21 know if he employed additional private security or not. I don't believe so. I think the
22 Phoenix PD gave us three or four people on the inside, and then of course they had crowd
23 control on the outside.

24 Q So the services Mr. Rapacki were providing were more towards security
25 safety of witnesses, not he himself was a testifying witness that day?

1 A No, no, no.

2 Q And how did Mr. Rapacki get involved in the hearing?

3 A I requested his assistance in setting up -- he had done -- he's done some
4 security work around the capital for various members over the years. I asked him if he
5 would be willing to help organize this, and he said, yes, and pulled together -- I know for a
6 fact that he's got a good relationship with the Phoenix PD, and because I was trying to
7 plan the actual hearing itself as opposed to the security detail and all that, I turned it over
8 to somebody that had time to deal with it.

9 Q And in terms of the witnesses that are identified here, do you recall which, if
10 any, were ones that Ms. Bobb had proposed to have at the hearing?

11 A Possibly Phil Waldron. I presume that Phil was a part of -- I mean, he
12 showed up. I presume that he was a part of the group of people that Mr. Giuliani
13 wanted to provide testimony, but I don't know for a fact that he was -- was or was not a
14 part of Mr. Giuliani's team. As far as I knew, he was a witness.

15 Q Okay. And this first person -- it looks like a senator, Patrick Colbeck. Do
16 you recall how he was identified as a hearing witness -- or a potential hearing witness?

17 A Well, Pat and I have been friends for a while. He is a -- he's a computer
18 network guy out of Michigan and was -- has been instrumental in examining the elections
19 around the state there. He is one of the people who, I believe, started asking the
20 question about chipsets as opposed to modems and WiFi capability. Just because he's a
21 network engine -- is a guy that built the network system for Skylab, so he's got some bona
22 fides.

23 And he had some observations about what they saw in Michigan that were
24 relatable to what we might be seeing in the state of Arizona.

25 Q And how about Bobby Piton or Piton?

1 A He's the statistical analyst. Quite frankly, he lost me about five minutes
2 into his testimony. But he was doing statistical analysis on voting patterns and voter
3 registration patterns and what happened in the various counties and -- like I say, his
4 testimony is on the ten and a half hour record. If you'd like to see it,
5 he'll -- you'll -- you'll get an earful.

6 Q And do you remember how he was identified as a potential hearing witness?

7 A I think Liz Harris suggested he testify -- Elizabeth Harris. I know Elizabeth
8 and Bobby work together -- have done some work together, and he's one of those who
9 said, hey, you might want to hear what this guy has to say.

10 Q And who is Elizabeth Harris?

11 A She lives here in Maricopa County.

12 Q Okay. And how about Dr. V.A. Shiva Ayyadurai? Do you remember how
13 he was identified as a potential hearing witness?

14 A You know, I don't recall how he was identified and -- and who suggested he
15 be there, but he -- he might have, actually -- I don't remember if he contacted us. I
16 don't recall who suggested that he provide testimony, but I do remember that he came in
17 by -- he was remote and had done some statistical analysis to show that the -- the
18 numbers that were being reported were dubious; that statistically there's some things
19 that were off the charts suspicious.

20 But, again, I don't want to resume his testimony. If you want to watch the video,
21 it's on there.

22 Q Yep. No, I'm just more asking if you know how he was identified.

23 You mentioned Elizabeth Harris. I asked you who she was. Is that the same
24 Elizabeth Harris we see on this list who might have recommended one of the individuals
25 as a potential hearing witness or a different Elizabeth Harris?

1 A That's Elizabeth Harris who has the notation "dead people voting" by her
2 name, worked with Bobby Piton -- Piton, Piton -- in the statistical analysis world. I know
3 that they did some work together, but they are the two people who are listed on this list.

4 Q Okay.

5 [REDACTED] I'd like to go to Exhibit 6.

6

BY [REDACTED]

7 Q And this is a document, Mr. Finchem, that you produced to us.
8 Can you see that? It says, Arizona Election Anomalies & Concerns.

9 A Yeah.

10 Q Okay. So what is this document? Can you tell us about it?

11 A From what I can see, it's --

12 [REDACTED] And we can go down, [REDACTED], if you want to show the substance
13 of it, like table of contents.

14 Mr. Finchem. Okay. This appears to be a document that was presented by
15 Mr. Giuliani for the committee's consideration.

16

17 Q And do you recall when Mr. Giuliani presented this to the committee?

18 A I don't, but it's probably in the video record.

19 Q Okay. So during the hearing itself?

20 A I would presume so.

21 Q Okay. Do you ever recall if attendees at the hearing also received this
22 document?

23 A I do not.

24 Q Do you remember if you received any other documents besides this one,
25 Exhibit 6, in connection with the November 30th hearing?

1 A You mean documents that were presented to the hearing panel?

2 Q Or -- yes, you as members of the committee. It sounds like you received
3 this elections anomalies and concerns document. I wasn't sure if you received any other
4 reports or memos, anything like that.

5 A I don't remember.

6 [REDACTED] If we go to, [REDACTED], Exhibit -- same exhibit but page 105. This is
7 the end of the document -- the same document, and go up a little, [REDACTED].

8 [REDACTED]

9 Q It says, Expert report will be provided promptly.

10 Mr. Finchem, do you recall if you ever received an expert report?

11 A I'd have -- you're going to have to go up further so I know the context of the
12 expert report. Okay. I have no idea what that's addressing.

13 Q Okay. It seems like it was maybe a placeholder as, per Exhibit 7, there was
14 going to be an expert report, but they had a page, it looks like, that says it will be
15 provided, you know, promptly.

16 So I wasn't sure if you were ever provided an expert report.

17 A I don't even recall seeing this page, quite frankly. No. If there was one, I
18 don't recall receiving it.

19 Q Okay. So we've heard you -- before and after January 6th, publicly we've
20 heard you talk about an evidence book or evidence booklet that you were going to deliver
21 to Vice President Pence.

22 Was this document we were just looking at, Exhibit 6 -- was that the evidence
23 book you were talking about or a part of the evidence book you've referred to?

24 A That was likely included in the evidence book that I delivered to
25 Representative Gosar.

1 So I guess to answer the question squarely, to the best of my recollection, it was a
2 component of the book that was delivered.

3 Q What else was part of that book that was delivered to Mr. -- Representative
4 Gosar and -- for Vice President Pence?

5 A To the best of -- so there was one copy of it. To the best of my recollection,
6 Doctor -- a limited portion of Dr. Shiva's presentation was included. The graphical
7 information from Colonel Phil Waldron showing -- I called it the migraine graph that
8 showed -- it was a circular -- I've never seen a graph like it before, but apparently it's an
9 analysis of throughput and inflows/outflows of data coming into a network system. You
10 look at it, and it gives you a migraine, okay. That's why I call it that graph. I believe
11 that was a part of it.

12 And then I -- if I recall correctly, some of the affidavits from -- at least the signed
13 affidavits from Elizabeth Harris were part of that. There was a sampling to show -- what
14 we didn't want to do is overload Representative Gosar and Representative Biggs with
15 paper. We wanted to give them meaningful information so that they had something in
16 their hand in the well of the Senate when it came time for them to have -- fulfill their
17 constitutional duty.

18 I would say that -- that's about all I remember being -- I mean, no doubt there was
19 more in the -- in the book, but it was about, oh, I want to say three-quarters of an inch
20 thick, so.

21 Q And who decided what would be a part of that evidence booklet?

22 A Well, as the chairmen of the committee, I went through with a couple of
23 other members, so Mr. Biasiucci and Mr. Borrelli, and we took a look at the
24 documentation that we had, and it was an up or down, keep or don't, include or don't.

25 And -- and once we had that assembled, I kind of went through a final -- a final

1 examination to say, okay, is this meaningful, or is it just -- is it superfluous, is it fluff
2 because we knew they would have a very limited amount of time to have their discussion
3 on the -- in the well of the Senate, so I wanted to make sure what we gave them, they
4 were able to rely on. We wanted reliable information for them.

5 Q We had previously discussed the legal brief that you had prepared and also
6 another -- I'll call it a memo that involved Bill Olson.

7 Do you remember if those documents -- either of those were part of the evidence
8 booklet?

9 A As I recall, both of them were.

10 Q So we understand that you incurred some expenses in connection with the
11 November 30th hearing; is that right?

12 A That's correct.

13 Q Okay. Why -- why is that?

14 A Because the Speaker of the House wouldn't pay for the hearing, and my
15 constituents asked me to hold a hearing, so.

16 Q Okay. And did you seek reimbursement or payment from anyone in
17 connection with the expenses that you incurred?

18 A Yes, individuals who had -- we had identifiable expense. So, for example,
19 there were three members -- I think three members who stayed overnight at a hotel.
20 Just to make things easy for the hotel, I simply paid for it on my American Express card
21 and then got reimbursement from, I think, three members for their hotel room.

22 And then for the actual expense that the Giuliani team had for organizational
23 stuff, car rental, their rooms, all of that, that was paid for by them. That's where -- I got
24 a reimbursement from what they consumed themselves.

25 And then, of course, there was additional expense for fencing and security and all

1 of that. And that was paid for through crowd sourcing where we had -- a lot of
2 constituents threw \$20 bills at it. And over a period of about 14 days, we retired
3 100 percent of that debt.

4 [REDACTED] So let's go to Exhibit 7.

5 BY [REDACTED]

6 Q This is something that you produced to us, Mr. Finchem. Maybe we
7 can -- it's going to be sideways, I think, but maybe we can flip it. Oh, perfect.

8 So is this -- I don't know if you can read it. This is -- the quality isn't great. My
9 understanding is this was a check you received from the president -- President Trump's
10 campaign; is that right?

11 A That's correct. And that is for the amount previously spoken; that's for
12 what they -- their component of the master charge list, the things that they -- you know,
13 hotel rooms, transportation. I think that was all -- hotels rooms and transportation, I
14 think that was all that was on the list.

15 Q So we have the invoice -- I think it's the associated invoice related to this
16 payment in Exhibit 11.

17 [REDACTED] [REDACTED], if you can turn to that.

18 BY [REDACTED]

19 Q So you had sent to Harrison Furman, looks like from the Trump campaign,
20 says, Phoenix November 30th invoice.

21 [REDACTED] And, [REDACTED], if you can go to 11A.

22 BY [REDACTED]

23 Q Do you recognize this document, Mr. Finchem?

24 A Yep, it's the accounting for what they --

25 Q Okay.

1 A -- the room charges, et cetera, that they had.

2 Q Okay. So we see --

3 [REDACTED] If you can go down, [REDACTED], a little bit.

4

BY [REDACTED]

5 Q These are the rooms that were associated with the Trump campaign, is that
6 right, that you booked?

7 A That's correct. Well, it's what I paid for. I didn't book them. I didn't get
8 this until after the fact.

9 Q Okay. So you paid for these rooms, and then driver reservations.
10 What -- what was that?

11 A So that was -- as I recall -- one, two, three, four -- that was for ground
12 transportation from the airport to the Hyatt Regency, the Hyatt Regency back probably to
13 the capitol and then back to the airport.

14 So that's all ground transportation.

15 Q Okay. If we go to the next page, page 2. It's a little hard to see. It's the
16 final item on this itemized invoice.

17 It says, Security, Sentinel Intelligence, SYS, I think. Unit price: 2,000. Cost:
18 2,000.

19 Can you read that? It's kind of hard to read.

20 A Yeah, I can see that.

21 Q What -- what services or what does that refer to?

22 A I think that's -- that's actually Lyle Rapacki's company, so he charged \$2,000
23 for the services he provided for the days leading up to and including the hearing.

24 Q Okay. These were his -- the security services that we discussed earlier --

25 A That's correct.

1 Q -- that Mr. Rapacki provided?

2 A That's correct.

3 Q Okay. And I believe you said you also crowd sourced for -- to pay for some
4 expenses; is that right?

5 A That's right.

6 Q Okay. I don't think we have any -- we haven't seen any invoices related to
7 that, but about how much is that if you can recall?

8 A I think the all-in cost for that -- for the event was like 25 grand. So if you
9 take off the 2,000, you take off the 6, you take off some of the other rooms that members
10 of the House and Senate would have stayed in, to my recollection, it was something on
11 the order of 15- to \$17,000.

12 Q Okay.

13 [REDACTED] Going to Exhibit 10.

14 [REDACTED]

15 Q This is something else you produced to us, Mr. Finchem. And it appears to
16 be a check from Make America [sic] Safe Again, and then in the "for" line it says,
17 Reimbursement.

18 What did this relate to?

19 A So it's Make Arizona Safe Again.

20 Q Oh, I'm sorry. I apologize.

21 A And that's one of the checks that came in to help pay down the cost that was
22 not covered by the other folks that were paying their own way.

23 Q So it -- it related to potentially rooms or --

24 A No. So the -- there is -- part of the hearing was we had to cover the cost of
25 secure -- the cost of security fencing that was not included in Mr. Rapacki's invoice.

1 We had to cover the cost of audiovisual services, had to cover the cost of network
2 feed for the news media, meals for members who were on the panel, for the ballroom
3 itself, for table and chair setup.

4 It's all the things that you would ordinarily see with a convention kind of setup.
5 That's what this went to pay for.

6 Q Understood. One sec.

7 Mr. Finchem, I realize we've been going a little over two hours. Did you want to
8 take a few minutes of a break or your counsel as well?

9 A That would be a great idea.

10 Q Okay. How long would you like?

11 A Give me about five minutes.

12 Q Perfect. So maybe around -- maybe we'll say 2:25 Eastern our time. Will
13 that work for you around, I guess, what, 11:25 your time?

14 A That's fine.

15 Q Okay. Great. Thank you.

16 [Recess -- 2:18 p.m.]

17 ██████████ Okay. Let's go back on the record. It's 2:32 p.m. Eastern
18 time?

19 ████████████████████

20 Q Mr. Finchem, in the November 3rd, 2020 to January 6th, 2021 time period,
21 were you ever asked by any -- anyone associated with the Trump campaign -- Trump
22 campaign to conduct any outreach to any members of Congress in connection with the
23 joint session of Congress on January 6th?

24 A I don't -- I don't specifically recall that, no. I mean, I wasn't -- I was asked to
25 reach out to members of my own caucus here at the state level to get them to listen to

1 the -- the arguments and evidence that had been presented and to solicit any questions
2 that they might have, you know.

3 Again, you know, we needed to fully understand what we were facing. We
4 needed to fully understand what the -- what the consequences were. This is -- this is
5 not a -- this is not a light affair that we were talking about, and the membership had a full
6 appreciation of that.

7 So I don't -- I don't recall any ask for me to reach out to members of Congress. I
8 have a pretty good relationship with Representative Biggs and with Representative Gosar,
9 but that's pretty much it to my -- the extent of my contact with congressional -- the
10 congressional caucus.

11 Q So you don't remember anyone from the Trump campaign, for example,
12 asking you to reach out to Representative Biggs or, you know, Dr. Gosar asking them if
13 they would object to the electoral votes from Arizona during the joint session on
14 January 6th?

15 A Well, no. The whole point -- the whole point of the exercise was I'm -- I
16 have a personal franchise. I don't need to have somebody else ask me to do that on
17 their behalf. I -- I did that on my own certainly to reach out to Congressman Biggs and
18 Congressman Gosar to let them know that -- they were fully aware, by the way, that we
19 had had the hearing. In fact, Representative Gosar was there for a portion of it. Both
20 of them were very concerned about what they heard. That was the point of me
21 delivering to them the evidence book.

22 But to say that somebody from the Office of the President or the president himself
23 had asked me to make a contact like that, I do not recall any communication like that.

24 Q And that -- just to -- so I'm clear, that would include the Trump campaign,
25 like Mr. Giuliani or Ms. Bobb.

1 A No, if there's something out there that I did, I sure as heck don't recall it.

2 Q And I believe you said that -- did you say that you were asked to reach out to
3 members of your own caucus with respect to the Arizona State Legislature?

4 A Well, yeah. I mean, you know, the conversation was around do your
5 members understand what's at stake here; were they participants in the -- in the hearing;
6 were -- do they know what was revealed; do they -- I mean, those kinds of things. And,
7 quite frankly, whether somebody asked me to do that or not, that's part of my job so I do
8 it anyhow.

9 In this particular regard, I -- I don't recall a specific ask from somebody to say,
10 you've got to get these people to listen to you. Well, all right, anybody who knows me,
11 I'm already doing that so there's no real need to ask.

12 Q Okay. Do you recall conversations, whether or not there was a specific ask,
13 with members of the Trump campaign about what members of your caucus and the state
14 legislature thought about, for example, calling a joint session -- excuse me, calling a
15 special session to recall the electors from Arizona, for example?

16 A I don't recall a specific conversation about that, no.

17 Q In the November 3rd, 2020 to January 6th, 2021 time frame, do you
18 remember ever being asked by anyone from the Trump campaign to sign or draft any
19 letters relating to the 2020 presidential election?

20 A There wasn't an ask by them, but certainly I did sign on to a letter. And,
21 again, this is to be fully prepared for as many eventualities as might arise that if it became
22 necessary to exercise the 25th amendment or some of the other remedies that might be
23 employed based upon a completed forensic audit, based upon the cases that were in
24 controversy in the courts.

25 I think you have a copy of the letter that I wrote to Vice President Pence to simply

1 say we're asking you to press the pause button, which really, quite frankly -- I don't know
2 that anger is the right word, but I was very irritated that the Speaker of the House knew
3 that time was of the essence and slow-walked a hearing that the people had a right to.

