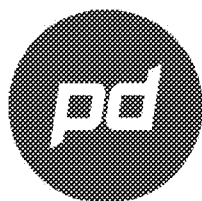


EXHIBIT 1



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Transcript of Interview of Congressman Ben Ray Lujan

Date: March 2, 2017

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INTERVIEW

CONGRESSMAN BEN RAY LUJAN
BEFORE THE OFFICE OF CONGRESSIONAL ETHICS

Washington, DC

Thursday, March 2, 2017

8:13 A.M.

Job No.: 137153

Pages 1 - 43

Reported by: Colleen L. Darkow

Transcript of Interview of Congressman Ben Ray Lujan
Conducted on March 2, 2017

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1 Interview of CONGRESSMAN BEN RAY LUJAN, held
2 at the offices of:

3

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CONGRESSMAN BEN RAY LUJAN

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Pursuant to agreement before Colleen L. Darkow,
Court Reporter and Notary Public of the District of
Columbia.

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Transcript of Interview of Congressman Ben Ray Lujan
Conducted on March 2, 2017

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A P P E A R A N C E S

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Transcript of Interview of Congressman Ben Ray Lujan
Conducted on March 2, 2017

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E X H I B I T S

(No exhibits were marked for identification.)

P R O C E E D I N G S

CONGRESSMAN BEN RAY LUJAN,
INTERVIEW BY COUNSEL FOR THE
OFFICE OF CONGRESSIONAL ETHICS

BY MR. PAYNE:

Q. Good morning, Congressman.

A. Good morning.

Q. So, as I just stated, you were presented
with the False Statements Act; is that correct?

A. Correct.

Q. And you were advised that it does apply;
we advised you that?

A. Correct.

Q. Let me just begin with a little bit of
background.

Are you familiar with Boulder Strategies?

A. Yes.

Q. And what is Boulder Strategies?

A. Boulder Strategies is a consulting group
that does online strategy, fund-raising.

Q. And do they assist your campaign with
those type of services?

1 A. We hired, or I hired Boulder Strategies to
2 do some work this last election cycle for me, for
3 People for Ben.

4 Q. And when did you hire Boulder Strategies
5 exactly?

6 A. I don't know. Sometime at the end of 2015
7 or into 2016.

8 Q. And what specifically did you want them to
9 do for you?

10 A. Online fund-raising and digital strategy.

11 Q. And digital strategy, can you give me a
12 little bit more details of what you mean by that?

13 A. To work with helping me with, I guess,
14 Twitter, Facebook, things of that nature.

15 Q. And with whom have you communicated at
16 Boulder Strategies; who are your contacts there?

17 A. I rarely visit with them, with any of
18 principals there. I think I had some of the
19 initial conversations, when we hired them, with one
20 of the principals. I couldn't even tell you with
21 whom.

22 And predominantly Aaron, I believe, Aaron

1 Trujillo, who is a Dtrip (Phonetic) staff, also
2 helps me -- volunteers, helps me with my efforts on
3 my campaign, is the individual that communicates
4 with them predominantly.

5 Q. And was Aaron involved in the hiring of
6 Boulder Strategies?

7 A. Yes.

8 Q. How did you find Boulder Strategies?

9 A. Word of mouth. And then we were looking
10 for a group, and we sat down with three or four
11 different entities, and then ultimately decided on
12 Boulder Strategies.

13 I think Boulder did some work for
14 Congressman Polis and it may have been just word of
15 mouth, so something like that.

16 Q. Do you know Nick Passanante?

17 A. I think he's one of the principals there.

18 Q. Do you believe you've met Nick before?

19 A. I think he's the gentleman that we sat
20 with when we were looking to hire a digital
21 strategist.

22 Q. Do you routinely communicate then with

1 Boulder Strategies?

2 It sounds like you're saying that you were
3 not the main contact with the organization.

4 A. I don't routinely communicate with Boulder
5 Strategies in any way; online, E-mail, phone.

6 Q. Now, when Boulder Strategies --

7 A. Or in person I guess I should say, yeah.

8 Q. Okay. When Boulder Strategies is going to
9 send one of these online fund-raising
10 communications -- and I'm assuming those are
11 E-mails; is that correct?

12 A. So Boulder Strategies predominantly, I
13 think -- I don't know that they do anything else
14 for online or for electronic solicitations other
15 than E-mails.

16 MR. SVOBODA: One thing, just so the
17 record's clear, we've been talking back and forth
18 in the present tense, but we're talking about what
19 happened during 2016, correct? That Boulder
20 Strategies no longer is engaged by People for Ben.

21 MR. PAYNE: Oh, let's clarify that for the
22 record.

1 BY MR. PAYNE:

2 Q. So is Boulder Strategies -- are they
3 retained by your campaign at this time?

4 A. Boulder Strategies no longer does work for
5 my campaign, for People for Ben.

6 Q. And when did that end?

7 A. I want to say at the end of this last
8 election cycle, so maybe sometime right after
9 November of '16.

10 Q. And why did that relationship end?

11 A. Just decided not to use Boulder Strategies
12 any more. There were some questions during the
13 campaign, and it was just time to move on.