4 It was our opportunity to do our due diligence, and frankly he dropped the ball.
5 We were on a very short timeline, and for us to be properly prepared, that really put us at
6 a -- an information disadvantage, not an agenda disadvantage, an information
7 disadvantage.

8 When time is of the essence and you're trying to understand and you're trying to
9 do your due diligence, anybody who interferes with that timeline is not helpful, and
10 that's -- that's part of what we have a problem with.

11 Q You mentioned that you signed on to -- to some letters. Were any of those
12 letters prepared by the Trump campaign that you can recall that you signed?

13 A No. No, we're fully capable of writing letters here. In fact, we do a lot of
14 that, quite frankly.

15 Q As do we.

16 And you mentioned time is of -- was of the essence. Can you just tell us a little
17 bit more of what you -- what you mean by "time was of the essence"?

18 A Well -- okay. So from the date of the election, you have a hard timeline.
19 By November 30th, interestingly enough the day of our hearing, the secretary of state
20 and the governor of the state are required to sign and certify the canvas. That's -- that's
21 a hard timeline.

22 So you can see why my angst over being delayed and having a public hearing
23 leading up to that date.

24 Now, even so, on that date, that signature was done at 10:30 in the morning, and I
25 have it on relatively good authority that both the leadership of the House, the leadership

1 of the Senate and even individuals in the governor's office were watching the hearing.

2 Think about that for a moment. They're watching a hearing that is designed to
3 take evidence and testimony that will prove or disprove alleged discrepancies in the
4 election. Hard stop. There was nothing magical about the time of 10:30 in the
5 morning for them to sign that document. Prudence, restraint would have dictated that
6 they would have waited until later in the day after they had the opportunity to see that.

7 But let's go back in time a little bit. I believe that it would have been much more
8 prudent to have a hearing several days in advance of that date so that the evidence and
9 testimony could have been contemplated. And perhaps if there is a -- an audit that
10 could have been done because none was done; if there was a movement in the court
11 cases that could have been done, none was done.

12 So when we take a look at that timeline, that's what I'm talking about. Time is of
13 the essence. And then we go from a timeline from December 30th -- no, I'm sorry.
14 November 30th through the holiday. So you've got basically a ten-day window in order
15 to get things done. People take a break for Hanukkah or Christmas. We get through
16 the new year and suddenly we arrive at January 6th.

17 So very little time that is workable time unless some people -- unless, of course,
18 people like me don't have a life and they work through the holidays and they work
19 through the weekends and probably much like you.

20 So that's what I mean by time is of the essence. You don't have a lot of time
21 there because many of those things -- I think the Electoral Count Act has got some
22 impacts. We've got the state statutes. We've got state requirements. All of that
23 goes into some timelines that are essentially nonnegotiable.

24 Q Was January 6th the hard stop in -- in your mind with respect to this timeline
25 for when things need to be done by or anything needed -- if anything was going to be

1 done, it should be done by the 6th of January?

2 A Yeah, frankly, it needed to be done by January 5th so that it is in the hands
3 of the congressional delegations from various states on the morning of January 6th when
4 they are there to fulfill their constitutional duty to do what they do in the well of the
5 Senate.

6 So, yeah, I mean, it's -- it's pretty -- it's a pretty hard and fast timeline, and for
7 anybody to stand in the way of that, I think that -- that's a subversion of the authority of
8 the legislature and the individual franchise of each individual legislator in order to act on
9 their duty to represent their constituency.

10 Q And who do you think stood in the way here? I believe you just mentioned
11 for anyone to stand in the way.

12 A Well, I can tell you straight up, Speaker of the House and his -- his refusal to
13 answer my request interfered with the holding of a hearing in a timely manner. There's
14 a term called "burning daylight," well, if my ass was on -- I want to -- I don't know for
15 sure. I think it was 17 November.

16 By 18 November, I should have had an answer, and I never -- to this day never got
17 an answer other than to say, well, we'd like to know what your agenda is, who is going to
18 be presenting, yada yada. You know what, that ship already left the dock. That was
19 on, I believe, the 17th when we had to have a contract signed in order to secure the
20 venue and all that.

21 So, clearly, House leadership stood in the way.

22 Q And I know we had discussed, you know, a memo from Bill Olson and also a
23 legal brief you had prepared.

24 Did you share that with -- those documents with the speaker?

25 A Repeatedly. Repeatedly.

1 Q And -- and what did he say?

2 A I got a blank stare, and it was ignored.

3 Q And I believe you said on November 30th, that was the day that the Arizona
4 election results were certified by the state; is that right?

5 A Certified by the governor of the state and the secretary of state with the
6 attorney general watching.

7 Q If you --

8 A I don't think he actually signs it. I think he's there as the witness, I believe.
9 I'm not positive about that.

10 Q And you mentioned that was the day of the hearing that you were chairing.
11 Did you reach out to either secretary of state or the governor to get them maybe
12 to hold -- to put pause on the certification so then they could watch the hearing and hear
13 the evidence from -- from the hearing --

14 A So they're the executive --

15 Q -- [Inaudible]?

16 A It was well publicized that that hearing would be occurring. They are in the
17 executive branch. I am in the legislative branch. I am not accustomed to telling the
18 executive branch what to do or not to do. Wholly inappropriate. If they want to
19 observe it, observe it. If you want to ignore it, that's your business.

20 Q Do you know whether anyone from the Trump campaign, such as
21 Mr. Giuliani -- if he reached out to the governor or secretary of state to hold off on
22 certifying the votes on November 30th?

23 A I have no idea. I'm not -- was not privy to any conversation that might have
24 occurred.

25 Q Were you ever -- in the November 3rd, 2020 to January 6th, 2021 time

1 frame, were you ever asked by anyone from the Trump campaign to help get subpoenas
2 out or request for forensic audit of the machines related to the 2020 presidential election
3 in Arizona?

4 A Well, they didn't need to ask me, ma'am. I was already all over that
5 like -- well, I've used the term before. I was already going after that. In fact, that's why
6 I made mention of that in the letter to Vice President Pence; that there was enough
7 reason developed for a forensic audit.

8 In fact, the record will show that we held our hearing on the 30th of November,
9 and on the 14th of December, Senate Judiciary Chairman, Eddie Farnsworth, issued
10 subpoenas based upon, in large part, what we had developed to go to the Maricopa
11 County board of supervisors that compel them to respond with certain records and
12 documentation.

13 Q Do you remember talking with anyone from the Trump campaign about
14 getting the machines audited or conducting some sort of forensic analysis on the
15 machines related to the election in Arizona?

16 A I don't recall a conversation like that.

17 Q Okay.

18 A As -- as I said, I -- I probably was way ahead of the curve on that. You
19 know, by the end of the hearing, I was already talking about -- in fact, if you look at the
20 end, my closing comments, I don't recall if I specifically said forensic audit, but that is
21 clearly what was on my mind; that -- whether it was the machines or the paper, I didn't
22 really care, but we needed to do a forensic audit to try and uncover whether or not dead
23 people voted, whether or not our voter rolls were polluted, whether or not we had
24 ballots that were counted with no signature, those kinds of things -- whether or not we
25 had electronic interference with -- either from internally from software or externally from

1 a hostile actor.

2 So I was already contemplating that at about midway through the day. And by
3 the end of the day, I was convinced that we needed to have a forensic audit. I didn't
4 need to have somebody to tell me that; that was like spotting a flat tire on a car.

5 Q Understood.

6 And I ask that because we know -- we understand that Mr. Giuliani and members
7 of the Trump campaign had conversations with others about conducting forensic audits
8 on the machines and even it was discussed with President Trump. So I wasn't sure if you
9 had had similar conversations with them about what a forensic audit should look like or
10 what -- what could be done with that -- in that respect in Arizona.

11 A Well, it was pretty widely known that that was a desire of -- not -- frankly,
12 not just the Trump folks, but constituencies all around the country were calling for
13 forensic audit.

14 So that's -- and interestingly enough, to my understanding, there has never in the
15 history of the United States been a forensic audit done on an election. So to have the
16 first one done in Maricopa County, I -- I mean, as a process engineer, did it go the way I
17 thought it should have gone? No.

18 But when you're building an audit process for something that has never been
19 done before and you are essentially having daily iterations of what that process needs to
20 look like, I -- I'm actually -- I'm proud and saddened at the same time. Yes, we -- we did
21 an audit to examine as many aspects of that election as possible, but it's not because
22 somebody asked us to other than our constituents who said something's wrong, and we
23 would like you to get to the bottom of it.

24 So, again, going back to due diligence and public policy, you know, trying to be
25 fully informed about this is the future of -- future direction of our nation, and we have to

1 be not only diligent but show fidelity to our oath of office.

2 [REDACTED] I would like to turn to Exhibit 12.

3 BY [REDACTED]

4 Q This is another email chain, Mr. Finchem.

5 BY [REDACTED]

6 Q Before we get to that, you just mentioned, Mr. Finchem, the need for a
7 forensic audit, and I think that you said that was one of the reasons why you sent the
8 letter to Vice President Pence in the days before January 6th; is that right?

9 A Uh-huh. That's correct.

10 Q And I think you also said that the forensic audit would show whether or not
11 dead people voted and whether or not ballots were counted without signatures and
12 whether or not there had been election interference electronically.

13 Is that right?

14 A Well, that's my understanding of what the intention of a forensic audit
15 would show, yes.

16 Q Okay. So that's -- I mean, you said whether or not. At that point, you
17 know, when you're writing this letter for the vice president, I guess it's fair to say, then,
18 you didn't know for sure whether those things happened; right? That would be the
19 point of the forensic audit that you're requesting.

20 A Very good point.

21 So we knew that some things happened. What we didn't have was a forensic
22 audit to confirm that they happened or to confirm that they would have negatively
23 impacted the election as it was portrayed.

24 You know, the whole point is I was trying to be objective as opposed to subjective.
25 With all of the media hype and hyperbole out there around the question, I was trying to

1 be objective and say, we can't answer this question yet; that's why I'm asking you to push
2 the pause button, Mr. Pence. We can't answer this question yet because we've got two
3 problems. Number 1, we've got litigation that has not yet concluded. Number 2, we
4 haven't had a forensic audit, so we don't know.

5 Q And -- and, so, I guess my question is in that letter you're asking for
6 additional time or asking Vice President Pence to delay certification to allow for additional
7 time; right?

8 A Yeah, so in that letter -- the base of the letter -- and this is a letter that was
9 delivered to Mr. Gosar and Mr. Biggs. You know, I would not presume to take over their
10 authority, but the -- it was aimed at the vice president to say, look, we don't know -- we
11 don't have objective conclusion to this.

12 And, yes, you've got a number of options. One, you can either refer it back to
13 the state for an up or down call. You can listen to the argument that Mr. Gosar and
14 Mr. Biggs might make. But in any case, you've got open litigation and you don't have a
15 forensic audit. So if there is time between the 6th and whatever drop-dead date there
16 is for the inauguration, may I humbly suggest that you push the pause button and
17 examine this objectively as opposed to all of the accusations.

18 Accusations don't mean anything without a little bit of proof.

19 Q Sure. Right.

20 And you mentioned that earlier from your time in law enforcement, you know,
21 you look at the elements that you need to show and you look at the evidence, and so
22 these accusations of the point needed more; you needed a forensic audit, in your view,
23 around January 6th. That's the reason for the letter.

24 And I guess my follow-up, I should have anticipated a little bit, which is, you know,
25 it's been over 60 days now since the election when you get to the days leading up to

1 January 6th. What did you think an extra ten would accomplish? I mean, in my mind
2 and sometimes in my line of work, a decision not to decide or no decision is a decision in
3 and of itself.

4 So by that point, nothing had happened. What do you think realistically could
5 happen during those days?

6 A Well, we were deprived ten days on the front end.

7 Q Why is that?

8 A Because we got slow-walked by the speaker of the House. We were
9 deprived ten days of sunshine, so --

10 Q But you did have your hearing; right?

11 A Let me finish.

12 We were deprived ten days on the front end of sunshine on this. So to your
13 point, having ten days on the back end to see to it that at least components of a forensic
14 audit might be engaged in -- keep in mind, the subpoenas were issued by the Senate on
15 December 14th. Maricopa County basically engaged in a legal proceeding to block
16 discovery and sunshine on the very election where we had already uncovered
17 discrepancies.

18 So, yes, sir, I do believe that we were deprived that ten days at the front end, and
19 we had the opportunity to make it up on the back end. And that was the whole point of
20 my asking, push the pause button; let's get to the bottom of this; let's do our due
21 diligence; let's act objectively; how about we, I don't know, examine what we are elected
22 to do.

23 So that was my point in the letter.

24 Q Yep, understood, and I understand your perspective on it.

25 But there were 50 days or so, even more, in between that after, you know, that

1 ten-day period you're talking about. And I assume, but I don't know for sure, if the
2 entire Arizona legislature or at least a majority of the legislature wanted to take these
3 steps, you could come together and take some of those steps, but the consensus didn't
4 get there, is that right, in that period?

5 A I don't think that's a proper portrayal of things, so --

6 Q Okay.

7 A So you've got -- so you've got Hanukkah, Christmas, New Year's. Basically
8 that window of time burned, okay.

9 Now, as an aside, I'd love to have elections during the summer as opposed to at
10 the end of the year so that we don't have holidays interfering with things that are major
11 questions, but be that as it may, we have the system that we have.

12 The whole point is that we were bound up by legal proceedings that never should
13 have happened. If you go back and you listen to the testimony on December 14th in the
14 Arizona State Senate Judiciary Committee, the county board of supervisors committed to
15 transparency and to be forthcoming with whatever was in the subpoenas. The gavel
16 dropped, and five minutes later they lawyer up. They get this thing so tied up in court
17 that there is no possible way for the legislative body to examine a forensic audit because
18 the audit can't happen because the county withholds what they are legally obligated to
19 furnish to the state as a political subdivision of the state.

20 So did we have the opportunity to examine it? No, sir, we did not. We were
21 deprived of that.

22 Q So that goes back to my original question. Would that have changed in the
23 ten days you requested from Vice President Pence?

24 A I have no way of knowing. That's a hypothetical that can't be answered.

25 Q Well, what did you expect? Because you made the request.

1 A I didn't have an expectation. I had -- I made the request, and, you know,
2 I'm -- there's this -- so after being in the legislature now for eight years, I describe it as let
3 go of the baby. Once you've written your legislation, once you've made your ask, once
4 you have lobbied as a legislator, once you've lobbied for a thing, a -- an action, a decision,
5 it's out of your hands. You make your appeal to the person who has the authority, who
6 has -- who's empowered to act on what you've asked, but you've let go of the baby.
7 They now have the baby.

8 So I made an objective request about being objective, and frankly it was denied.
9 Okay. It was denied.

10 ██████████ Thank you, Mr. Finchem.

11 ██████████ Let's go to Exhibit 12. If you can go down a little, ██████████. If
12 you actually can go up a little, ██████████.

13 BY ██████████

14 Q Do you see, Mr. Finchem, it's a December 6th, 2020 email at the top?

15 A Uh-huh. Yes.

16 Q So it's an email chain that's eventually forwarded it looks like to Christina
17 Bobb.

18 ██████████ If you go down, ██████████.

19 BY ██████████

20 Q The first email -- it's an email from you to a very large distribution on
21 December 6th, 2020; Subject: Petition for Immediate Hearing and/or a Special Session
22 to Decertify Arizona Electors.

23 And if you go down as to the next page, this is the email itself that you later
24 forwarded to Mr. Borrelli and Ms. Bobb.

25 Do you remember this email, Mr. Finchem? And take your time to review if you

1 need to.

2 A It looks like the email that I sent to the members of the House based on the
3 information that we had uncovered in the November 30th hearing.

4 Q And what were you asking for in this email?

5 A For the body to deliberate whether or not we had a legitimate election or an
6 irredeemably flawed election based upon the information at hand.

7 And, again, this goes back to doing our due diligence. The call to action is it's
8 critical for us to understand that the legislature is not bound by state statutes. We had
9 a significant disagreement between House counsel and -- who is not an expert in that
10 body of law -- and individuals who are experts in that body of law.

11 And it was a call to deliberate, to twist the wheels off, if you will, the question at
12 hand. Does the legislature have plenary authority, and if we see an election that's
13 irredeemably compromised to the point where we cannot declare a winner in that
14 particular county, the ultimate question is should that election be set aside.

15 Q And I heard you mention House counsel a few times today. Who is House
16 counsel, or is there someone that specifically you have in mind?

17 A Well, at the time -- I don't know. Those guys come and go. I don't
18 remember who the House counsel was at the time. It might have been Andrew Pappas,
19 but I'd have to go back and take a look at the House record and see exactly who it was. I
20 think it was Andrew Pappas.

21 Q If we go down in the email, do you see the paragraph where it says, Time is
22 of the essence?

23 A Yes.

24 Q So it says, Time is of the essence. This resolution in its signed format must
25 be out by the end of business on December 7, 2020.

1 I know we've talked about time being of the essence during this time period a few
2 times. Was there a specific date you had in mind with respect to this particular call of
3 action?

4 It sounds like you wanted something done by December 7th.

5 A Well, yeah. So I can tell you I was probably looking at the calendar
6 understanding that Hanukkah, Christmas, the week between Christmas and New Year's,
7 all of that is lost time because we have members who have a life; they have family time.
8 Leaving, going, coming.

9 In order to have a special session, we have to have at least 31 members present.
10 Knowing full well that the 29 Democrat members wanted no part of it, we had to
11 demonstrate to the executive branch, which is the governor, that we had sufficient
12 members to call a special session, okay. This is the exercise that you go through to do
13 that.

14 It's basically a call saying are you going to be here; are you going to sign on to this
15 as proof that you are interested in deliberating this question. And if you can't get that,
16 the executive is not going to call for a special session.

17 Now, in this particular case, I -- I'm loath to think that the executive wouldn't have
18 called even if we had 31 points, but that's pure speculation on my part.

19 Q So one of the reasons why I asked is December 8th was the safe harbor
20 deadline and the 14th it was the meeting of the Electoral College.

21 Were those dates that you had in mind when you were thinking, you know, time is
22 of the essence; we need to meet and try to get a special session?

23 A As I think back on it, yes, that was -- that was part of the -- the time is of the
24 essence mindset.

25 Q If you go back to the first page of this exhibit, do you remember why you

1 copied Ms. Bobb on this -- on this email chain?

2 A I think at that point, there was an ask -- again, this goes back to the ask
3 versus the public records request. When individuals make a specific ask, will you keep
4 me advised, will you keep me informed on developments -- I mean, I don't go out and
5 solicit that from people, but when people ask me will you please send me whatever as
6 things develop -- and I have constituents do this about other matters.

7 You know, we're looking at an I-11 expansion program right now, and I've got a
8 couple of constituents who said, hey, can you keep me updated on what happens.

9 So this would be one of those cases where Ms. Bobb says, hey, if anything
10 develops, would you let me know about it. Okay. I'm here to distribute information,
11 and that's what I did.

12 Q Was Ms. Bobb a constituent of yours?

13 A No.

14 Q No.

15 Okay. But she asked to be kept apprised of what was happening in the state
16 legislature around this time?

17 A Yeah, and I do know that she has family in the metro Phoenix area that are
18 constituents, so that's -- again, anybody who asks me for information, I'm happy to give
19 that to them, and she's one of those people that asked, hey, if you have anything that
20 develops on this, please send it to me. That's what I did.

21 Q But from what you can recall, the ask was just for information, rather asking
22 you to do something, like call a special session or try to call a special session; is that right?

23 A Oh, yeah, yeah. I don't need to be asked to do things like that. In fact, it
24 would be quite inappropriate for somebody to ask me that. It's more appropriate for
25 me to distribute information and make those decisions on my own deliberation and -- and

1 discussions with my colleagues. This is a team sport. This is a "we." This is not a
2 "Mark."

3 Q Do you know why -- did Ms. Bobb ever tell you why she wanted to know
4 what was happening with respect to the Arizona legislature and be kept apprised?

5 A She didn't tell me why.

6 Q Okay.

7 [REDACTED] Let's go to Exhibit 15.

8 BY [REDACTED]

9 Q And, Mr. Finchem, this is something that you produced to us. Can you see
10 this email?

11 A Yeah.

12 Q And if we -- I think you -- I think it's from you and to yourself, and the email
13 itself was January 4th; is that right?

14 A Yes.

15 Q Can you explain to us what this is, what you sent to yourself?

16 A Well, if you can scroll down and I can see it.

17 Yes, this is a submission to CISA, again, going back to the testimony from Colonel
18 Waldron asking -- raising the question as to whether or not our systems were penetrable.

19 And following the process that's been established by the federal government, the
20 office -- the office -- I forget their full agency name. But having a question about the
21 security operations center and whether or not a HIRT team should be dispatched to take
22 a look at -- you know, somebody raised this question, and as part of my search and due
23 diligence, it's an open question, all right.

24 There's a process that's been established. There's an office that's been
25 established within the federal government that ostensibly has experts in this field that

1 you follow the process; you ask for an evaluation. They come out; they do it; and they
2 give you feedback on whether or not that was an issue.

3 Now, I've been given to understand that apparently that set off some bells and
4 whistles at CISA. And, again, I understand the difference in terminology between
5 election integrity and election security. Election security being that term of art that
6 deals specifically with the security of an election system. That's their job.

7 And because that's a resource that's been made available for the states to use, I
8 made the request based upon the information that we received from Colonel Waldron.

9 Q And I believe you just said that it's -- you under- -- you came to hear it set off
10 some bells and whistles at CISA.

11 Can you explain what you mean by that?

12 A Well, I later found out -- and I don't know exactly when -- within minutes of
13 this request hitting their office, there were individuals who -- apparently they started
14 scrambling because they -- they got a complaint -- not a complaint. They got a report.

15 Now, what they did with that, I have no idea. I was never contacted. It seems
16 to me that whatever their system is, is broken because I never got feedback other than
17 this thank you for your incident submission. So I don't know if they ignored it. I don't
18 know -- I have no idea what action they might have taken on it, but they certainly didn't
19 come back and interact with me which seems kind of odd.

20 I'm the guy making the report. Wouldn't you want to -- as somebody who has
21 followed up on things like this for a very long time, you could think that they would call
22 me and say, so what have you got for us.

23 And never heard a word from them.

24 Q In the November 3rd, 2020 to January 20th, 2021 time frame, did you
25 contact any other federal agencies with respect to, you know, looking at machines,

1 election security, that sort of thing?

2 A I don't recall. The way it was explained to me at the Web site that, hey,
3 this is the outfit that does that work; make your submission.

4 So I made my submission, was waiting for them to reach back to me; they didn't.
5 I did not contact the FBI; I did not contact anybody else. Because first of all, it's a
6 political matter, and, yes, it might have national security implications, but it appeared I
7 had gone through the process that was set up to handle suspicious occurrences. I mean,
8 that's the HIRT team. We do what we do, and we didn't hear back from them.

9 Q So when you made the submission, what were you hoping that CISA would
10 do?

11 A Well, I was hoping they would do their job, follow up on it. Number one,
12 reach out to the individual who makes the submission. I mean, I'm -- I'm viewing this as
13 something akin to a police report.

14 Now, whether or not it's -- it's a suspicious occurrence or report of criminal
15 activity or a civil complaint doesn't matter to me. You know, my -- my history as
16 somebody who worked in that -- that world for a long time, generally you reach out and
17 you talk to the complainant. In fact, I've never heard of a case where you don't.

18 What I was hoping is that they would contact me; that I would be able to turn over
19 to them what we had, and that they would be able to engage in a meaningful review of,
20 yes or no, was it possible.

21 And I don't recall the exact of this. Looks like it was 31 December. I was a
22 little -- I was probably a little bit late on this, but I had presumed the Senate subpoenas
23 would be recognized by Maricopa County, and given the fact that they weren't, we began
24 to look for other avenues to try and get the questions answered that were open.

25 Q So just to clarify, if you look at the incident submission, I think you actually

1 submitted it on December 23rd. If you look right below, it says, Thank you for your
2 incident submission. Your incident was submitted on December 23rd.

3 Does that sound about right?

4 A Yes, ma'am. I'm sorry. I was looking at the expiration date up at the top.

5 Q Yeah, yeah. No problem.

6 A So December 23rd would have been the right date.

7 Q So we might actually have the text of your submission to CISA. If we go to
8 Exhibit 16, you can tell me whether or not it looks familiar.

9 [REDACTED] If you go down. [REDACTED], stop right there. Go up a little.

10 Mr. Finchem. Indeed it does.

11 BY [REDACTED]

12 Q Okay. So is this what you submitted to CISA?

13 A Uh-huh. Yes, ma'am.

14 Q Okay. Feel free to review it to refresh your recollection. You know, I read
15 it, and it's pretty technical and specific in nature, so I was wondering if -- you know, did
16 anyone help you prepare this submission to CISA?

17 A No, I -- I'm capable of writing technical stuff.

18 Q Okay.

19 A I mean, these are the questions that I had. Again, let's revisit my work
20 history. I worked for Intuit for seven years, so working in a tech industry, working
21 through fraud countermeasures for a compromised software, I'm familiar with some of
22 the lingo, some of the systems, network vulnerabilities, things like that.

23 So, no, I didn't need help generating this.

24 Q Did you talk to -- I know you had mentioned earlier Phil Waldron -- Colonel
25 Waldron, did you talk to him in connection with this submission to CISA?

1 A Other than his testimony -- I might have had a phone conversation for
2 clarification of some of the terms that he used, but, no, I don't recall him giving me
3 information that I had to stick in there.

4 He was pretty complete in his testimony on the 30th.

5 Q And if you look at the third line from the bottom, there's a mention of
6 a -- Raytheon, I believe it's pronounced, subcontractor CyTech.

7 How did you come to know about CyTech and the capabilities that they had?

8 A I don't recall, but, you know, I was doing -- obviously you can tell by the time
9 of the day on the 23rd of December, 9:00-something at night, I was looking for
10 technology that would help expedite an examination of the record, and I'm not sure that
11 anybody told me about CyTech other than, you know, doing my own research on the
12 Internet.

13 Q Did you help anyone else draft submissions to -- to CISA in the
14 November 3rd, 2020 to January 20th, 2021 time frame?

15 A I might have talked to some folks, but I guess you're going to have to -- I hate
16 to go to the defining "is" moment, but I'm not sure how to respond to "help."

17 You mean conversations --

18 Q Yeah, conversations --

19 A -- with people?

20 Q Yeah, given what you learned through the hearing, and it looks like your own
21 research, if anyone reached out to you to help -- to work on language for their submission
22 to CISA to audit voting machines or look at the voting machines.

23 A Not that I recall, ma'am. I mean, we had a lot -- there were a number of us
24 that had conversations -- legislators from around the country that had conversations
25 around these issues. But I don't recall any specific conversation having to do with

1 approaching somebody on how to write a -- a request, no.

2 Q And just to be clear, not so much coaching, but just sharing information, you
3 know, what should I ask for in my request, you know, what do you think.

4 A I don't specifically recall any conversations like that.

5 Q Okay. And I believe that you just mentioned the -- did you say you were
6 talking to other state legislators around this time about auditing voting machines?

7 I'm not sure if I heard you correctly.

8 A Well, just audits in general.

9 Q Okay.

10 A Questions about, you know, what is -- what is -- what does CISA do. I
11 mean, it's -- frankly until sometime after November 3rd, I never heard of CISA. It's one
12 of these -- you know, us guys at the state level, you hear these four-letter agencies,
13 three-letter agencies, they're obscure bureaucratic outfits that I didn't know existed until
14 I started looking them up looking for election security, Internet security. And all of
15 sudden, boom, you have this wealth of information that you never -- it's one of those
16 cases that you didn't know what you didn't know.

17 That make sense?

18 Q And what conversations do you remember with other state legislators
19 about -- and I'm really more concerned -- or asking about, like, auditing the voting
20 machines?

21 And this would be not in -- the time period would be November 3rd, 2020 to
22 January 20th, 2021.

23 A I don't recall having conversations about that, no.

24 Q Okay.

25 [REDACTED] Let's go to --

1

BY [REDACTED]

2

Q Before we go to that, very quickly, Mr. Finchem, do you ever remember

3

sharing your submission that you made to CISA that we're looking at in Exhibit Number

4

16?

5

Do you remember ever sharing it with anybody else?

6

A I might have, but I don't remember who that might have been. Again, you

7

know, conversations amongst legislators on policy-related things, you know, if

8

you're -- if we're facing questions -- I mean, that's one of the reasons, for example, ALEC

9

exists, members of ALEC, you know, so that we have an opportunity -- it's not just to take

10

a trip someplace. It's to have meaningful conversations with your colleagues around

11

things that are starting to either look suspicious or -- you know, we have a response, so

12

it's information sharing.

13

So if I sent my submission to somebody else, I don't have any recollection of that.

14

I'm not saying that I didn't. I might have. But I don't have any recollection of that.

15

[REDACTED] Okay. Let's go to Exhibit 17, and if you go to the initial email.

16

BY [REDACTED]

17

Q And can you see that, Mr. Finchem? It's an email dated January 2nd, 2021.

18

A Uh-huh. Right.

19

Q Okay. And I believe this is an email to Dr. Gosar, Tom Van Flein and Brian

20

Kennedy; is that right?

21

A Yes.

22

Q Who's Tom Van Flein?

23

A He's chief of staff who represented Paul Gosar.

24

Q How about Brian Kennedy?

25

A He's an advisor to me.

1 Q Legislative advisor?

2 A No.

3 Q Advisor in what capacity?

4 A He is the -- I believe the executive director of the Claremont Institute.

5 Probably one of the smartest guys on the planet in his particular area. One of those
6 individuals that I, from time to time, have conversations about wording, about structure,
7 putting things together, you know, what's the -- the best way to say something.

8 He's an accomplished author, and of course when you're -- when you're doing
9 documents that are going to be in the public sphere, you want to make sure that your
10 grammar and your tenor, your -- the way you say things is on point.

11 Q And was Mr. Kennedy an advisor to you in the November 3rd, 2020,
12 January 20, 2021 time frame?

13 A Say that -- November 3rd to when?

14 Q January 20th, 2021.

15 A Well, Brian and I talk a lot, conversations -- phone conversations, and his
16 advice I value on a number of different things. It's not just election stuff. It has to do
17 with legislative policy more circumspect. This is just one of the issues that I looked to
18 him and said, hey, what do you think about this.

19 

20 Q Had you ever talked to Mr. Kennedy before November 3rd, 2020, the
21 election?

22 A Well, we've been friends for quite a while. So, yeah, I'm not quite sure the
23 first time I ever talked to him, but we've been friends for quite a period of time.

24 Q You think you've been friends longer than before that election, the
25 November 3rd election, 2020?

1 A Yeah.

2

3 Q So, Mr. Finchem, if you look at this email, you said, This is circulating now to
4 all members of the House and Senate. It is not the total package, but close. The rest is
5 court docs from the Maricopa County Board of Supervisors subpoena shenanigans. Calls
6 to -- and you name different representatives -- encouraging them to sign on to the pause
7 letter would be helpful.

8 And if you go up on the email chain, you can see there are three documents
9 attached which we can show you. It looks like an affidavit by Dr. Shiva, Resolution to
10 Reclaim Electors and a final January 5 letter to VP, Block Electors.

11 A Uh-huh.

12 Q Do you remember this email correspondence?

13 A As I recall, that is a -- a draft of the -- what's cited in there is the
14 attachments, that's a draft of the components of the evidence book that was going to
15 Representative Gosar, and it was, I believe, sent to the members that are listed so that
16 they had some context as to what the letter was about and the objective nature of the
17 ask.

18 Q For the evidence book, was this something that was from you, or was it from
19 various members of the Arizona legislature?

20 A Well, as I said before, it's information that was gathered during the hearing
21 on November 30th and subsequent follow-up. Wherever we had an opportunity to
22 gather more testimony, more information was added to that book.

23 Q And why were you sending this to Dr. Gosar, Mr. Van Flein and
24 Mr. Kennedy?

25 A Well, because Representative Gosar was going to be the one in the well of

1 the Senate. I mean, this was directed at him. He was going to be receiving the
2 documents that were attached.

3 Q Did he provide any input on any of the documents?

4 A No, ma'am, he did not.

5 Q How -- how about his chief of staff, Mr. Van Flein?

6 A Did not.

7 Q Okay. And Mr. Kennedy?

8 A Other than wordsmithing, I don't know that Brian gave me anything other
9 than that. The -- much of what was sent was already pretty well worked over as far as
10 the draft. And as you can see, it's a near final draft. I was just looking for members
11 to -- you know, if there's anything else that I'm missing, if I've got a typo. I, from time to
12 time, have been known to fat finger keys, so words come out not quite how they were
13 intended.

14 And, so, it was just one last opportunity to put things together and make sure that
15 we -- we had a fair representation of what our -- our package to deliver to Mr. Gosar was.

16 [REDACTED] And if we go down a bit in this email chain, [REDACTED]

17 BY [REDACTED]

18 Q If you see, Mr. Finchem --

19 [REDACTED] Or go up -- sorry. Go up a little bit. Right here.

20 BY [REDACTED]:

21 Q -- in that -- in your email, you write, The court -- the rest if court docs from
22 Maricopa County Board of Supervisors subpoena shenanigans.

23 What is that a reference to?

24 A I'm sorry. That should say -- once again, there's a great example of what
25 I'm talking about, wordsmithing.

1 The rest "of" -- that should have been --

2 Q Okay.

3 A -- "of," not "if," court docs.

4 Well, I've already referenced this. It's the refusal of the Maricopa County Board
5 of Supervisors to furnish the documentation that they have committed to when they
6 were subpoenaed.

7 So this ongoing court fight to deprive the legislature from the very information
8 that we needed to have in order to ascertain whether or not we had a -- an election that
9 was fair, was open, those are the documents that were going to be added to this if by the
10 time this went to print we were able to include them.

11 [REDACTED] If we go to Exhibit 17A.

12

BY [REDACTED]

13 Q And is this the analysis by Dr. Shiva?

14 A Yeah. Yes. I'm sorry. When you say it's -- it's much easier to say his first
15 name than his last name, so he goes by Shiva. Yes, that is furnished by Dr. Shiva.

16 Q And is this what ended up being provided in the evidence booklet or at least
17 a draft of his analysis that went into the booklet for Vice President Pence?

18 A I'll have to see the whole document. All I can see is the first couple of
19 paragraphs.

20 [REDACTED] [REDACTED] if you can go down some so Mr. Finchem can review it.
21 Mr. Finchem. Is that it.

22

BY [REDACTED]

23 Q There's a second page which I think -- yeah.

24 A Yes, that's a substantial representation of what was included in the package
25 to Mr. Gosar.

1 Q Okay. Great.

2 And if we go to 17B, this is one of the other attachments that you provided.

3 BY [REDACTED]

4 Q It says, A Resolution to Hold Arizona Electors.

5 Is this something that you or someone in the legislature had prepared?

6 A Yes.

7 Q Okay. Did anyone from the President Trump campaign help draft this
8 resolution?

9 A No.

10 Q And if we go to page 5 of this resolution, it doesn't have any signatures.

11 Do you remember if the version that went in the evidence booklet for Vice
12 President Pence contained signatures?

13 A It did. Unfortunately, the signature page was out the door before it was
14 copied, but to the best of my recollection, there were about 20 members -- I don't
15 remember who all they were -- who signed on to that resolution.