14 Q. So during the time period when Boulder
15 Strategies was retained by your campaign, you're
16 saying they would send out E-mail with campaign
17 contribution solicitations?

18 A. So Boulder Strategies, it's my
19 recollection that Boulder Strategies would send
20 solicitations for contributions and also send
21 E-mails that were petitions, asking people to sign
22 on with different policy issues.

1 Q. Have you ever requested that Boulder
2 Strategies send out any particular solicitation?

3 A. I don't recall asking Boulder specifically
4 to send out a particular solicitation. But early
5 on with hiring Boulder Strategies, I definitely
6 would maybe suggest different areas of attention as
7 I would see other members sending out E-mails, and
8 I would suggest, you know, what about a kind of an
9 idea of something like this, but never directly
10 with Boulder that I can recollect.

11 You know, I would visit with other people,
12 maybe someone like Aaron, and offer an idea. But
13 that was early on in the process in January. And
14 then things just started moving along and it was
15 rare for me just to jump in and even offer ideas.

16 Q. Let me make sure I follow what you just
17 said.

18 A. Yeah.

19 Q. So around January of 2016, you would
20 suggest to Boulder Strategies certain E-mails that
21 they may send, but you would do that directly with
22 Boulder Strategies or indirectly?

1 A. I would not -- I rarely, if ever,
2 communicated directly with Boulder Strategies. If
3 I ever had an idea, it would be just talked about
4 or -- with Aaron or someone like Aaron I guess, to
5 communicate that. And, I mean, sometimes I think
6 did them, sometimes they didn't.

7 Q. Okay. So you would talk to Aaron and he
8 would know to then speak with Boulder Strategies
9 about your idea of an E-mail solicitation?

10 A. I would hope that he would talk to Boulder
11 Strategies. Like I said, sometimes they did
12 E-mails and sometimes those ideas came to fruition,
13 sometimes you wouldn't see anything that reflected
14 whatever you -- whatever was suggested.

15 Q. And you mentioned it could be Aaron or
16 someone else.

17 Who are the other potential people who you
18 may have communicated an idea with during that time
19 period of early 2016, that would then be
20 communicated to Boulder Strategies?

21 A. Aaron or Drew Stoddard. If Drew and I
22 were I were having a conversation about this.

Transcript of Interview of Congressman Ben Ray Lujan
Conducted on March 2, 2017

12

1 Q. And who is Drew?

2 A. Drew Stoddard is my former communications
3 director in the office, no longer with the office.

4 Q. And what was his role with your campaign?

5 A. Drew volunteered on the campaign in
6 different capacities, predominantly giving me ideas
7 of some, you know, maybe talking points or visiting
8 with him about how we could communicate with
9 supporters.

10 I'd share ideas with him as well, and he'd
11 share those either with Aaron or I'm guessing with
12 Boulder Strategies directly. I don't know what his
13 line of communication was directly with Boulder or
14 with Aaron.

15 Q. Who else from your congressional office
16 would work on these matters for your campaign,
17 whether that's volunteer basis or --

18 A. My chief of staff, Angela Ramirez, would
19 volunteer as well.

20 Q. Anyone else?

21 A. Predominantly, the two of them. My
22 district director sometimes would occasionally

1 volunteer, but that was more, you know, knocking
2 doors or something on the weekends. That's kind of
3 the work that Jennifer would do to volunteer.

4 Q. And your district director was not
5 involved in Boulder Strategies services?

6 A. No. I very much doubt. I'm not aware of
7 Jennifer being involved in any of those
8 conversations.

9 Q. Who on your campaign staff would
10 communicate with Boulder Strategies?

11 A. Tara Lujan, if anyone, would communicate
12 with Boulder Strategies. But predominantly, it
13 would be --

14 Q. What is --

15 A. Tara Lujan, no relation, served as our
16 campaign director, campaign manager during this
17 last cycle. But Tara, I don't believe that Tara
18 had direct communications with Boulder Strategies
19 on online work.

20 Predominantly it was Aaron that would
21 communicate with them. Aaron is the gentleman as
22 well, that when I sat down to hire Boulder

1 Strategies, that process was with Aaron. Yeah.

2 Q. Now, why was Aaron the main contact with
3 Boulder Strategies?

4 A. I trust Aaron. I think that Aaron's very
5 thorough in how he scrutinizes contracts and
6 scrutinizes the process, and that's why Aaron was
7 the person.

8 Q. How do you know Aaron?

9 A. Jeez, we grew up in the same community,
10 and Aaron began working on my campaign sometime
11 back in 2007. Was part of my official office from
12 a ledge perspective.

13 Left the office and then joined the DCCC
14 some years later when I was appointed chair, and is
15 still working with the DCCC today.

16 Q. You mentioned that he'd started working
17 with your office, I think, around 2007.

18 When did you first meet Aaron?

19 A. Not my office, on my campaign.

20 Q. On your campaign, okay.

21 A. Yeah, so I wasn't sworn in until 2009.

22 And Aaron may have joined -- I don't know if Aaron

1 joined in 2007 or 2008. Sometime in that
2 timeframe.

3 I wouldn't say that I knew Aaron
4 personally. I knew Aaron because we grew up in the
5 community. Small communities, families go to the
6 same churches, we went to the same high school.

7 He's a lot younger than I, some years, I
8 don't know, ten or more years, eight or more years,
9 something like that.

10 Q. But no relation?

11 A. No.

12 Q. And I want to now just make sure I
13 understand your role in general when it comes to
14 E-mail solicitations.

15 So when E-mail solicitations were going to
16 be sent, you've explained that you wouldn't
17 necessarily tell Boulder Strategies directly to
18 send an E-mail; is that correct?

19 A. That's correct.

20 Q. What was your role in solicitations, what
21 did you do?

22 A. With online?

1 Q. Correct.

2 A. So we hired Boulder Strategies to assist
3 us in reaching out to supporters via E-mail. And
4 early on, I think there -- if my recollection
5 serves me correct, there would be ideas that might
6 be shared with staff like Aaron about E-mails that
7 I might see from other members of Congress. I
8 guess you get put on different lists as well.

9 So if you see E-mails that good, you can
10 say, hey, that sounds like a nice idea or maybe
11 something like that. You would send something
12 early on and say, hey, take a look at this one or,
13 you know, I received this today, take a look at it.
14 But that was predominantly it.

15 As far as editing or drafting or anything
16 like that, I had -- I never did that.

17 Q. Would they send -- they meaning your
18 campaign or Boulder Strategies, would they send
19 drafts to you for approval before they were sent
20 out?

21 A. Early on, there -- I think there were
22 drafts that may have been sent to us, or sent to

1 me. But like I said, it's my recollection that
2 that was early in the process.

3 And that stopped happening through, I
4 don't know, maybe after the first quarter, maybe
5 after the first month. It wasn't normal practice
6 after, if ever.

7 Q. Okay, so just so I have the time period
8 straight. You're saying maybe from January to
9 March approximately 2016, they would send you
10 drafts, but then that stopped a little bit after
11 that time period?

12 A. I would say if it lasted that long. But
13 I'm thinking that it -- you know, it's probably
14 speculation, but it was early in the process. So
15 maybe the first month, maybe into February, but I
16 couldn't tell you that it continued to happen after
17 that.

18 I just know that that wasn't the process
19 going in as we were moving, you know, through the
20 campaign and I was traveling or we saw even
21 different reports coming in from Boulder with what
22 the success or what they were not doing with their

1 online solicitations.

2 Q. Now, most companies that have -- that
3 provide these type of services, send online
4 solicitations quite frequently, but I'm not sure
5 about Boulder Strategies.

6 How often would you say they were sending
7 out online solicitations?

8 A. It appeared that they treated different
9 clients differently, and other clients may have
10 received -- gotten more E-mails go out. I don't
11 think that my campaign had a lot of E-mails going
12 out.

13 Q. So per week, would you estimate?

14 A. I couldn't even tell you.

15 Q. Would you say more than one?

16 A. Sometimes yes, sometimes no. I really
17 couldn't tell you, but I know the volume was not
18 what I saw that other members would show or that
19 you would see with other.

20 I think Boulders could probably answer
21 that question better, give you a report or
22 something.

1 MR. SVOBODA: And Kedric, so the record is
2 clear, when you refer to solicitations, you mean
3 not simply the direct asks for money but also the
4 petitions to which the congressman referred,
5 correct? Any sort of E-mail that they might send
6 as part of the E-mail program?

7 Q. That is correct, I'm referring to how you
8 define solicitations, which falls into two
9 categories; the campaign contribution solicitations
10 as well as petitions.

11 A. Okay, thank you. And yes, the answer
12 still holds true. I'm not certain of the volume of
13 what they were sending out. It just didn't seem
14 like there was a big volume.

15 Q. How often would you send E-mails that you
16 might forward along indirectly to them about what
17 other members were doing so that they would send
18 out E-mail solicitations?

19 A. I don't know that it was on a regular
20 basis. It would be if you would read something
21 that seemed like a good idea and you pass it along.

22 Sometimes you read something that was a

1 good idea and you just -- it didn't get passed
2 along. I don't know that I could put a number of
3 how many that -- that was.

4 Q. But you are saying that you saw other
5 members sending out multiple E-mails, so I'm
6 assuming you're receiving multiple E-mails.

7 And would it be like once week you may
8 forward something along to Aaron or someone else to
9 say, look at this, or whatever you referred to
10 earlier?