16 But I will tell you that Russell Bowers and Karen Fann did not.

17 Q Okay.

18 BY [REDACTED]

19 Q Did anybody outside the Arizona legislature or Arizona legislative staff help
20 to prepare this resolution?

21 A No.

22 BY [REDACTED]

23 Q If you go up a little bit to number 6 of the resolution, and it's on page 4
24 of -- of this exhibit. If you look at point 6, Mr. Finchem, it says, Hereby notifies the
25 President of the United States, Senate and the Arizona delegation.

1 If you look at the third and fourth lines, That we reclaim and recall both slates of
2 the 2020 Electoral College electors.

3 Can you explain what resolution, what you were notifying the President of the
4 United States, Senate and Arizona delegation of with respect to the slates of electors?

5 A It was our position that the election was irredeemably -- that the Maricopa
6 County election -- I don't believe that it says it specifically -- that the contest was polluted
7 and that we could not name a clear winner. And it was our position that Arizona's
8 electors should probably be withheld.

9 Q And it says, Both slates of electors -- both slates of the 2020 Electoral College
10 electors.

11 So which slates were you trying to reclaim and recall?

12 A So you had a Democratic slate and Republican slate. I believe we've
13 already talked about that.

14 Q So my understanding, the Republican Party slate had not been certified.
15 That's what I'm asking.

16 A I don't -- I didn't know at the time what their status was.

17 Q Okay.

18 A As you can see, that paragraph is rather broad, and the -- and the point
19 is -- it's like we're calling you on to not recognize anybody.

20 Q If we go to the cover email again, Exhibit 17, you'll see that the top email --
21 [REDACTED] If you go up, [REDACTED].

22 BY [REDACTED]

23 Q It says, John D. McEntee. I'll represent to you that he was an employee of
24 the White House at the time.

25 Do you know how your email found its way to Mr. McEntee?

1 A I have no idea.

2 Q So you didn't blind copy him?

3 A I don't even know who John McEntee is.

4 Q Okay. So you don't recall talking to Mr. McEntee in this time frame?

5 A I do not.

6 Q Okay.

7 [REDACTED] I'm going to turn it to my colleague, [REDACTED] He has a few
8 questions for you, Mr. Finchem.

9 [REDACTED] Thank you.

10 BY [REDACTED]

11 Q And, Representative Finchem, I'm going to take a little thematic detour here
12 for a little bit, just to give you a heads up.

13 How do you know Mr. Ali Alexander?

14 A He showed up in Phoenix at the November 30th hearing and introduced
15 himself to me and a number of the members and said that there were a number of
16 people interested in a protest and that he would be outside.

17 And he seemed like a congenial young man. He said, we don't want to disrupt
18 your hearing, but is there any way that we can have some of the folks that have come to
19 protest have a seat in the room. I said, well, you're going to have to talk to Mr. Rapacki.
20 He's handling security.

21 That's the first contact that I had with that gentleman.

22 Q Did you thereafter get involved with Mr. Alexander's organization Stop
23 Steal?

24 A I was asked to speak at a number of election integrity events. One of them
25 was in D.C. One was on the capitol mall here in Arizona.

1 Q So Mr. Alexander later said that the Stop the Steal movement in Arizona
2 started with yourself.

3 What do you take that to mean?

4 A I think he's giving credit where it's not due. Frankly, I think it's probably an
5 exaggeration. I was just a guy who was representing his constituents, called for a
6 hearing to take evidence and testimony.

7 Now, if he wants to say that that's the beginning of the Stop the Steal movement,
8 well, okay, go ahead. But I -- that was his thing, not mine.

9 Mine was purely a legislative fact-finding hearing. I'm -- that is the first time I've
10 heard that I was the person who started the Stop the Steal movement.

11 Q Understood.

12 So did you help Mr. Alexander plan any rallies after November 30th in Arizona?

13 A No. I was asked to speak at a couple of events. Some of them I had to
14 take a pass on because I had other legislature responsibilities. And one of them I spoke
15 at -- I'm trying to remember when it was. There was an event in the Wesley Bolin Plaza
16 where it was actually pretty well attended. I would say there were maybe a thousand
17 people at it. But I don't remember the exact date. It was -- I remember it was cold, so
18 we were all wearing jackets and gloves.

19 But other than that, you know, I went to Washington, D.C., and I want to say -- I
20 don't remember the exact date; sometime in December.

21 Q Was that December 12th?

22 A It might have been. There was a -- a big -- I guess you'd call it a rally. Is it
23 called the Capitol Mall where the lawn -- the big lawn --

24 Q The National Mall.

25 A Yeah, the National Mall. They had a stage set up, and there were a number

1 of pastors and, you know, Eric Metaxas and Lance Wallnau and a number of folks I know
2 were there. I was there. I know General Flynn was there for a period of time. I was
3 asked to come and speak.

4 Anybody who wants me to speak on election integrity and the need for people to
5 be involved, I don't really care who they are. I'm happy to come speak.

6 So, yeah, I was asked a couple of times to come speak at different events, but, no,
7 I didn't have anything to do with planning such events.

8 Q And that includes any Stop the Steal events including January 6th. You
9 were just asked to be speaker; you didn't have any organizational role?

10 A That's correct.

11 Q In terms of December 12th, did you interact with General Flynn at all?

12 A No, that poor guy was buried with people trying to get signatures and
13 pictures and all that. I knew who he was, had great -- had solid respect for the man. I
14 just kind of -- I saw him, kept my distance because he was buried with people.

15 Q And going back to Arizona quickly, was there an event on December 30th at
16 the Arizona State Capitol that you were involved with?

17 A Well, that might have been the date of one that I just described. Again,
18 asked to be a speaker. That was --

19 Q Can you --

20 A -- the extent of my involvement.

21 Q I'm sorry to interrupt you. There was a little bit of a lag.

22 Can you describe what the goal of that event was?

23 A Well, I think it was to encourage people to be involved in elections. I mean,
24 elections belong to the people. They don't belong to the government, and they're a
25 system that is people dependent. And when people take the attitude that somebody

1 else will take care of it, they surrender a portion of their personal franchise as a citizen.

2 So my message has been fairly consistent for the longest time. If you want free
3 and fair elections, you've got to be involved.

4 Q And I think -- in describing that event on December 28th where you spoke, I
5 think you were on Steve Bannon's War Room podcast on December 28th, and you said,
6 the people of Maricopa County are engaged in a full-on uprising.

7 What did you mean by that, Representative Finchem?

8 A They're angry. They feel justice has been denied, justice has been delayed,
9 and -- I mean, to the point, uprising metaphorically. They launched recall petitions
10 against county supervisors; they were showing up at board of supervisor meetings.

11 I've never seen the level of engagement of the people in their government in my
12 entire life. People are now holding elected officials accountable. They wanted to
13 know why Maricopa County Board of Supervisors was refusing to abide by their
14 commitment to be transparent and forthcoming with documentation.

15 Q Understood. And thank you.

16 So when did you learn that there would be an event in Washington, D.C., on
17 January 6th?

18 A I don't rightly recall. I -- I don't recall.

19 Q Did you learn about it from Mr. Alexander?

20 A Well, I learned about it after I had made arrangements to be in January -- or
21 in D.C. January 5th to deliver the evidence book to Paul Gosar.

22 To the best of my recollection, I got a phone call saying, hey, are you available to
23 come speak in D.C. on January 6th, and I think I responded with, well, I'm going to be
24 there on the 5th anyhow because I needed to deliver something to Paul Gosar, so, sure, if
25 you want me to speak, I'm happy to speak.

1 Q And you don't remember when you decided to deliver that book to
2 Mr. Gosar on the 5th, when you made those travel arrangements?

3 A Well, I -- again, going back to calendar, looking at a window of time when I
4 could do it and, you know, make it affordable, it would have been at least a week to ten
5 days before that.

6 But I also wanted to -- I wanted to give -- right up to the last moment if we had
7 documentation that we could add to the evidence book -- because I was delivering a hard
8 copy, that meant right up until the morning of the 4th, since I flew out on 5 -- I think I flew
9 out on the 4th, got there the night of the 4th. Maybe. I don't know. I might have
10 taken a red-eye out and gotten there the morning of the 5th.

11 But I wanted to give up to the very last moment that if there was any information
12 that could be added to the evidence book that I was going to turn over to Mr. Gosar, that
13 I had the time to get it printed and get it stuffed into that package.

14 Q Okay. So about ten days or so before January 5th --

15 A That's a guess.

16 Q That's a guess.

17 A That's a pure guess.

18 Q All right. But would you agree that you knew about the event -- the
19 January 6th event in late December of 2020? You knew that there was going to be an
20 event?

21 A Well, I knew that there was going to be a speech at the Ellipse and that there
22 was going to be a speech opportunity on, what is it -- I think Pennsylvania Avenue. I
23 forget the name of the hotel.

24 Q That's okay.

25 [REDACTED] Let's pull up Exhibit 30, [REDACTED].

1

BY [REDACTED]

2

Q And Exhibit 30, I'll start to describe it for you while it comes onto the screen.

3

So these are some Tweets that were captured that you sent out. You can see on

4

the bottom, there's a little timestamp --

5

[REDACTED]. If we scroll down a tiny bit, [REDACTED].

6

BY [REDACTED]

7

Q It says 5:10 p.m., January 1st, 2021. And these come from your Twitter

8

account where you say, I'll be in Washington D.C. on January 6th. And this is one of the

9

most important days our Republic has ever seen. We need all hands-on deck.

10

And in the first paragraph you said, Fight for President Trump.

11

So did you take January 6th to be a particularly important day for President

12

Trump?

13

A Well, it's a -- I think it was a particularly important day for the Republic. If

14

there is a question in controversy around an election, seeing some of the things that I was

15

seeing that were going on both in the media and in -- in the political world -- you know, I

16

have a little bit different view than you may have, some of the briefings I get and the

17

discussions that I have with individuals --

18

Q So why did you -- so why did you need all hands-on deck, then?

19

A Let me finish my answer, please.

20

The question was would there be a protest, and if there was a protest, what were

21

people protesting.

22

Now, clearly I believed that we had significant evidence to call on Congress to

23

question certain aspects of the election. Now, having a protest, gosh, that's, I believe, a

24

First Amendment protected right.

25

We've got members of this body no longer in office that have been arrested for

1 blocking entry to the Capitol in the past. That's protest.

2 So, you know, having people who have an interest -- that's all hands-on deck,
3 people who have an interest in political activity, now is your opportunity to be engaged.
4 And if you choose to be engaged, great. If you choose not to be engaged, don't
5 complain.

6 Q Were you aware at this time of any discussions about people marching to
7 the Capitol on January 6th?

8 A I was not.

9 Q Were you aware of any discussions about President Trump possibly himself
10 walking to the Capitol on January 6th?

11 A I was not. That would have been something to see.

12 Q Were you aware at this time about any hints of violence that would come on
13 January 6th?

14 A Not at all. In fact, I'm -- I don't know -- what's the date of this --

15 Q It's January 1st.

16 A Okay. What I -- as an aside, what I thought was rather striking about -- on
17 January 6th was the -- as people left the Ellipse, the regard for fences and barricades.
18 The people weren't hopping fences, and they weren't -- it wasn't a boisterous crowd. It
19 was, quite frankly, people mindful of barricades and sidewalks and -- if the traffic lights
20 told people to stop, they stopped.

21 I thought it was an interesting -- with a crowd that large -- and I estimate it to be
22 somewhere between a million and a million, 2. With a crowd that large to be so
23 well-behaved I thought was a remarkable thing. That's while we were at the Ellipse.

24 I saw as I'm walking up -- I believe it's -- I can't remember if it's Constitution
25 Avenue or Pennsylvania Avenue; it must be Constitution -- or Pennsylvania Avenue -- you

1 know, individuals -- you know, some people pushing wheelchairs with vets in them,
2 families with little kids, people who -- just everyday people walking towards the Capitol.
3 No hint of hostility, no -- no -- actually, no -- not even a hint of anger or -- it was -- I hate
4 to use the word "festive" because I don't know if that's the right word, but it was a more
5 positive type of crowd.

6 Q Do you know what time you left the Ellipse, Representative Finchem?

7 A I don't. It was after the -- so I was up in the second row from the front and
8 walked to the back, and it seemed like it took forever to -- for people to file out, but that's
9 because people were being so well behaved and courteous.

10 So I -- no, I don't recall what time I left. [REDACTED] Pull up Exhibit 28 and go to
11 page 6 of it.

12

BY [REDACTED]

13 Q These are some text messages between yourself, Mike Coudrey and Ali
14 Alexander.

15 You see at 12:42 on January 6 -- it's somewhere in the middle of the page. I
16 apologize for the formatting of it.

17 A I can barely see it, so I'm --

18 [REDACTED] Yeah. Can you zoom in a little bit, [REDACTED]?

19 Mr. Finchem. Ah, that helps. Okay.

20 [REDACTED] That's a --

21 Mr. Finchem. Thank you. Now you're too big. I can't see what's on the page.
22 Go back one. There we go. All right.

23 [REDACTED] So if we go to the last page, [REDACTED] and it's about in the middle.

24

BY [REDACTED]

25 Q At 12:42, you text Ali Alexander and Michael Coudrey. You say, I am on

1 one of the golf carts headed your way. And before that, at 12:41, you mention getting
2 swept up in the crowd at 15th and Constitution.

3 So at 12:42, where were you going on a golf cart?

4 A I was going to the Capitol, and I remembered that somebody came by and
5 said, Hey, Representative Finchem, you want a ride. So I was about halfway -- and I
6 think I had -- I was supposed to be there at one o'clock. And I was a little concerned
7 about not being there at the appointed time, so I said, yeah, I'll take a ride. So I got a
8 ride probably, I don't know, two or three blocks, about to where the fencing started. If
9 you're looking at the Capitol, the Supreme Court is on the left-hand side. It would be
10 the large sweeping sidewalk off to the left.

11 So, yeah, I probably got a two- or three-block ride on a golf cart.

12 Q Okay. Do you remember who picked you up?

13 A No, I don't.

14 Q Did that person tell you whose golf cart it was?

15 A No.

16 Q And do you remember what time you got off the golf cart or about an
17 estimate of how long you were on the golf cart?

18 A Oh, gosh, not more than about three minutes if that. I mean, I was already
19 well on to the Capitol.

20 Q Right.

21 So the --

22 A I don't know. Maybe three or four blocks.

23 Q And you said you got off near where the stage was supposed to be; is that
24 correct?

25 A Well, honestly, I didn't know where the stage was supposed to be. There

1 was a rally point that was to the -- it was where the sidewalk -- gosh, I wish I had a way to
2 point to it.

3 Q I could pull up a map for you, actually, if that would help.

4 A Yeah.

5 [REDACTED] Exhibit 36, [REDACTED]

6 BY [REDACTED]

7 Q It's not the best map in the world, so you'll have to forgive my technical
8 limitations.

9 A So I need to find -- where's the Supreme Court, up or down?

10 Q It's on the right side right there where this cursor is. It's on 1st Street,
11 Southeast. That's what we call the east side of the Capital.

12 A Okay.

13 Q The northeast would be where that Northeast Drive is. That's the
14 northeast side. And then the Peace Monument at left is where you were coming from,
15 from the Ellipse, so your golf cart probably came down the little yellow Constitution Ave
16 and went that way.

17 A Yes, that looks familiar.

18 So I would have gotten off -- I'm a little bit disoriented here. Is it --

19 Q The main face of the Capitol, the east plaza center is where the visitor center
20 comes in, and that's the big front. So the west side is where the inaugural stage was
21 with a lot of scaffolding on it, if that helps at all.

22 A Oh, that helps.

23 Q So where you --

24 A I was --

25 Q -- were --

1 A -- in --

2 Q -- coming in --

3 A So I was on the east side.

4 Q Okay.

5 A So where you see the -- how do I do this? Where you see the "the" under
6 Supreme Court of the United States.

7 Q Yeah.

8 A If you were to draw a line down to the sidewalk and to the right where those
9 two sidewalks come together.

10 Q Yes, the little curved ones, I think, is what you're saying.

11 A Yep.

12 Q Okay.

13 A So that's was where I was told there was going to be a couple of people
14 there, you know, faces that I recognize. Was told come out with me; we're going to go
15 here.

16 And once I got up there, somebody -- one of them said, you know, this has gotten
17 to be really disorganized. It's not going the way it's supposed to be. We're supposed
18 to be on the other side of the building.

19 I'm like, okay, if it's that disorganized, I don't want to be a part of it.

20 Q So what did -- what did you see in that golf cart ride as you're passing by the
21 Peace Monument and making your way around to where you got dropped off?

22 A There were two things that I -- I -- that were strike -- well, three things that
23 were striking to me.

24 I saw -- they stepped -- that location that I gave you, that's the best I can recall
25 because I -- I'd have to actually see -- this is a downward map. I'd have to see the lateral

1 map to -- because spatially, I'm a little bit challenged on this.

2 But back to your question, I saw what really seemed like an incredibly light
3 security package, meaning where's all the cops, where's all the traffic control people,
4 where's -- this doesn't make sense to me.