11 A. It probably was either once a week, once
12 every few weeks. It was random. It just depends
13 on when you would see something that you thought,
14 hey, this -- this looks like something we should
15 consider.

16 And like I said, just because I sent it
17 didn't always mean that Boulder would do something
18 with that idea that I would see anyway.

19 Q. But when you sent it, these type of
20 forwards, what did -- you wanted them to consider
21 sending something as a result of you forwarding?

22 A. I would send, you know, like an E-mail to

1 Aaron, for example, if I received it from another
2 member, whatever their team was.

3 And it wasn't even from another member,
4 it's whoever their online consultant was or whoever
5 was doing work like Boulder Strategies. And say,
6 hey, take a look at this, what do you think.

7 BY MS. EISNER:

8 Q. And just to clarify, you said earlier that
9 the policy sort of changed earlier on, there might
10 have been some communications about receiving
11 drafts but that changed later. What --

12 A. I think it's unfair to describe it as
13 policy. I mean, I think early on, you know, you
14 hire a consultant and you say, hey, I want to see
15 kind of what you're doing a little bit more. So
16 you know, kind of include me in what's happening.

17 But then you establish a trust with a
18 team, you hope that they're doing the job they're
19 supposed to be. And so you tell the team, hey, you
20 have autonomy, keep moving. And I would say that's
21 what it was like early on in the --

22 Q. Understood. And my use of policy wasn't

1 -- doesn't necessarily have to be binding, just
2 kind of what was happening in practice.

3 But as far as kind of final
4 communications, whether they were solicitations or
5 petitions, would you always receive those types of
6 E-mails?

7 A. I think early on, I may have received
8 them. But later, E-mails would get sent out to
9 whatever list Boulder Strategies had, without me
10 seeing them or editing them at all.

11 Q. Okay.

12 BY MR. PAYNE:

13 Q. I want to now just talk about the sit-in
14 that happened in Congress around June 22nd, 2016;
15 do you recall that?

16 A. I do.

17 Q. And you participated in that sit-in?

18 A. I did.

19 Q. When did you begin participating in the
20 sit-in?

21 A. So I was in a meeting and C-span was on
22 and I saw that members began to go to the floor and

1 I don't even know that I had the volume on. I
2 turned the volume on at that time and saw that the
3 members were going down and reading something to
4 the Speaker or whoever was in the chair and it was
5 clear that this was about 'No-Fly No-Buy' and that
6 members were gathering on the floor.

7 And so I don't know what the time was, but
8 I made decision at that time with the staff and I
9 said, I'm going to the floor, to which they
10 replied, you know, you have some -- you have a
11 schedule today.

12 And I told them, I'm going to the floor.
13 Clear the day, let me know if there's anything that
14 we have to do or if there's some people that we can
15 still meet with maybe during the day, but I'm going
16 to the floor. And I went to the floor.

17 Q. And then when you went to the floor, how
18 long did you stay on the floor?

19 A. So I was on the floor off and on until the
20 next morning for the -- I sat there for a period of
21 time and then we had a lunch or we had a meeting
22 outside of the building.

1 So I left for a bit of time, I don't know
2 how much time, but I left for a bit of time and
3 then I came back to the floor during the night.

4 There were people gathering outside the
5 Capitol, so members would leave periodically to go
6 and either just stand with the crowd or speak to
7 the crowd. You know, bathroom breaks, walking
8 outside to the front of the building of the
9 Capitol, just get a breath of air, and then go back
10 in.

11 So from the time I went in to the time
12 that I left, it was 6:00 or 7:00 a.m. the next
13 morning with times that I left in between, I would
14 say.

15 Q. Okay. Let me just walk through it again.

16 A. Okay.

17 Q. So when you went there before lunch?

18 A. I don't know if it was before lunch, but
19 it was somewhere in that timeframe. That sounds
20 about right.

21 Q. And then you left for lunch?

22 A. There -- I wouldn't say it was for lunch.

1 There was a meeting in the afternoon sometime. I
2 think it was a lunch meeting, I'm not sure. But
3 there was something in the afternoon that I
4 remember leaving the Capitol and the actual, you
5 know, getting in a vehicle and going somewhere.

6 And then came back later on that day. And
7 then once I came back that day, I didn't leave the
8 building in a car. As a matter of fact, I even
9 walked home the next morning at whatever it was,
10 6:00 or 7:00.

11 But, you know, the crowds again were
12 gathering and so we'd go inside and outside of the
13 Capitol Building to the front there, in front of
14 the steps or in front just to chat with another
15 member, like I said, just to get a little bit of
16 that cold air on your face that night.

17 Q. So at nighttime, you were there after
18 lunch when you returned from this meeting?

19 A. Uh-huh.

20 Q. And then at night, you would go out where
21 the crowds were gathered outside of the Capitol?

22 A. So from the time that I returned in and

1 out, like, you know, I don't know if it was every
2 hour or every whatever it was. Well, you're
3 sitting there on the floor and your legs kind of
4 get a little tight. You know, you want to get a
5 drink of water or something.

6 So you get up periodically, stretch your
7 legs, go outside, just take a breath of air or
8 something and then just -- and go back in.

9 But that wasn't just during the time that
10 the sun went down, what I would describe as
11 nighttime. It was throughout that period that I
12 would do that.

13 Q. And do you recall that a E-mail was sent
14 out from your campaign on June 22nd about the
15 sit-in?

16 A. I don't recall. After E-mails were shown
17 to me, then it was clear that something was sent
18 out from Boulder Strategies, but I didn't recall.

19 Q. And let me show you this E-mail, which I'm
20 sure you've seen, that's Bates-stamped THRL 0098.

21 If you can just walk me through what's
22 going on here. So it's an E-mail from Ben Lujan to

1 Aaron Trujillo, and it says, get something out.

2 Can you just explain to me, what does that
3 mean, what is this E-mail that you forwarded to
4 him, and all the context?

5 A. So this is an example of an E-mail that
6 you would see that you might receive from another
7 member from their people and that I saw it.

8 You know, Michelle is asking in this
9 E-mail from her folks for people to lend their
10 voices to be heard, right, sort of this is a
11 petition. And so when I saw this, I forwarded it
12 to Aaron, you know, get something out.

13 Q. And why did you forward it to Aaron?

14 A. Aaron's a person that I would communicate
15 with on things like this.

16 Q. And what did you mean by, get something
17 out; get what out?

18 A. Get a message out, maybe get something
19 out, take a look at this good idea.

20 Q. Get a similar E-mail to the one that's
21 from Michelle Lujan Grisham; is that what you mean?

22 A. Get something out.

1 Q. But do you --

2 A. It's just that. So get something out I
3 think just means that there's different members
4 that do different things, different strategists
5 that do different things.

6 Boulder Strategies created E-mails,
7 content, whatever it was. So get something out I
8 think just means that, get something out.

9 Q. So this E-mail assumes that what you
10 referenced before, what you intended for Aaron to
11 speak with Boulder Strategies about getting out an
12 E-mail solicitation?

13 A. I would say that I would ask Aaron to
14 reach out. And like I said, sometimes there were
15 communications, sometimes there weren't.

16 Q. But just so I follow with this E-mail, did
17 you intend that Aaron would discuss with Boulder
18 Strategies this idea of a message to get out to
19 your E-mail list?

20 A. It was to tell Aaron get something out, I
21 guess. So I guess something similar, yeah. Get
22 something out.

1 Q. And Boulder Strategies would send that
2 out?

3 A. Boulder -- again, Boulder -- so I think
4 the way that you started the questioning was asking
5 who the consultant was. The consultant that was
6 hired to do online work was Boulder Strategies.

7 Q. Okay.

8 A. Boulder Strategies sent E-mails out,
9 whether it was petitions or it was online
10 solicitations or anything like that. So Boulder
11 Strategies is the group that would send things out
12 or not send things out.

13 Q. Okay, okay.

14 A. Often times the reason they're not doing
15 work any more is because they wouldn't send things
16 out as well. But it was up to Boulder Strategies.

17 Q. I think you and I are on the same page, I
18 think I understand you. So let me just run through
19 it again.

20 You sent it to Aaron with the idea that
21 Aaron would send this to the people who get E-mails
22 out, Boulder Strategies?

1 A. With the idea that at least Aaron would
2 talk to them about something. Like I said,
3 sometimes they, Boulder Strategies, would send
4 something out, sometimes they wouldn't.

5 But the idea here was to get something to
6 Aaron, say talk to them and say I guess in this
7 case, it was get something out.

8 Q. Now, I've gone through the technical part.
9 Now we're just getting to the why.

10 Why did you want to send out a message at
11 this point?

12 A. Well, you know, Michelle, I think, had a
13 good idea here to say she wanted to create some
14 attention that whatever -- all the work that people
15 were doing, and lend your voice to say, sign a
16 petition and say, let us vote.

17 I -- you know, there's petitions that you
18 send out to folks that say, we just need your voice
19 to be heard. This wasn't a solicitation for money,
20 that was in this E-mail at all.

21 And so I think there's different tools.
22 Like I said earlier, Boulder Strategies would

1 either send petitions out or they would send direct
2 asks for contributions for money.

3 This was a request from Michelle to people
4 to say lend your voice, sign a petition. And I
5 thought that was a good idea, so that's what I
6 said, is get something out. And it was my hope
7 that we could get something out that would ask
8 people to lend their voices.

9 Q. Now, was Aaron to understand the
10 distinction between sending out an E-mail that is a
11 solicitation for a petition versus solicitation for
12 a campaign contribution?