5 And that goes back to my law enforcement training. I mean, I've been part of
6 dignitary protection and, you know, site security a number of times. Just knowing full
7 well that there's going to be perhaps a million people there, that just didn't look right.
8 Something was a bit wrong.

9 But then I just kind of wrote it off to, okay, you look at the crowd as I'm going up
10 the street, rather well behaved. I mean, they're -- like I said, it was -- it was a congenial
11 kind of festive thing. Now, of course there were some people that were wearing
12 fatigues and, you know, they get all dressed up the way they do. Not -- not my gig.
13 And then --

14 Q And --

15 A I saw a lot of -- I'm sorry. Go ahead.

16 Q I was just going to say I'll represent to you that at 12:53 was the first time
17 that people pushed through the barriers at the Peace Monument, so you're coming down
18 in the golf cart at 12:43. We don't know, you know, exactly when you're driving by the
19 Peace Monument. But shortly around that time is when people pushed through the
20 barriers and started heading up to the Capitol in droves.

21 Were you seeing anything like that?

22 A I did not.

23 Q Okay. So after you get off on the east side and you decide or you were told
24 that the event's not happening, what did you do?

25 A I left the area.

1 Q You -- where did you go?

2 A Well, I walked over by the Supreme Court, and went on the -- the back side.
3 I left the area. You know, I -- I've been to D.C. a couple of times, but I'm an architecture
4 guy. I wanted to take a look at architecture, so.

5 Q Were you in contact at all with Mr. Alexander when this is happening?

6 A I -- well, actually, that was one of the things that seemed a little strange.
7 I'm looking for direction. Okay, so where am I supposed to be. Nothing. No
8 response. So, okay, if things are that disorganized, I don't want to be a part of it.

9 Q So this is probably about one o'clock in the afternoon, give or take a couple
10 of minutes, using the 12:43 golf cart ride as our baseline?

11 A I -- that would be -- that would be speculation on my part. I know that I
12 wasn't there very long.

13 Q Do you remember getting a text message from Mr. Coudrey -- and we can go
14 back to Exhibit 28, if we want to see it. At 1:12 p.m. he texts you and Mr. Alexander
15 saying, They are storming the Capitol; I don't think it's safe.

16 Do you remember receiving that text message, Mr. Finchem?

17 A I don't remember seeing it -- I don't remember seeing it, but -- let's see.
18 What else does it say?

19 Q That's -- that's it for your -- that we have, at least.

20 A I would say that sometime between twelve o'clock -- or between 12:42 and
21 one o'clock -- it was only about 15 minutes or so -- that I was where I think I was at on
22 your map. And I just made the determination that, okay, if this is disorganized, I don't
23 want to be a part of it. I'm not -- not down with that.

24 And, you know, seeing -- seeing a little bit of what I saw gave me a little bit of
25 concern, so I -- I don't recall actually seeing that text.

1 Q Okay. But you saw enough of whatever was going on to have a little bit of
2 pause, it sounds like; is that correct?

3 A Yeah. Well, you know, I saw, for example, the barricades were laid down,
4 okay. That's a clue. Barricades are there for a reason. They're -- they're to manage a
5 crowd.

6 Q How did you try to -- I'm sorry.
7 Did you try to reach Mr. Alexander at this time?

8 A No. Actually, there were a number of people that were standing there that
9 were -- I was told were supposed to be speaking at the point where we were at. We all
10 kind of looked at each other and it was like, no, this is -- something's -- not going to do
11 this, and we all went our separate ways.

12 Q Did you ever see Mr. Alexander along with Alex Jones go onto the steps of
13 the Capitol on the east side?

14 A No. In fact, I -- again, you're going to have to show me the map again
15 because I'm --

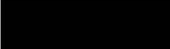
16 Q Yeah, the same side as where you are got dropped off.

17 A No, I -- no. I was so far away from -- I mean, I -- I took a photograph, and
18 you know the thing on your phone where you can do this [indicating] --

19 Q Yeah.

20 A -- where it zooms in, I mean, that's the picture I took.

21 Q Maybe if we show you Exhibit 33, that might be --

22 BY 

23 Q I wonder if this is the picture you were talking about. This is a tweet that
24 you sent out on January 6th.

25 A Yeah.

1 Q Let me zoom out a little bit. This is a picture of the east side where all the
2 people are.

3 A Right. So I was actually quite away from the crowd and had to go on full
4 zoom on my phone, so I don't know what distance that would cover.

5 But to answer your question, no, I -- in fact, I -- I don't recall seeing Alex Jones or
6 Ali Alexander even there.

7 Q And during this time were you in contact with any members of Congress?

8 A No.

9 Q Had you been in contact with any members of Congress about the events of
10 January 6th prior to this day?

11 A No. Well, other than to say to Representative Gosar that I had a package to
12 deliver to him on the 5th, so he had the information that we wanted to get in his hands in
13 time for the 6th, but that's the extent of the conversation.

14 Q Thank you for clarifying. I should have been clearer with my question.

15 [REDACTED]. If we zoom out a little bit, [REDACTED], or scroll up either one.

16

BY [REDACTED]

17 Q So you captioned this, What happens when the people feel they have been
18 ignored and Congress refuses to acknowledge rampant fraud. Hashtag Stop the Steal.

19 And it looks like this was at 1 --

20 [REDACTED] Can you zoom in on the time, [REDACTED]. I think it was 1:16 p.m. I
21 don't want to trust my notes, though.

22

BY [REDACTED]

23 Q So it was at 1:16 p.m., which I'll represent to you the breach on the east side
24 hasn't happened yet.

25 A Uh-huh.

1 Q Did you stick around long enough to see people get even close to the Capitol
2 and go inside?

3 A No, I didn't.

4 Q Okay.

5 A I mean, I -- I did notice that at the top of the steps -- and it's not in this
6 photograph -- I saw three police officers. And, again, that lends itself to, okay, I've had
7 site security responsibility before; what are they doing.

8 That was the question that was in my mind. It was like, these guys are totally
9 unprepared for what's happening here, and I think it's time for Mark to leave.

10 Q Would you say that that crowd was peaceful?

11 A The crowd in this picture?

12 Q The crowd that you were observing.

13 A The crowd in this picture I would say was peaceful. In fact, it was -- it was
14 almost like -- a large majority of those people were looking out away from the building
15 taking selfies. I mean, it -- it was almost like a "hey, mom, look at me" kind of moment.

16 But, no, the people that were in this particular area that I was able to observe, I
17 did not see -- I saw people peacefully protesting, peacefully assembling, waving flags,
18 yelling that they were mad. Okay. Well, that's part of protests.

19 But I did not see violent behavior; I didn't see people pushing, shoving, climbing
20 over fences, any of that kind of nonsense. I --

21 Q Did you --

22 A -- saw --

23 Q -- ever --

24 A I saw people standing on the steps waving flags, basically.

25 Q I apologize for interrupting you.

1 Did you ever walk around to the other side of the Capitol where the inaugural
2 stage was being constructed?

3 A No. Well, as I was -- as I was leaving, you know, the sidewalk comes
4 around. No, I did not go to where the scaffolding was at, but I did exit out of the area.
5 The area where you see the picture, that's where I exited out.

6 Q And you don't know exactly what time you exited out; is that correct?

7 A No, I don't, sir.

8 [REDACTED]. If we pull up Exhibit 29.

9 BY [REDACTED]

10 Q So on December 24th, Ali Alexander tweeted out, Dear Left: I am the last
11 stop before civil war. And you retweeted that.

12 Why did you retweet Mr. Alexander's message?

13 A Because I'm very concerned about people who -- when the polity feels that
14 they have been ignored, when justice has been denied, they do things that are
15 unpredictable. And I think that the warning to everybody is that if you continue to
16 disregard your brothers and sisters -- I'm a student of history. If you continue to
17 disregard the concerns that people have, that leads to conflict which then leads to armed
18 conflict which leads to really bad things.

19 So the idea is peaceful protests. The media, in my view, engaged in a serious
20 gaslighting and misrepresentation of facts. Many people would call it a psychological
21 operation, a psyop, trying to get people to believe that the election was close; that there
22 was -- everything was fine.

23 That's disregarding the people who are upset about this, and it's basically a
24 warning to the people who are engaged in trying to prevent other people from speaking,
25 from being heard, be very, very cautious.

1 Now, I am not one of those people -- I'm a peaceful man; that's one of the reasons
2 I joined the law enforcement community; I wanted to see peace in my community.

3 Q So how do you think the events of January 6th -- if we go back to
4 Exhibit 33 -- the Tweet has a similar message about, you know, people being -- this is
5 what happens when people are angry, and you just described, if you continue to
6 disregard it leads to conflict, eventually armed conflict and then to bad things.

7 Where is -- is January 6th one of those steps?

8 A How so? I'm not sure I understand your question.

9 Q So in your telling about why you retweeted about civil war, it's a warning
10 about if you continue to disregard people, it leads to conflict.

11 And then the next step I believe you said was it leads to armed conflict and then
12 to bad things.

13 Is January 6th -- where is January 6th along that continuum between disregarding
14 people and really bad things?

15 A What happened on January 6th is a really bad thing. I think that what's
16 critical is when people lose trust in their government, even worse things can happen.
17 Now, there are some serious questions that I have, videos that have come to light where
18 Capitol police officers opening -- I've been to the Capitol a number of times, and every
19 single time I've had to empty my pockets, take off my belt, take off my glasses, go
20 through a metal detector. Do they still have that practice in place to this day at that -- I
21 just need to have some clarification.

22 Do you guys have to go through that when you go to the Capitol?

23 Q I can represent that they do, but some of the doors that people went
24 through on January 6th were not doors that were -- you know, as someone who used to
25 do law enforcement, there's certain doors that people go through metal detectors and

1 others --

2 A Right.

3 Q -- are not doors that are supposed to open up.

4 A So thank you for helping emphasize my point. Why is it, then, the Capitol
5 police officers were opening those doors and letting people come through?

6 That intervenes -- I mean, that prevents, even, the question of criminal trespass.
7 When you've got police officers opening the doors from the inside and permitting
8 people -- I'm happy to share the videos with you if you'd like.

9 Q I would like to be clear for the record. I did not say anything about police
10 officers opening the doors. And, in fact, if you -- we can talk about this all day, but I'll
11 represent to you a lot of people broke in doors and broke down windows to get inside.
12 So clearly they were not going to go through metal detectors.

13 But my question again -- and I want to just be specific about this -- is you
14 mentioned January 6th is a really bad thing. If people are being disregarded, do you
15 think any of those people who were being disregarded went along that continuum to do
16 bad things on January 6th?

17 A I don't know that you could make a continuum argument there. I -- each
18 individual is responsible for their own behavior, and the fact has been established that,
19 yes, there are people who did damage to federal property. I'm not going to dispute that
20 fact. I condemn that. I don't condone it. That is not peaceful assembly; that is not
21 peaceful protest.

22 But at the same time, you can't make that argument alone without
23 questioning -- and, again, this goes back to the people trusting their government. You
24 can't make the argument about damaged property at the same time you have federal law
25 enforcement officers opening doors and inviting people in. The two can't be held

1 separate, sir. So to answer the question, are we talking about people who are acting
2 individually and acting out their anger?

3 I'm -- there's video evidence that, yes, that happened. And, again, I condone
4 that. I don't think that that's appropriate behavior for a peaceful -- it's wrong-headed
5 behavior.

6 Q Understood.

7 But you would --

8 A -- [Inaudible].

9 Q You would say that then there were some people acting out their anger, and
10 is that anger about the election, on January 6th?

11 A I think I -- certainly it's probably related, but I think it's more about the
12 appearance of justice denied.

13 So let's -- let's unpack that for a moment. You've got courts that refuse to hear
14 cases. Now, in my own view, if we are going to recognize the authority of the legislature
15 under Article 1, Section 2, Clause 1, legislature chooses time, place and manner.

16 The courts -- the federal courts specifically, I think, rightfully said, this is a
17 legislative political matter. With all due respect to Mr. Trump and his team, it belongs
18 to the legislatures. It does not belong in the federal courts. I actually agree with that
19 position.

20 But at the same time, the way it was managed by the courts to simply disregard it,
21 all right, now you've got the seed planted by the courts. In the minds of the people,
22 you've been dismissed. You have been -- your argument is not worth hearing. And
23 that's where the seeds of distrust are planted in the minds of the people. And once
24 those seeds are planted, justice denied, justice delayed, it appears to be justice denied.

25 And these are folks that believe that election justice was not served because, A,

1 their case wasn't heard.

2 Now, let's go on the legislature for a moment. You have governors and
3 legislative bodies who when confronted with massive fraud -- let's take Georgia, for
4 example. You can't treat the people -- just the people in Georgia separately from the
5 entire nation because all of that video has been spread across the entire polity. It's --

6 Q Mr. Finchem --

7 A -- not just --

8 Q -- I think?

9 A -- the --

10 Q -- I think over the last couple of hours we've -- we've gotten a good
11 understanding of your view of what happened on the election day, and I --

12 A You're not going to let me finish my answer?

13 Q I very much take it that you're going to explain about why people felt as if
14 they were -- you know, felt that they couldn't have faith in the system, and it has to do
15 with --

16 A Okay. You asked me the question. I'm trying to give you a full answer.

17 Q I understand. Thank you. And I just want to be, you know, wary of
18 everybody's time, and I only have a few more questions to get through, so I apologize for
19 cutting in.

20 A I'd like to finish my answer.

21 Q Okay. Go ahead.

22 A Thank you.

23 You now have the legislative branch that is refusing to acknowledge what
24 happened right in front of their faces on video, and you also have the executive branch
25 refusing to take action on what happened in front of their faces.

1 All right. So if people don't have trust in their government -- and we now have
2 all three branches, judicial, legislative and executive at least providing the appearance
3 that they have turned their back, that's when people begin to distrust their government.
4 In fact, we're well down that path right now.

5 So I can't speak for the people who decided to act out other than to say it's a sad
6 day in American history that they did that, but there's a whole lot of people that were
7 at -- present at that event, that happening, that had nothing to do with breaching the
8 Capitol. They still, nonetheless, distrust their government, and that's -- that's something
9 we need to work on.

10 So my answer is complete now.

11 Q Thank you. And I apologize for interrupting.

12 Do you think President Trump's rhetoric about all those institutions and saying
13 that their information is fake, et cetera, has anything to do with the mistrust those people
14 had on January 6th?

15 A No, I think their distrust is actually routed in D.C. politicians that have been
16 there for decades.

17 Q Understood.

18 So did you go on Steve Bannon's War Room podcast on January 6th?

19 A Yes, I did.

20 Q How did you get introduced to Mr. Bannon?

21 A Actually, a relative of his is a constituent of mine.

22 Q And your constituent put the two of you in touch?

23 A I presume so. I mean, I don't know why he'd have occasion to call me.

24 Q Do you remember when you first went on his show?

25 A I -- I don't. It's been a long time ago. First time, first appearance, it's been

1 a long time ago.

2 Q So in the time period between November 2020 and January 2021, you were
3 on a couple of times. And outside of what you talked about on the podcast, did you and
4 Mr. Bannon ever discuss election integrity or January 6th outside of what you talked
5 about on the show?

6 A January 6th, no. Election integrity, from time to time short comments, you
7 know, for example -- and I -- one of the -- one of the remarks that was made was
8 something to the effect of, man, you are in relentless pursuit of election justice. It's like,
9 yeah, I am. It's -- it's not a party thing. It's -- it's not a Democrat/Republican thing.

10 In fact, as we look at the polls right now, we've got a whole lot of Democrats that
11 are having some serious doubts in the process. That is not a good place for our country
12 to be. When you've got Republicans -- actually, at the other -- there's an alternative
13 view, and I don't know if you know what the Overton Window is or not. Do you know
14 what the Overton --

15 Q I have heard of it.

16 A -- Window is?

17 Okay. The Overton Window, very shortly, you have the left; you have the right.
18 They both come to a place where they recognize that there's a problem, and in that
19 window, that's where good public policy happens. That's where they both recognize, A,
20 they have a problem; B, they need to have a solution; and, C, they come to an agreement
21 about what those solutions look like.

22 And then you have enactment. We've had some conversations -- philosophical
23 conversations about that, but they're usually pretty brief.

24 Q But that's the extent of it, the philosophical conversations about election
25 integrity and as you said nothing about January 6th.

1 So getting back to your appearance on January 6th, I think -- you said that the
2 election wasn't over. What did you mean?

3 A I said, this ain't over.

4 Q This ain't over?

5 A Meaning questioning the election.

6 So you give your consent to be governed, but you don't give up your right to
7 question the result, and there are those in the government -- the election bureaucracy
8 that would have the people sit down and shut up. That's what I meant by that. This
9 ain't over. I'm not going to sit down and shut up. I've been kicked off of Twitter. I've
10 been kicked off of Facebook. I've been put in Twitter jail because I spoke my mind.

11 Well, that might be okay in Stalin's Russia, but that ain't okay in America. And
12 when people have questions, I was put in place to ask questions. That's my job as a
13 legislator, to ask questions, to do due diligence, to get to the bottom of things and to
14 examine things to understand is there a public policy response that we have to come up
15 with, or is there something that we need to refer to law enforcement authorities to get
16 fixed, whatever that might be.

17 So when I said this ain't over, it's like we still don't have a forensic audit; we still
18 don't have litigation that has concluded; and we still have a lot of questions about what
19 happened.

20 So that was the meaning of that statement.

21 Q And you also mentioned that you were seeing something like a coupe taking
22 place, and I believe that was in reference to how the 2020 election was handled; is that
23 correct?