13 A. I don't know. The E-mail, you can see it
14 for yourself, it's a -- this doesn't ask for money.
15 And when I said, get something out, right, it's --
16 I'm -- do you want me to read this into the record
17 or --

18 Q. It's in the record when I --

19 A. I think that's what this says, is get
20 something out. So it's -- I don't know that it's
21 up to Aaron to make a decision of whether something
22 is a petition or if it's an online solicitation for

1 money. That's what Boulder Strategies was hired to
2 do and that's their job.

3 Q. So Boulder Strategies makes the
4 distinction between whether or not it's going to be
5 a solicitation for campaign contribution or
6 solicitation for petition?

7 A. Boulder Strategies was hired to come up
8 with an online strategy and presence for online
9 programs, whether it was for money or if it was for
10 petitions.

11 And so Boulder, it's my understanding,
12 would create different E-mails depending on what
13 they thought would work and what wouldn't work in
14 reaching out to the community, and not only
15 educating them through petitions or asking them to
16 lend their voices, or if they would send an online
17 solicitation. But Boulder would do that, that's my
18 belief.

19 Q. So it was your belief that once your
20 campaign communicated with Boulder, it would be
21 either a campaign solicitation, or an E-mail
22 petition solicitation, but it could be either/or

1 the moment they were notified by your campaign?

2 A. I believe so. You know, whether someone's
3 asking Boulder for a petition or for an online
4 solicitation, they're the experts.

5 And I think that Boulder Strategies should
6 know what strategy they're deploying based on their
7 practices and why they do the work they do.

8 Q. And did Aaron respond to this E-mail?

9 A. No.

10 Q. How do you know? I mean, just --

11 A. Because you all had me do a search to see
12 if there were any E-mails. And, you know, in the
13 timeframe that you sent me, that's what I found.

14 Q. Do you think you had any conversations
15 with Aaron at this time about the request to get
16 something out?

17 A. I don't remember that I did.

18 MR. SVOBODA: And at this time, you mean
19 the 22nd?

20 MR. PAYNE: That's correct, the 22nd 2016.
21 Let me -- right, I mean, at this happening.

22 MR. SVOBODA: Contemporaneously with the

1 sending of the E-mail.

2 MR. PAYNE: So let me rephrase it.

3 BY MR. PAYNE:

4 Q. Before any E-mail was sent on June 22nd,
5 2016, did you have any conversation with Aaron
6 about sending an E-mail?

7 A. I don't remember that I did.

8 Q. When you sent this E-mail, where were you?
9 So this E-mail says it's 4:02 p.m., June 22nd,
10 2016; where were you?

11 A. I don't remember where I was. It was in
12 the afternoon during the sit-in. So, you know, I
13 was in and out of the Capitol quite a bit. I don't
14 remember exactly where I was when I sent it.

15 Q. Is it possible that you sent it while you
16 were within the House, Capitol Building?

17 A. I think anything's -- it's possible, but I
18 was -- like I said, depending on where I was moving
19 to or moving from. But it was that afternoon
20 clearly at four o'clock.

21 Q. Did you -- well, let me show you the
22 actual E-mail. Let me back up once again.

1 This E-mail account, benraylujan@me.com,
2 what is that E-mail account?

3 A. That was a personal E-mail account of
4 mine.

5 MR. SVOBODA: And Kedric, if that ends up
6 being on any sort of transcript, I assume that
7 information will be redacted so the world doesn't
8 have a congressman's private E-mail?

9 MR. PAYNE: Well, it's going to be in that
10 document. We always redact the documents.

11 MR. SVOBODA: Fair enough.

12 MR. PAYNE: That's great.

13 MR. SVOBODA: Thank you.

14 MR. PAYNE: Sure.

15 BY MR. PAYNE:

16 Q. Congressman, I want to show you the E-mail
17 that was sent, or at least a draft, close to a
18 final draft of it. This is document stamped THRL
19 0041 through 0044.

20 I think I'm giving you -- I am not giving
21 you the right document. Hold that though, we're
22 going to use that in a second.

1 A. Okay.

2 Q. Thank you for your patience.

3 A. No, sir.

4 Q. Instead showing you document Bates-stamped
5 THRL 0036 through 0038.

6 Feel free to read the entire E-mail, but I
7 want to ask you about the draft E-mail from Ben Ray
8 Lujan to friends at the bottom.

9 A. Okay.

10 Q. Okay. So the first sentence of the E-mail
11 from Ben Ray Lujan says, today I joined countless
12 colleagues on the House floor to demand action that
13 will make our country safer.

14 What was your role in that language being
15 in that E-mail?

16 A. None.

17 Q. Did you review this language before it was
18 sent?

19 A. No.

20 Q. Did you approve the language?

21 A. No.

22 Q. Did you instruct anyone to include that

1 language?

2 A. No.

3 Q. And when did you first see that this
4 E-mail had been sent?

5 A. I couldn't even tell you.

6 Q. Do you receive the E-mails that are sent
7 from your campaign similar to the way you received
8 them from other members of Congress?

9 A. So I sometimes do. That's a -- one of the
10 questions that I had, is sometimes it seemed that I
11 would receive E-mails and other times I would hear
12 from supporters that they received an E-mail, and I
13 would go check my inbox and I wouldn't see it.

14 MR. SVOBODA: Perhaps you were spam
15 blocking yourself.

16 A. Whatever was happening.

17 Q. So you don't recall whether or not you saw
18 this while you were still participating in the
19 sit-in?

20 A. Uh-uh.

21 Q. Now, this was sent, it seems, in the
22 evening of Wednesday June 22nd, 2016, which is

1 after you sent the request to Aaron to get
2 something out.

3 Is it your understanding that you saying
4 get something out led to this E-mail being sent
5 later in the evening?

6 A. It could be. I don't know what Boulder
7 Strategies was doing or not doing, if they were
8 already putting E-mails together for their clients
9 or not putting together E-mails for their clients.

10 Q. Let me now look at that second document
11 that I gave you.

12 A. 0041?

13 Q. That's correct.

14 A. Okay.

15 Q. Again, feel free to read the entire
16 document, but I wanted to draw your attention to
17 the Ben Ray Lujan for Congress E-mail.

18 A. Okay.

19 Q. What was your role in drafting -- well, I
20 should -- let me rephrase it.

21 What is your exact role in this E-mail
22 being sent?

1 A. No role.

2 Q. Did you request that this E-mail be sent?

3 A. No.

4 Q. Did you read any draft of the E-mail
5 before it was sent?

6 A. No.

7 Q. And did you approve the sending of this
8 E-mail?

9 A. No.

10 Q. When did you first learn that it had been
11 sent?

12 A. I couldn't tell you.

13 Q. Now, everyone knows -- well, I shouldn't
14 say everyone.

15 At a given time, when there was attention
16 drawn to E-mails that had been sent during the
17 sit-in.

18 And do you recall that a few days later
19 and possibly even a few weeks later, there was
20 concern about your E-mails that were sent during
21 the sit-in?

22 A. There was an article or something that was

1 written about the issue, if I remember correctly.

2 Q. And then can you tell me more about that?

3 Like, what I mean is what did you learn about
4 potential problems with these E-mails and then what
5 were your actions to deal with those concerns?

6 MR. SVOBODA: And here, Congressman,
7 you'll want to avoid conversations about that you
8 may have had with your own attorneys or that your
9 staff may have had with your attorneys, so.

10 A. I mean, I don't remember necessarily.
11 Someone may have shown me the E-mail, or not. And,
12 you know, when I see E-mails like this that have a
13 photo in them, I ask, well, where did that citation
14 come from.

15 And I, again, it's speculating, but I
16 could have or probably asked, like, what is this.

17 Q. Do you recall who you had a talk with?

18 A. It was probably Aaron.

19 MR. PAYNE: Do you have any questions?

20 BY MS. EISNER:

21 Q. So after that conversation with Aaron, was
22 there any effect on the relationship with Boulder

1 or with your campaign staff with regards to E-mails
2 of this nature?

3 A. I think Aaron said he called Boulder and
4 asked, you know, what they sent out because of
5 maybe the article, something like that. And there
6 were a lot of questions as to what Boulder did and
7 making sure that they follow all the rules
8 associated with citing information.

9 And I believe Boulder assured Aaron that
10 there was -- and so this is, again, me getting it
11 third-hand, right? Assured Aaron that this was a
12 photo that was taken from a news website or a
13 television station or something, a print media
14 folks. And I don't know what other follow-up there
15 was after that.

16 MS. EISNER: That's all I have.

17 MR. PAYNE: Well, Congressman, thank you
18 so much. If there's anything that I didn't cover,
19 anything that you believe may clarify something,
20 let me know now and we can share it with board.

21 CONGRESSMAN LUJAN: It seemed pretty
22 thorough. I don't know. Is there anything else?

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1 MR. SVOBODA: No, I think we're good.

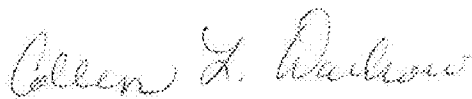
2 CONGRESSMAN LUJAN: Okay, thanks.

3 (Off the record at 8:51 A.M.)
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CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Colleen Darkow, the officer before whom the foregoing interview was taken, do hereby certify that the foregoing transcript is a true and correct record of the interview; that said interview was taken by me stenographically and thereafter reduced to typewriting under my direction; that review was not requested; and that I am neither related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my notarial seal this 13th day of March, 2017.



Colleen Darkow

Notary Public

My Commission Expires 9/14/21

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

[illegible]

Date:

Ben Ray Lujan
+ Sund. Jr.
4/25/2017

EXHIBIT 2

From: ben lujan [REDACTED]
Subject: Fwd: Update: House Dems are staging a sit-in
Date: June 22, 2016 at 4:02 PM
To: Aaron Trujillo [REDACTED]



Get something out

Begin forwarded message:

From: Michelle Lujan Grisham <[REDACTED]>
Date: June 22, 2016 at 3:00:59 PM EDT
To: Ben Lujan <[REDACTED]>
Subject: Update: House Dems are staging a sit-in
Reply-To: [REDACTED]



Dear Ben,

I'm **literally** on the House floor with dozens of my Democratic colleagues to demand a vote on the "No fly, no buy" gun safety bill.