24 A Yeah, it's a coupe against the American Constitution. It's when people
25 disregard the Constitution -- I mean, disregard facts. They willfully disregard fact, and

1 they try and gaslight people and tell them, oh, no, that's not what happened. What
2 would you call it? That's a coupe against the Constitution.

3 Q And at this time when you said that, it was somewhere around 5:30, so
4 people had already been in and out of the Capitol.

5 Do you think that -- if you believe that the certification of the election or whatever
6 was happening on -- with the 2020 election at that time was a coupe, was there any
7 justification for people to go into the Capitol to stop that certification?

8 A No.

9 Q Okay. Do you think that people came to D.C. on January 6th to stop the
10 certification of the vote for President Biden?

11 A No, I think they came to have the politicians hear the people and seek
12 redress. That's their constitutional right. And I think that regardless of who acted out,
13 whether it was an organized group or individuals just acting badly, once again, I -- I
14 condone that. But the people do have a right to appeal to their elected officials to
15 address their grievances.

16 Q Correct.

17 But as you -- as you implied, though, that right doesn't extend to storming inside
18 the Capitol and using physical violence and other means to stop the certification; is that
19 correct?

20 A Absolutely.

21 [REDACTED] I think I'm going to get the record clear. He said condoned. Did
22 you mean condoned or condemn. I think there was a misstatement. [REDACTED] I'm
23 sorry.

24 The Witness: I believe I said I do not condone.

25 [REDACTED] Yeah, yeah, I'm sorry.

1 Mr. Finchem. I condemn that behavior, okay.

2

BY [REDACTED]

3 Q Yes. Yes, that is correct. I apologize for the misuse of the words.

4 A So I can't presume to know what's on people's minds, you know, whether or
5 not people came to Washington, D.C. to cause mischief. Back to your original question
6 about President Trump's remarks, we are each individually responsible for our behavior.

7 I -- I did not see President Trump's remarks as inflammatory, inciteful. I think
8 that he -- we have to remember something; he is also an American citizen. Above being
9 a president, he's an American citizen. He has the right to petition -- because he's in the
10 executive branch -- think about this for a minute. He's in the executive branch. Has
11 he not the right to appeal to the legislative branch to resolve his grievances.

12 I would say that he does just like you -- like I do.

13 Q My question though, Mr. Finchem, and I'm sorry I did not phrase it correctly,
14 but I take your point about people having the right to protest.

15 Do you think that the right to protest included -- includes going into the Capitol
16 on January 6th in the conditions that were set out to stop the certification of the vote?

17 A Absolutely not.

18 Q Thank you.

19 A Without hesitation, absolutely not.

20 Q Thank you.

21 And I, again, apologize for not being clear on the original question.

22 So I only have a few more here. You mentioned that you saw General Flynn on
23 December 12th. Did you ever work with Mr. Flynn on any other election integrity
24 events or at Stop the Steal events?

25 A Up to that point, no.

1 Q And after that, up until the end of January 2021, so --

2 A No. No, I literally saw the man. That's -- that's it.

3 Q Understood.

4 Have you ever worked with something known as the 1st Amendment Praetorian?

5 A The what?

6 Q 1st Amendment Praetorian?

7 A Never heard of them.

8 Q Did you ever work with Roger Stone on election integrity stuff in this time
9 period?

10 A No, not in my circle -- not in my sphere of influence or circle of friends.

11 Q Thank you.

12 And when you first ran for office in 2014, you noted that you were an Oath
13 Keeper. Were you an Oath Keeper from November 20th, 2020 to January 6th, 2021?

14 A No. So I visited one of their early meetings. It seemed like a good idea.

15 I mean, you've got an organization that opens with the pledge of allegiance, a prayer, and
16 the recitation of your oath of office. And at least out in Arizona, it's about, okay, so
17 what do you do for emergency preparedness.

18 Now, I don't know how much you guys know about Arizona. We have vast
19 desert, and if you're not prepared for water or food, energy, heat, you're going to die.
20 It's that simple.

21 So more around -- because we don't have a civil defense program anymore. I
22 mean these were people who just were -- they gather together, military retired types,
23 who simply said how do we look out after each other if bad things happen. Obviously,
24 we're not going to have tornadoes, but we do have floods. We have wild fires as I'm
25 sure you've seen. What do you do to respond to those kinds of things?

1 So I visited with them a couple of times, but that was the -- that was the extent of
2 my involvement with Oath Keepers. It's been made -- somebody has decided to make a
3 great deal out of it -- that. No, I'm not involved with that organization.

4 Q Understood.

5 So given what happened on January 6th -- and I'll represent to you that a lot of the
6 Oath Keepers were involved and have been charged with seditious conspiracy. Their
7 leader, Stewart Rhodes, talked about the Insurrection Act and a civil bloody war. Is that
8 behavior consistent with what you expected the Oath Keepers to be about?

9 A Not at all. And, quite frankly, until just this moment I'm unaware of people
10 that have been charged. This is the first I've heard of that.

11 Q Okay.

12 A So, no, that is not consistent with an oath keeper. My -- my oath is to
13 protect and defend the Constitution of the United States against all enemies foreign and
14 domestic. That means that you protect the institution that supports that constitution.

15 ██████████. Thank you very much, Representative Finchem. That's all for me
16 ██████████ Mr. Finchem, do you want to take a break maybe? We've been going
17 for a while.

18 Mr. Finchem. Well, I'd like to get this -- I don't know how much more you have.
19 I'd like to get this wrapped up in the next 30 minutes because I've got other legislative
20 duties that I need to attend to.

21 ██████████ Let's go off the record real quick.

22 [Recess -- 4:30 p.m.]

23 ██████████ Let's go back on the record. It's 4:43 p.m. Eastern time.

24 BY ██████████

25 Q I want to turn to Exhibit 22, which is another email chain, Mr. Finchem.

1

BY [REDACTED]

2

Q Again, if we can go to the -- towards the bottom of the email chain or the initial email, can you see that, Mr. Finchem? It's a January 4th, 2021 email from yourself?

3

A Yeah.

4

Q Okay. Who's Shawna Bolick?

5

A She's a member of the House of Representative.

6

Q Okay. If you want to take a second to review this email to refresh your recollection about it, I was just going to ask you a couple of questions.

7

A Okay. Yeah.

8

Q Have you reviewed it?

9

A Yeah, from what I can see.

10

Q Okay. So if we go up -- up to the top of the -- the email chain, you'll see that there are two attachments. It's Resolution to Reclaim Electors and Final January 5 Letter to the VP Block Electors 2, which I think these are two documents we've already discussed today; is that right?

11

A Yeah.

12

Q So in your email to Ms. Bolick --

13

[REDACTED] if you can go to the bottom.

14

BY [REDACTED]

15

Q You say, The objective of these two docs, very similar to those going to Pence from GA, NM, NV, WI, MI and PA is to ask him to push the push pause button until such time as litigation has run its course or forensic audit has been completed.

16

So my question is, you know, you referenced, it seems to me, documents that were being prepared in Georgia, New Mexico, Nevada, Wisconsin, Michigan and

17

1 Pennsylvania; is that right?

2 A That's correct.

3 Q So what is your understanding of what folks were doing in the states listed?

4 A Well, you had -- so us legislators have a tendency to talk; that's one of the
5 things that we do. In fact, some people would say we talk too much.

6 It was my understanding that there were similar questions being asked about
7 election integrity in those states, and that we as a -- a body of the representative form
8 of -- or the representative partition of government were asking that the pause button be
9 pushed until -- I mean, it's a pretty self-explanatory email. Everyone of us had serious
10 questions about the elections in our states, and we were asking to pause for just a
11 minute, and let's see what happens with forensic audits that have been requested and
12 with litigation that may be ongoing.

13 And I -- I don't know how I can rephrase it any more succinctly than how it is in the
14 email.

15 Q Yeah.

16 No, not looking for you to rephrase it. I'm more asking do you remember -- do
17 you remember who you specifically talked to in the states listed about letters, it looks
18 like, that they were sending to Pence or preparing for Vice President Pence?

19 A Well, members of legislators around the country. I don't recall the entire
20 list, but people -- Marty Harvin in Georgia. Let's see, Doug Mastriano in Pennsylvania.
21 Let's see. Nevada -- no, I don't remember who I was talking to in Nevada. Up in
22 Wisconsin, I don't know if Tim Ramthun had come into the conversation yet or not.

23 But it was a number of legislators who were calling me about, hey, what's going
24 on in Arizona, and we engaged in conversations about what's going on in their state, what
25 are they seeing.

1 Perhaps the one that is the most telling which now has played itself out is
2 Wisconsin, and, you know, the -- the question was, okay, what do we do. It's clear that
3 we've got a serious problem here. And it's so serious that it calls into question the
4 award of electors in our state.

5 So when I say "our state," I'm talking about other state legislators in the first
6 person.

7 But I don't remember exactly all the people that I talked to, but I got a lot of
8 phone calls.

9 Q Do you remember talking to -- I think it's Matt Maddock from Michigan
10 about this issue?

11 A Sounds familiar. Yeah, sounds familiar.

12 Q Okay. Was there anyone connecting you with these other state legislators
13 like Mr. Mastriano and Marty Harvin in Georgia?

14 A No, we seemed -- I mean, apparently my name has gotten out there, and I
15 would get random phone calls from legislators from all over the country. Even to this
16 day, I'm getting calls from people in Arkansas and Alaska. And they just want to know,
17 okay, so we're seeing something here that gives us pause; what did you see.

18 So we're basically comparing notes about what we've seen, trying to weigh, A,
19 what are we seeing; B, is there somebody that we can attribute what we're seeing to.
20 Again, going back to the question, do we have a crime; do we have incompetence; what
21 do we have; what's the course of action.

22 So I would say that my colleagues in other states are doing their due diligence, and
23 frankly I'm pleased to see people are actually asking questions instead of rubber stamping
24 things that they have questions about.

25 Q Did you ever see the documents that were being prepared by the state

1 legislators in these other states like Georgia and New Mexico and Nevada, Wisconsin,
2 Michigan and Pennsylvania?

3 A No, that -- that actually -- I'm not surprised that I haven't. I mean, these
4 are policy documents. Until they're released to the public, they're protected under
5 legislative privilege.

6 So other than having a conversation, I never did see the documents that they
7 might have submitted unless of course they're out in the public sphere.

8 Q And you're -- the conversations that you can recall with other state
9 legislators like Mr. Mastriano, for example, do you recall discussions about language or
10 what -- what the ask should be in the letter to -- that looks like it's going to Pence?

11 A No, I don't recall having that level of conversation. The -- the idea was
12 that -- the common thread was if you have litigation that is ongoing or you have an ask
13 for forensic audit, it's wholly appropriate to be -- to proceed with all -- all due caution.
14 Let's do our due diligence. Let's make sure that before you level a claim that you've got
15 evidence to back it up.

16 But if you do have a claim and evidence to back it up, then it's wholly appropriate
17 for you to say, well, perhaps you should push the pause button for just a little while and
18 see what we can do to clear litigation and to -- and if there's a forensic audit, at least get
19 through the pieces that can be done that are the low hanging fruit in any audit, and I
20 think that that's -- that was the substance of the conversations.

21 [REDACTED] And, [REDACTED], if you could put back the same exhibit, Exhibit 22,
22 just to look at it a little more.

23 BY [REDACTED]

24 Q When you're saying -- Mr. Finchem, in your email to Ms. Bolick the objective
25 of these docs very similar to those going to Pence, and then you list the other states, your

1 understanding of the other documents from these other states was just based off your
2 conversations with other state legislators at the time?

3 A That's correct.

4 Q Okay. If we go to the -- the last email in the chain at the very top,
5 Mr. Finchem, you can -- I don't know if it's -- you can see that. It's a little bit small on
6 our end.

7 But you forward this email change and the attachments to Christina Bobb in an
8 email address that says [REDACTED] and then [REDACTED], and I'll represent to you that R Helen
9 email address is Rudy Giuliani's email address.

10 Do you remember forwarding this email chain and the documents to Ms. Bobb,
11 Mr. Giuliani and K Friess who is Katherine Friess?

12 A I don't remember doing it, but obviously the forwarding string reveals that it
13 was sent to them. Again, this goes back to people who have expressed an interest in
14 receiving information about what are we going to do next, what are the next steps. And
15 because what other states might be doing isn't a legislative-protected policy thing.
16 Once again, when people ask me for information, it's like, okay, what's going on in other
17 states, I give up the information.

18 Q So if you look at the email that you sent, it's pretty late at night, January 5th,
19 11:13 p.m., do you recall after you sent this email or even before sending the email to
20 these individuals: Ms. Bobb, Mr. Giuliani and Katherine Friess discussing the documents
21 with them?

22 A I don't recall -- well, since it was their work product that I was sending on to
23 Representative Gosar, no, I don't really recall -- at least it was Mr. Giuliani's work product.
24 I don't know -- I'm pretty sure it was not Christina Bobb's or Katherine Friess since they
25 were the ones that were more in an organizational role. These are people who had

1 asked to be, you know, kept informed of anything that's happening. Since it was their
2 work product -- Mr. Giuliani's work product, I thought it was wholly appropriate
3 to -- because it was concerning his work product, to let him know it was out there.

4 Q So could you just explain -- I'm not quite following -- what concern or what
5 was Mr. Giuliani's work product?

6 A Well, the evidence book.

7 Q Okay. Okay.

8 A Those are the attachments. His work product is included in the evidence
9 book. That's the document that you showed earlier.

10 Q Okay. I mean, if -- with respect to the resolution, though, and the letter to
11 Vice President Pence, those were documents -- were those documents Mr. Giuliani
12 helped prepare?

13 A No.

14 BY [REDACTED]

15 Q While we're on this, Representative Finchem, do any of those people,
16 Ms. Bobb, Mr. Giuliani, Ms. Friess, or anybody from Mr. Giuliani's legal team ever connect
17 you with other state legislators in the states that are listed in this email, so Pennsylvania,
18 Nevada, Georgia, Wisconsin, Michigan --

19 A No, those are connections that I made myself or those members reached out
20 to me.

21 BY [REDACTED]

22 Q Do you recall whether anyone -- you know, Mr. Giuliani, Ms. Bobb, Ms. Friess
23 helped get signatures for any documents you had, for example, the resolution to reclaim
24 electors?

25 A No. No, I didn't -- I don't recall -- no, they did not assist in that.

1 Q Same with the letter to Vice President Pence?

2 A That's correct because until that's released it's covered by legislative
3 privilege.

4 [REDACTED] can I ask you to please pull up Exhibit 6?

5 BY [REDACTED]

6 Q I just want to ask you very quickly, Representative Finchem. This is
7 something we looked at earlier. Is this the evidence book that you were talking about?

8 A Well, as I said before, it's a component that was included in the evidence
9 book, but it's not the total of the evidence book. But that was included in what was sent
10 to -- what was delivered to Representative Gosar.

11 Q And do you remember what else was in the evidence book?

12 A Well, as I said before, in one of the other emails that you've got here, there's
13 a couple of documents that were in it, Dr. Shiva's analysis, the letter to Mr. Pence.
14 There was, I believe, some affidavits, as I had said before, dealing with Bobby Piton or
15 Piton and Ms. Harris, Elizabeth Harris. I think there was more in it than that, but I don't
16 recall everything that was in it.

17 BY [REDACTED]

18 Q We can look at the letter. It lists attachments. So maybe that will help
19 your recollection of what was in the exhibit booklet.

20 [REDACTED] if you go to Exhibit 17, [REDACTED] and then we'll -- we'll look at the
21 first page and then we'll --

22 BY [REDACTED]

23 Q So is this the letter to Vice President Pence that we've been talking about,
24 Mr. Finchem --

25 A That's correct.

1 Q -- from members of Arizona?

2 [REDACTED] Okay. So if we go to page 3, [REDACTED], and go down a little bit.

3 Q It has attachments and exhibits. What's listed here, did that comprise the
4 evidence booklet, Mr. Finchem?

5 A It looks pretty complete.

6

BY [REDACTED]

7 Q And with this evidence book with these attachments -- excuse me -- what
8 we've been talking about, at the -- at that time, so early January 2021, was that the state
9 of the evidence that you had, meaning like the best evidence, everything that you had
10 related to anomalies, fraud or irregularities in Arizona elections?

11 A Yeah, I think the best way to characterize that is it's the best of the best.
12 I -- we had much more than that, but because we knew that we would have a limited
13 amount of time, I did not want to bury them with paper that they were going to have to
14 go through. I wanted to give them the best of the best evidence that we had for them
15 to act on, and that's the evidence that you see?

16 Q Got it. Thank you.

17

BY [REDACTED]

18 Q Mr. Finchem, under attachments it appears to be a case name for a lawsuit is
19 how I read it. It says Arizona Attorney General Fann, et al., versus Maricopa County
20 board, et al.

21 Well, do you know what that document was or set of documents?

22 A Yeah, that was a litigation in process. That's where the president of the
23 Senate was suing a political subdivision to abide by a Senate subpoena to deliver
24 documents and electronic information that they're required to be curators of under 52
25 CFR 20721.

1 That was a demonstration of the litigation that we're talking about further up in
2 the letter.

3 Q Did you attach the -- the complaint from that lawsuit?

4 A Yes, ma'am.

5 Q Okay. And Dominion affidavits, do you recall what that refers to?

6 A I don't. Forgive me.

7 Q Do you recall if it was affidavits specific to Arizona?

8 A I don't recall, ma'am.

9 Q Okay. And I don't believe we've asked you yet, or if we have, I forgot your
10 answer so I apologize.

11 Is it your understanding that this evidence booklet actually was delivered to Vice
12 President Pence?

13 A I do not know what happened to it after I gave it to one of Representative
14 Gosar's staffers who hand-delivered it to Representative Gosar.

15 Q Okay.

16 A Yeah, I have no idea what happened to it, ma'am.

17 Q So you know it went to Representative Gosar, but you're not sure after that?

18 A No, it was intended for his use in the well of the Senate as he see -- as he
19 saw fit.

20 Q Okay.

21 A That would be the let-of-the-baby thing.

22 Q Sorry. I missed that. What was that?

23 A That would be the let-go-of-the-baby thing --

24 Q Oh, got it.

25 A -- that I referenced earlier.

1 Q Understood.

2 [REDACTED] Let's go to Exhibit 24, please.

3 BY [REDACTED]

4 Q And this is another letter to Vice President Pence. You want to take a
5 second to review the document --

6 A Can you scroll down a little bit more, little bit more. Keep going. I'm
7 trying to get to the bottom so I can find out what the closing statement was. All right.
8 Stop.

9 This is a different letter. Please go to the top.

10 Q I'll say -- I will say I think it is supposed to be 2021. I believe that's a typo,
11 but.

12 A Yeah, I think you're right. Either that -- either that or I have the gift of -- of
13 foresight.

14 [REDACTED] We're going to talk about the market when this is over, Mark.

15 Mr. Finchem. So buy USDI coin and invest in Tesla.

16 Okay. If you could scroll down a little bit.

17 BY [REDACTED]

18 Q And it might refresh your recollection, there is actually an attachment -- a
19 pretty long attachment to this letter. Maybe that will refresh your recollection about
20 what this is.

21 A Well, help me -- your question about this is what?

22 Q Well, I was going to ask what you remember about this letter, and you are a
23 signatory to it, so who asked you to sign it?

24 A Right.

25 [REDACTED] if you go to -- let's go to page 4 and zoom out a bit so he

1 can -- or zoom out a little bit. Yeah.

2

BY [REDACTED]

3

Q So it looks to be a report prepared -- it says by Phill Kline, The Amistad

4

Journey.

5

So my understanding is this letter may have been connected to a January 2nd call

6

that was hosted by Phill Kline, and the Amistad -- the project of the Amistad journey of

7

the Thomas More Society.

8

Does that sound right to you?

9

A That's possible.

10

Q Do you remember a call on January 2nd with Phill Kline and others -- and

11

many state legislators?

12

A Ma'am, I had so many calls with individuals. Do I remember this specific

13

call? No. Do I remember a number of calls with Phill Kline and the folks at Amistad,

14

yes. It was an opportunity for legislators from around the country to collect and see

15

things like what we have here.

16

Q So the call and -- if this doesn't refresh your recollection, we can move on.

17

The call that I'm referring to on January 2nd, President Trump spoke at one point. My

18

understanding is he said a few remarks to people on the call. Rudy Giuliani spoke and so

19

did John Eastman.

20

Does that refresh your recollection at all?

21

A I don't recall that, but I can't say that at some point Mr. Trump wasn't on the

22

call.

23

I don't recall it specifically, no.

24

Q Okay. And if we go to, let's see, page 2 of this document, this is --

25

[REDACTED] And, sorry, [REDACTED] so if you can go back to the letter portion,

1 sorry, page 2 of Exhibit 24.

2

BY [REDACTED]

3

4

5

Q So you can see this name is on this letter, but it's obviously not your signature. Do you remember, you know, telling anyone from The Amistad Project that you wanted your name on this letter to Vice President Pence?

6

A It's likely that I did because I agree with the content of the letter.

7

8

Q Okay. But you don't -- you don't otherwise remember the circumstances of -- of this letter and how it was prepared?

9

10

11

12

A Well, I don't know how it was prepared. I know the content of the letter. I know the folks that were promoting it, and I saw a number of my colleagues who agreed with me, that I agree with the premise of their argument. And it's -- looks like something that I probably would have signed on to.

13

Q Okay.

14

15

[REDACTED] Go to Exhibit 21, and we'll start on page 2, [REDACTED], which is the first email of the chain.

16

17

18

19

20

Q And I was hoping this might refresh your recollection potentially in terms of timeline. The first email -- it's a January 1st email. You can see it says, John Eastman, and it's a chapman.edu email address to you. It says, Dear Rep. Finchem, happy New Year's. Second, allow me to introduce myself.

21

22

23

24

My question is, this is January 1st, 2021, you know as I read this it -- when I read this it makes it seem like you and John Eastman had never met before. Does that sound right that this would have been your -- the first time talking to Mr. Eastman, around January 1st, 2021?

25

A Yeah, that's probably right because if we go back to the document that you

1 saw with Bill Olson's name and Mark --

2 Q Martin?

3 A Martin, yeah, that's probably right. I mean, I had never spoken with John
4 Eastman before that that I know of.

5 Q And it looks like he said Bill Olson gave him your contact information --

6 A Yeah.

7 Q -- if you look in the second paragraph.

8 A Yeah, I see that.

9 Q In this -- in the email, the last sentence he says to you, Sorry to trouble you
10 on the holiday, but I'm trying to ascertain the status of the legislative subpoenas that
11 were issued to Maricopa County.

12 Do you know why Mr. Eastman wanted to know the status of the legislative
13 subpoenas that were issued in Maricopa County?

14 A I can't look inside of his mind, but I would presume that since it was a -- a
15 case in controversy having to do with the election and he's representing the president, he
16 probably wanted to do his due diligence. I think that would be a reasonable
17 assumption.

18 Q Do you remember ever discussing with Mr. Eastman the Maricopa County
19 subpoenas?

20 A Well, not really because my knowledge about those subpoenas is limited.
21 That was a Senate action, not a House action.

22 Q Okay.

23 A So I wasn't briefed on the content of the subpoenas. I wasn't briefed on
24 the progress of the subpoenas. I wasn't briefed on just how far the Senate would push
25 this, if they would arrest the Maricopa County board of supervisor or cause them to be

1 arrested for refusing to comply with the valid set of subpoenas.

2 I think at this point in time, if I remember correctly, they were still arguing the
3 case as to whether or not the Senate has subpoena authority. Which, by the way, it
4 does. It's so in Arizona law that they were kind of curious why they ever fought it.

5 Be that as it may, I would look at this simple question about, hey, can you give me
6 the status on this, and unfortunately I don't have any -- didn't have any information
7 because, like I said, I'm in the House, not the Senate.

8 [REDACTED] Let's go to Exhibit 26.

9

BY [REDACTED]

10 Q If you look at the top it says, A Joint Resolution of the 54th Legislature, State
11 of Arizona to the 116th Congress, Office of the President of the Senate, Presiding.

12 And we can give you a chance, Mr. Finchem, to review the document because my
13 question is going to be what -- what is this document, so if you could explain what this is
14 to me?

15 A Well, if you can scroll down --

16 Q Yeah.

17 A -- so I can scan through.

18 Okay. I got that. Let's go to the "therefores." Go ahead and scroll down to
19 the "therefores," Be it therefore.

20 Q I think that "therefore" will be on page 3.

21 A Yeah, this is the formal version of what would be introduced.

22 Go ahead -- keep going. Keep going. Keep going. You can keep going. This
23 is the signature page. In fact, this is probably the page that I am missing.

24 Q Is this --

25 A I would be very grateful to you if you would not mind sending that to me,

1 this document.

2 Q Yeah, so --

3 [REDACTED] Unfortunately, we can't. It's a committee record right now.

4 [REDACTED] I will say to you I believe this was -- and this was going to be a
5 question to you. I believe this was filed in a litigation, so it's public.

6 Did you know this was filed in Louis Gohmert v Pence?

7 A I didn't.

8 Q So this was filed as an exhibit to that lawsuit.

9 The Witness. Lawson, can we take note of this document, and see if we can
10 locate it?

11 Mr. Pedigo. Yeah.

12 Mr. Finchem. Thank you.

13 BY [REDACTED]

14 Q So, Mr. Finchem, it sounds like you remember this document. Can you just
15 explain to us what it is?

16 A Well, it's the formal recitation of, you know, what we observed and what we
17 were asking for. So if you scroll up above the signatures. I just need to see the "be it
18 therefore" -- whoa. Therefore, be it resolved the undersigned legislators members of
19 the Arizona House and Senate request the [witness mumbling to himself.]

20 Yeah, so this is instructions to our delegation, and to the president of the Senate
21 presiding, that we have a case in controversy. We have ongoing litigation. We have a
22 request for forensic audit that has not been complied with. It would be premature to
23 release any electors.

24 Q Was this intended to go to the president of the Senate or Vice President
25 Pence?

1 A Well, that's -- I believe that's who it's addressed to. I'll have to take a look
2 at the top.

3 Q Yeah, it is.

4 [REDACTED] if you can go back to page 1, [REDACTED], it is.

5 BY [REDACTED]

6 Q It says to.

7 A Yes, ma'am.

8 Q Was this part of the evidence booklet?

9 A What's the date of this thing?

10 Q It's December 14th, or at least that's the date it was signed, December 14th,
11 which was the day of the Electoral College meeting.

12 A I cannot say for certain, but it's likely it was a document that was included in
13 the evidence packet. I would say 51 percent chance.

14 Q So is it a fair characterization to say that this document was prepared so the
15 vice president in serving in his duties as the Office of the President of the Senate during
16 the joint session of Congress would understand what happened or what was happening in
17 Arizona and what -- how the Arizona legislature felt about it?

18 A Yes, ma'am, that would be a fair representation.

19 Q Okay. Was this -- and I apologize if I'm going to use incorrect jargon. But
20 was this formally voted on in the Arizona legislature, this document?

21 A So because we were not in session, there was not a mechanism to vote on it.
22 However, once again, you go back to the question of plenary authority. Does the body
23 have to be in session for members to be recognized? And it was our belief that we don't
24 have to be; that we are an independent franchise representing the constituents of our
25 legislative districts and that the representation that is made in that document would hold

1 whether we were in session or out of session.

2 Q Do you remember if you sent this -- this joint resolution to anyone at the
3 Trump campaign?

4 A I don't remember, ma'am.

5 Q And then it sounds like you had no idea that this was filed in a lawsuit --

6 A I did --

7 Q -- as an exhibit?

8 A I did not know it was filed in a lawsuit.

9 Q Okay. Let's see.

10 [REDACTED] Let's go to Exhibit 20.

11

BY [REDACTED]

12 Q This is a document that you produced to us, Mr. Finchem. I believe it
13 says -- it has the address to the President, Donald J. Trump, at the top and regarding
14 request for assistance under the DHS Cyber Hunt and Incident Response Teams Act of
15 2019.

16 A That's correct.

17 Q Okay. And I believe this is a letter that looks like was signed by you,
18 addressed to President Trump; is that right?

19 A Looks -- looks to be so.

20 Q Okay. Did you draft this letter?

21 A I did.

22 Q Okay. So we've seen similar lang- -- similar letters in other states regarding
23 requests for assistance under the DHS Cyber Hunt and Incident Response Teams Act of
24 2019.

25 Do you remember talking to anyone about drafting a letter regarding this issue or

1 working with anyone on this letter?

2 A I don't. Can you scroll down a little bit? I need a little bit more of a
3 refresher.

4 I know that a number of us legislators had conversations around what exactly is
5 the process for requesting the HIRT team to be involved because there's a lot of -- there
6 appeared to be a little bit of a lack of -- not process.

7 I mean, we knew what -- the process was to turn this organization and make a
8 request, but I think that I might have been the one to say, look, as the chief magistrate of
9 the government and someone who is ultimately responsible for national security, and
10 given HIRT's and CISA's function, their design, then perhaps the best person to send the
11 request to is the chief magistrate of the nation.

12 So I'm -- I -- I knew that a number of us talked about the language. As you can
13 see, you know, the language is very specific. For example, in Pima County and Maricopa
14 County it appears that 143,100 illegal votes were artificially injected into the ballot total.

15 Okay. That's not to mention the 700,000 that we've now found that lack a chain
16 of custody.

17 But that was, you know -- that's subsequent stuff. The fact that we know that
18 the 130 percent marker, you know, that comes from Dr. Shiva, so it tells me that
19 this -- this letter -- it looks like a recitation of everything that I knew to be true -- well, that
20 we had proof of, that we had evidence of.

21 And I did share some of the verbiage with some of my colleagues in other states,
22 so I'm not surprised that they might have had similar letters if they submitted such.

23 Q Who do you remember sharing verbiage with?

24 A I don't specifically only because during that period of time there were
25 hundreds of phone calls about whose responsibility, what's the process, who do we

1 contact, who else has got the similar situation, does somebody else have similar
2 evidence.

3 It's -- so I -- I don't frankly under- -- recall specifically who I talked to. I think we
4 talked to people in Michigan, Pennsylvania, Georgia and Texas, if I recall correctly.

5 Q And --

6 A And maybe Virginia, maybe Virginia.

7 Q And why Texas and Virginia? I know we've talked about Pennsylvania,
8 Michigan and Georgia a little bit today, but why Texas and Virginia?

9 A Their use of Dominion voting machines.

10 Q Okay.

11 A Well, their use of black box voting machines that are built on the Smartmatic
12 platform. Maybe that's a better way to say it.

13 Q And why did you send this -- or why did you address this letter to President
14 Trump?

15 A Well, as I said, he is the chief magistrate of the nation, and it became very
16 clear to me that the courts didn't want to have anything to do with it. I had a growing
17 distrust of attorney general William Barr. I had a growing distrust of the FBI, the whole
18 Russia, Russia, Russia thing. I didn't believe it from the start.

19 So I didn't know who we could trust. So who is the number 1 individual that
20 might be impacted by this? Chief magistrate of the nation. Makes perfect sense that
21 he's the one that makes the call as to whether or not this would be investigated. That's
22 probably the guy I ought to send it to.

23 Q And if we look at the second page, page 2 of this letter, just below the
24 signature block.

25 [REDACTED], go a little bit down, a little bit further down.

1

BY 

2

Q Do you see that, Mr. Finchem? It says, Attachment: Original CISA

3

Application.

4

A Uh-huh.

5

Q Do you remember what that's a reference to?

6

A That's the application that you showed earlier that I think American

7

Oversight had pulled a FOIA request on. They had the verbiage in it.

8

Q And, so --

9

A That is the application document requesting intervention with the HIRT

10

team.

11

Q So as part of the letter, you had attached your submission to CISA?

12

A Yeah. So he knew what I was talking about.

13

Q And do you know whether President Trump ever received this letter?

14

A No idea, ma'am.

15

Q Okay. And did you at least attempt to get it to him? Did you send it to

16

him in the mail?

17

A As I recall, yeah, I did send it in the mail.

18

Q Did -- and did you ever hear back from President Trump?

19

A On this particular matter, no.

20

Q Yes. Okay.

21

How about anyone else in -- in the White House?

22

A I do not recall hearing from anybody else in the White House about this

23

specific matter.

24

Q Okay. Between November 3rd, 2020, and January 20th, 2021, did you have

25

any conversations with President Trump?

1 A January 20, 2021.

2 No, any conversation I might have had with President Trump was after
3 January 2021.

4 Q Have you ever talked to him about the events of January 6th or -- including
5 the joint session of Congress that happened on January 6th, 2021?

6 A No, I've not.

7 Q Do you know who Peter Navarro is?

8 A He's a very good friend, yeah.

9 Q Okay.

10 A He's a guy that walks around with two brains.

11 Q Between those same benchmarks, November 3rd, 2020, and January 20,
12 2021, did you ever talk to Mr. Navarro about the 2020 election including any work that he
13 was doing related to the election?

14 A A few times.

15 Q And what do you remember talking to him about?

16 A About his three-volume report.

17 Q Sorry. Did you say "his three-volume report"?

18 A His three-volume report.

19 Q And what did he tell you about his report?

20 A I don't know -- it -- it -- it was discussion. I don't know that I can accurately
21 por- -- it was a conversation.

22 I -- I did ask him, you know, is this all or is it worse than this. I remember asking
23 him, this is -- this is what we found so far. So -- and you take a look at the various states
24 that they had taken a -- done an examination of, and basically it was a road map for us to
25 do further examination, further due diligence.

1 That -- that's the substance of the conversations.

2 Q Do you know why Mr. Navarro prepared this three-volume report that you
3 just referenced relating to the election?

4 A Probably for the same reason I did the work -- I engaged in the work product
5 I did. We saw something that didn't make sense, and he investigated. He did some
6 due diligence. He was an advisor to President Trump. I would expect that he would do
7 nothing less.

8 Q Well, I asked because in my understanding he was a trade advisor, so
9 it -- it -- at least with respect to the election, it's not -- to me at least immediately clear
10 why he was doing an investigation or doing work related to an election?

11 A Well, I'm -- I'm pretty sure that his expertise extend far beyond trade.
12 His -- his bona fides are unquestionable when it comes to statistical analysis, when
13 it comes to the connection between political science and political behavior. So I am not
14 at all surprised. In fact, I think he's preeminently qualified in order to engage in that
15 type of analysis.

16 And as advisor of the president, I'm not sure at that point -- obviously I wasn't in
17 the room so I have no idea. But, you know, as you're looking for people with skill sets,
18 no matter what advisory role they might be pigeon holed into, if they had a skill set that
19 would be useful in analysis, I would expect the savvy executive to see to it that his
20 resources are allocated in the right place.

21 Q So aside from Mr. Navarro, did you have any communications with any other
22 White House personnel relating to the 2020 election or the joint session of Congress in
23 that November 3rd, 2020 to January 20th, 2021 time frame?

24 A Not that I recall.

25 Q Okay. Do you know the name Garrett Ziegler?

1 A I do.

2 Q Okay. Do you remember talking to him about anything related to the 2020
3 election?

4 A He -- I had more questions than I got answers. It's like, okay, I know that he
5 worked for Peter Navarro. Garrett -- Garrett had information about some things that,
6 frankly, they weren't a part of the election. They were things that were going on in
7 Arizona that had -- had to do with human trafficking, drug trafficking and some of the
8 installations that were under construction in Arizona. Had information -- we actually
9 asked him about information that he might have concerning a -- an alleged shipment of
10 paper ballots, but as I recall, that -- that didn't go anywhere.

11 Q So other than talking about an alleged shipment of paper ballots with
12 Mr. Ziegler, do you remember any other substantive discussions with him relating to the
13 2020 election in that time frame of November 3rd, 2020 to January 20th, 2021?

14 A Well, we talked a number of times, but quite frankly I don't remember the
15 entire content of the conversations. Some of the -- some of the questions were around
16 statistically how does this happen; is there intelligence around who might be engaged in
17 nefarious activities.

18 I mean, he's an intel guy. So I would expect that if he had something to share
19 with somebody, he would have shared it, but I don't recall specifically what was a part of
20 those conversations.

21 Q Do you remember how you became connected with Mr. Ziegler?

22 A He called out of the sky blue, I think. I just got a call from him one day.

23 Q Okay.

24 BY

25 Q With respect to Mr. Navarro, you mentioned you had had a call after you

1 looked at his report and looked at some of his data, and you asked Mr. Navarro, is this all;
2 is that right?

3 A Something to that effect. Actually, I think the question is, is this all or is it
4 worse.

5 Q Okay. And is that after you reviewed Mr. Navarro's report?

6 A Well, after I got Volume I, we had a conversation, and he said, well, if you
7 think that's bad, hang on for Volume II and III. And after Volume III came out, it's like,
8 okay, is there going to be a Volume IV. I mean, is this all it -- is this all there is or is it
9 worse. There's worse.

10 Q Did he say there was more beyond those three volumes?

11 A No. I asked him really -- this is one question I do remember asking him, is
12 this all there is or is it worse. His response was, it's worse.

13 Q If -- to your understanding, based on your conversations with Mr. Navarro,
14 was there evidence that he had that he did not include within the four volumes -- or,
15 excuse me, three-volume report?

16 A I -- I don't know that I can go there. I -- I can't presume to know
17 what -- what he had in his mind or didn't have in his mind.

18 What I will say is that Peter is meticulous, and if he can't cite something, if he can't
19 point to a fact that he can hang a statement on, he's not going to make it. That's why I
20 have such respect for him. It's reliable work product.

21 Q Did he ask you for information about what was happening in Arizona as he
22 was compiling his report?

23 A He and about a thousand other people.

24 Q And did you give it to them?

25 A Well, I told him my perspective, you know, here's what I know; here's where

1 we're at; there's a lot I don't know as far as the -- the -- everybody wanted to know about
2 the Senate audit. I had to continually remind folks I'm in the House of Representatives.
3 We jokingly call the Senate the enemy because they're the ones that have a habit of
4 blowing up the budget.

5 But I'm not in the same legislative body, and we are pretty -- I don't want to say
6 freakish. We're very cautious to keep those two bodies separate, so I don't have -- I
7 didn't have information that many people were seeking about a Senate audit because I'm
8 not in the Senate. I'm in the House.

9 Q Did you send him any documents or findings of investigation into fraud or
10 regularities for his report?

11 A That's a good question. I don't recall.

12 Q Do you know if anybody else in Arizona did?

13 A No, I don't. I don't. We had a number of phone calls, though, and -- I
14 mean, they were just -- they were discussions.

15 Q You mentioned talking to Mr. Ziegler about alleged paper ballot shipment.
16 Was that the shipment involving -- I believe it was Korean Air?

17 A Yes, sir.

18 Q Okay. Tell us about that and your involvement, if any, with respect to that.

19 A Well, we were just -- we were -- again, in our quest for completing due
20 diligence wanted to know is there anything to this, and he said, well, there's -- allegedly
21 there's a screenshot showing flight manifest of who was on the plane. I forget the other
22 piece of that. I saw it, but it was never sent to me, so I didn't have possession of it.

23 Q Did you first learn about that from Mr. Ziegler?

24 A No, that was a -- we were trying to figure out if that was a so-called urban
25 legend, or if that really -- if there -- if it was plausible.

1 That was -- that preceded the call from Garrett by weeks. There was
2 some -- there were people talking about it that are airport employees, folks close to Swift
3 Aviation. I don't know who they are, but there was talk that something very suspicious
4 had happened, and we were just trying to get to the bottom of it.

5 Q And correct me if I'm wrong, but I understand that several people actually
6 may have gone to the airport to try to track down this shipment of ballots or alleged
7 shipments of ballots.

8 A Are you familiar with that?

9 A I'm not.

10 Q Okay. Did you ever get any information that verified that this alleged
11 shipment of ballots related to Korean Air was true, the allegations related to it?

12 A Well, I -- I think the straightforward answer is, no. I mean, just because a
13 plane landed and you had people on a plane that were there for 12 hours, they got on a
14 plane and left and left a package behind.

15 A Frankly, I'm not even sure that's a clue. It's -- who knows. It's unverifiable.
16 As an investigator, I'd look at that, and it would be way low on my priority list as
17 something that would be reliable.

18 Q You also mentioned Phill Kline a couple of times and said you had a number
19 of calls with him.

20 A What was the nature of your interactions with Mr. Kline in that post election
21 period between November 3rd and January the 20th?

22 A Okay. Well, you folks actually mentioned Phill Kline. I didn't.

23 A Phill and The Amistad Project -- those conversations had a couple of things
24 involved in them. You know, what we were seeing as commonalities between the states
25 for -- for lack of a better term, fraud vectors. You know, what -- how were the ways that

1 people might have engaged in fraud and were we seeing the same things.

2 And when I say "fraud," I'm talking about fraud generally. I should probably use
3 the more accurate term "discrepancies," things you just can't explain, understanding that
4 fraud is a specific intent crime. I get it. Now, one might say fraudulent activity, okay,
5 that may be helps build a bridge.

6 And then of course, all right, so what are the legislative responses to things like
7 that, both in the policy, which is the longer term, and in shorter term is there a
8 response -- you know, what's the appropriate response to some of these things.

9 That's basically the substance of the conversations we had.

10 Q And did you know Mr. Kline to be somebody who was -- like you said, kind of
11 bridging various legislatures or states -- issues in various states in this period, this
12 post-election period?

13 A I don't know that I would call it bridging. I mean, when you host a call and
14 people call into it, they're doing that at their option.

15 Q Let me put it -- I guess I'll ask it differently.

16 Was he working in various states including Michigan, Arizona, Georgia,
17 Pennsylvania, to the best of your knowledge?

18 A Well, I presume so. I mean I don't know of all the people that were on the
19 phone calls. Quite frankly, you know, somebody would call in and not announce
20 themselves. You had maybe a dozen people on the call. I have no idea who was on
21 the call.

22 I would be left to assume that perhaps he was doing that, but I don't know for
23 sure.

24 Q Did you ever have any discussions with him or anybody else at The Amistad
25 Project about alternate electors?

1 A Not that I recall.

2 Q Did you ever have any discussions with Mr. Kline or anybody else at Amistad
3 about the joint session of Congress or what the vice president could or could not do
4 during a joint session of Congress?

5 A This is a bit of a stretch. It seems to me that I recall a brief discussion on
6 the -- the authority and options that the vice president has when there is a case in
7 controversy.

8 You know, what's -- what's the whole point of going to the well of the Senate and
9 certifying electors or calling electors into question, but I don't know that there was -- if I
10 recall, it wasn't much of a conversation. It was around, well, this is what the vice
11 president can and can't do. These are the constitutional mechanisms that are at work.

12 Other than that, it was -- it was perhaps more academic than anything else.

13 Q At roughly what time -- when did this call happen? I'll use as a guidepost
14 before the December 14 meeting of the electors or after?

15 A I don't remember. I really don't.

16 Q One of the other people I just wanted to ask you about specifically in the
17 White House, did you ever talk to Mr. Mark Meadows in the post-election period?

18 A No, sir.

19 Q And you mentioned the litigation that was going on in the post-election
20 period, and I think you said something to the effect that courts didn't want to get
21 involved or didn't want to do anything about it.

22 Is my summary at least so far correct?

23 A Well, I -- maybe I -- yeah, you're summary is correct, but maybe a more
24 accurate way of saying it is, it was my understanding the federal court said okay you don't
25 have standing. This is not a court of competent jurisdiction for a political matter.

1 Okay. I'll buy that especially if we're making the case that this is a legislative
2 responsibility because it's political in nature, not criminal or civil, then under our federal
3 constitution, that lies squarely with the legislature.

4 I mean, you can't -- you can't argue for the courts to hear your case while at the
5 same time you're arguing that it belongs in the legislature.

6 Q So my question for you, I guess, are you aware that there were -- there was
7 litigation in Arizona. I focus on Arizona simply because that's where you're from.

8 But there was litigation in Arizona that looked at some of the issues related to
9 fraud or irregularities or whatever it was that you mentioned earlier, improprieties.

10 Are you aware of that?

11 A Yeah, I'm not aware of it. I'd have to see the complaint to see what they're
12 actually talking about. I know that there's litigation. Perkins Coie flew, what, 70-some
13 lawyers down here to argue with the Arizona State Senate. I don't know that the
14 president's team made a complaint or had a complaint heard in Arizona, so I'd have to
15 see the complaint, who the complainants are.

16 If you'd like to share the citation with me, I'd be happy to read it and get back to
17 you on what that -- but this is the first I heard that a federal court would actually hear a
18 case where there was an opportunity to present evidence and have a complaint or any of
19 that.

20 Q And I'm just asking you for your knowledge.

21 Did you -- are you aware of any state or federal litigation in Arizona about the
22 election where the courts examined evidence, affidavits, et cetera?

23 A To my knowledge, there was no examination of evidence done by a court in
24 Arizona, federal or state.

25 Q So I guess I'm going to ask you would it surprise you, then, to hear that there

1 were some courts -- I'm thinking of one case in particular -- that went up through the
2 Arizona Supreme Court, and ultimately it was declined to be heard by the United States
3 Supreme Court, brought by Kelli Ward versus the Secretary of State, and in that case the
4 judge did and the courts did look at information about ballots and signatures and
5 duplicate ballots. Is this the first you're hearing of that, that there was an examination of
6 evidence in that case?

7 A I seem to recall that, but I think the -- I don't know the facts of the case, so
8 I'm -- I'm reluctant to comment on it. I'd like to see the complaint. I'd like to see the
9 documentation.

10 I don't know what the assertion was, whether or not it was purely a political
11 matter or was it something that involved a civil or criminal charge, I mean, because I -- I
12 think that the courts have been -- as I understand it, have been very -- very prickly when it
13 comes to political -- purely political matters, and I understand that.

14 I think that the people would just as soon have the legislature handle something
15 as opposed to nine robes that are unaccountable and unelected, okay. That makes
16 perfect sense to me.

17 So I'd have to see the case to be able to better understand what your assertion is.

18 Q Yeah, fair enough. I'm not asking you to speculate about something you
19 don't know about. I'm just trying to see if you did know about that type of litigation that
20 was going on during that post-election period.

21 Thank you.

22 [REDACTED] Bear with us just a moment, Mr. Finchem, so we can collect any
23 final thoughts, but I think we're reaching the end.

24 [Pause in proceedings.]

25 [REDACTED] All right. [REDACTED] if you're still there, and if you could pull up

1 Exhibit 23, please.

2

BY [REDACTED]

3

4

5

Q Mr. Finchem, these are text messages that we've obtained that I believe you exchanged with Congressman Biggs and that your attorney -- or an attorney, Alexander Kolodin provided to a news outlet.

6

Are you familiar with these messages?

7

8

A Well, I know that they were pulled off of my phone for another litigation that I am involved in.

9

Q And was that pulled off your personal phone?

10

A Well, I only have one phone, yeah.

11

12

Q And these are -- you do recognize these as messages that you exchanged with Congressman Biggs?

13

A Well, I can't really make them out, but it appears so.

14

15

Q All right. We can zoom in a little bit so you can better answer that question.

16

17

18

19

20

A So, yeah, you know, yeah. This is -- so the package was delivered to Congressman Gosar, and shortly after that Congressman Biggs asked, well, can I get a copy of it as well. And I said, well, I'm standing in a crowd with no printer, no computer, and the package that I have, which is a one of a kind, has been delivered to one of your colleagues. So you might want to reach out to Paul Gosar and get a copy.

21

Q All right.

22

[REDACTED]. And if we could also pull up Exhibit Number 25.

23

BY [REDACTED]

24

25

Q I understand these are messages that you exchanged with Stephen Richer. Do you know who Stephen Richer is?

1 A Maricopa County -- what is he, Maricopa County recorder, I think.

2 [Witness reviews document.]

3 Q Why were you in touch with Mr. Richer?

4 A Well, he's Maricopa County recorder. Looks like I got some song and dance
5 about.

6 So the individual who was the Maricopa County recorder at the time of the
7 election was Adrian Fontes who has had a -- bit of a history with courts. A number of
8 things that he did as the county recorder got him into a little hot water about elections,
9 and Stephen Richer was, I believe, running against him to replace him. I might have to
10 see further down on the -- on the text.

11 [Witness reviews document.]

12 Okay. So Mr. Richer is the incoming Maricopa County recorder. I -- just looking
13 at the text was interested -- if you go up just a little bit.

14 You know, this was a conversation obviously around the idea of an audit, and I
15 read this as a -- kind of a forward-looking Q&A about what do we see as a fix, a repair, a
16 reinforcement of the system so that we can in the future hand count ballots.

17 Q Okay.

18 A We did a third-party review of the software and get more ballots. Hand
19 count audits are what I see as the targets that make sense and could be acceptable.

20 Well, he and I are in agreement. You know, that's one of the reasons that, you
21 know, I was trying to do as much due diligence as I could having to do with what
22 Dominion or the -- you've got ES&S down in Pima County.

23 [REDACTED] If you scroll down just a bit.

24 BY [REDACTED]

25 Q At one point you say, Mr. Finchem that this is going to get really ugly really

1 fast.

2 [REDACTED] If you keep scrolling down, [REDACTED]

3 BY [REDACTED]

4 Q He says in response, Right, well, I promise I'll be working on it. And then
5 we'll see. Have a nice night. And you say, Frankly, we don't have a week. We have
6 hours to resolve this. And this was on January the 5th.

7 What do you mean, "We don't have a week. We have hours to resolve this."
8 Why did you say that?

9 A Well, it goes back to the evidence that we were trying to provide to the
10 congressional delegation in the well of the Senate.

11 We're going after factual information that needs to get into the hands of our
12 elected representatives if they're going to question an election on January 6th.

13 Q And you thought this evidence that you're talking about, but you didn't have
14 would be helpful for that; is that what you're saying?

15 A Well, of course. I mean, if -- if you are able -- Mr. Richer, if you are able to
16 develop evidence or something that can go along with what we have already delivered to
17 strengthen the case, bring it. That's -- that's part of the due diligence process.

18 Q Did you get that evidence before January 6th in order to provide to members
19 of Congress or the vice president on January 6th?

20 A No, Mr. Richer never delivered anything.

21 Q And just a more general question. I know we've looked at various text
22 messages with Mr. Coudrey, Representative Biggs, Mr. Richer.

23 Is there any reason you didn't provide those messages to the select committee?

24 A Beg your pardon?

25 Q Is there anything reason you didn't provide those text messages that we've

1 been looking at between you and Mr. Coudrey, you and Congressman Biggs and you and
2 Mr. Richer to the select committee.

3 Mr. Pedigo. So I think the one with Coudrey, I think we provided those. I just
4 redacted the names.

5 Mr. Finchem. Yeah, it was my understanding that we provided everything we
6 had.

7 Mr. Pedigo. Yeah.

8

BY [REDACTED]

9 Q I'll go back and check. I'm not aware of that. I'm not saying that you're
10 wrong, but I'm not aware of that.

11 [REDACTED] If we don't have that, I can follow up with you, Mr. Pedigo --

12 Mr. Pedigo. Sure. Sure.

13 [REDACTED] -- to resolve some of those issues.

14 Mr. Pedigo. And I think the ones on Gosar, we did not redact that. I thought
15 we had a specific discussion about that, [REDACTED] when I told you if it's from Gosar that's, you
16 know, not a nameless person, so we produced that as it was, and then the others I
17 redacted the names.

18 But I think it would have been in the supplemental production, that link. So look
19 for that.

20 [REDACTED] I haven't seen any text messages in the production, so it may just
21 be a matter of lines being crossed or technological issues, but we will double-check on
22 that, and if you could double-check to make sure they're in the production folder, I'd
23 appreciate that because I do think that these are -- and messages like these would be
24 responsive, but we'll follow up on that.

25 Mr. Pedigo. I'm not disagreeing with you. I -- that was what I was looking at.

1 In fact, I -- you should see a supplemental production Dropbox link.

2 [REDACTED] Okay. Bear with us just one more moment Mr. Pedigo. Okay.

3 That will give me something to do while you're looking at that.

4 [Pause in proceedings.]

5 [REDACTED] Okay. Mr. Finchem, that's it for our questions for today. We

6 have nothing further at this time. We'll connect with your counsel regarding any

7 production questions that we have. Thank you for your time today. We appreciate it.

8 Mr. Finchem. Okay.

9 [REDACTED]. And we'll go off the record.

10 [Whereupon, the proceedings ended at 4:52 p.m.]

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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