It is time to deal with the gun epidemic in this country. If you are on the "no-fly" list, you should not be allowed to buy a gun. Period.

But Speaker Paul Ryan has refused to let us vote on this issue before we break for our planned recess. We aren't leaving until he does. House Democrats have had enough — we are tired of being silenced by some Republicans and the NRA.

If you think the House recess can wait, add your name to this petition and tell Speaker Ryan — LET US VOTE.

Sincerely,

Michelle Lujan Grisham
U.S. Congresswoman

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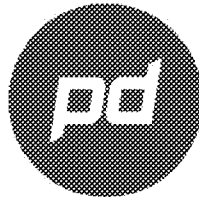
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EXHIBIT 3



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Transcript of Interview of [REDACTED]

[REDACTED]

Date: March 1, 2017

Case: Interview with the Office of Congressional Ethics

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1 - - - - -x

2 INTERVIEW WITH THE :

3 OFFICE OF :

4 CONGRESSIONAL ETHICS :

5 - - - - -x

6

7 Interview of [REDACTED]

8 Washington, DC

9 Wednesday, March 1, 2017

10 4:03 p.m.

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19

20 Job No.: 137151

21 Pages: 1 -

22 Reported By: Janet A. Hamilton, RDR

1 Interview of [REDACTED], held at the
2 offices of:

3
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5 Perkins Coie, LLP
6 700 Thirteenth Street, Northwest
7 Suite 600
8 Washington, DC 20005-3960
9 (202) 654-6200
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15

16 Pursuant to agreement, before Janet A.
17 Hamilton, Registered Diplomate Reporter and Notary
18 Public in and for the District of Columbia.
19
20
21
22

1 A P P E A R A N C E S
2 ON BEHALF OF U.S. HOUSE OF REPRESENTATIVES
3 OFFICE OF CONGRESSIONAL ETHICS:
4 KEDRIC PAYNE, ESQUIRE
5 HELEN EISNER, ESQUIRE
6 Investigating Counsel
7 U.S. House of Representatives Office
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22

P R O C E E D I N G S

BY MR. PAYNE: All right. So, [REDACTED], we will begin. I just want to first start with background, and let me also back up and just say that you were provided with the False Statements Act; is that correct?

[REDACTED]: That's correct.

MR. PAYNE: Okay. And we anticipate that you will be able to sign the form but that we did advise you or let you know that the False Statements Act applies --

[REDACTED]: Certainly.

MR. PAYNE: -- and whether or not you signed it.

[REDACTED]: Certainly. I just want to understand more about it, so --

MR. PAYNE: No problem. So let me begin just by gaining a little bit of your background. Where are you currently employed?

[REDACTED]: I'm currently employed at the Democratic Congressional Campaign Committee.

1 MR. PAYNE: And what is your title there?

2 [REDACTED]: My title there is chief of
3 staff.

4 MR. PAYNE: How long have you been
5 employed there?

6 [REDACTED]: I've been employed there
7 since January of 2015.

8 MR. PAYNE: And were you ever employed
9 with Representative Luján's congressional office?

10 [REDACTED]: Yes, I was.

11 MR. PAYNE: And when was that?

12 [REDACTED]: My last date of employment
13 there was in 2000 -- 2012 or 2013. After I worked
14 in his office I went over to the US Department of
15 Commerce and I worked in the Office of Legislative
16 and Intergovernmental Affairs there before going to
17 the Democratic Congressional Campaign Committee.

18 MR. PAYNE: And you said you ended
19 employment with Representative Luján in 2012.
20 About how long were you employed with his
21 congressional office?

22 [REDACTED]: I was employed with his

1 congressional office since I came to Washington, DC
2 which was in 2009.

3 MR. PAYNE: What was your title while
4 employed with the congressional office?

5 [REDACTED]: I had a few different
6 titles. I started off as a legislative
7 correspondent, and I made my way up to a
8 legislative assistant by the time that I was
9 finished in his office.

10 MR. PAYNE: Okay. Have you ever been
11 employed with Representative Luján's campaign
12 committee?

13 [REDACTED]: Yes. In 2008, 2007 and
14 2008 I worked on his first campaign for Congress.
15 I was a political director for his campaign, and
16 then in 2009 before the 2010 reelect campaign I
17 took a leave of absence from my job on the Hill,
18 and I went back to New Mexico for several months to
19 work on his first reelection campaign. I was the
20 campaign manager, and then after the campaign was
21 over I came back after my leave of absence, and I
22 began working in the congressional office again.

1 MR. PAYNE: Okay. Do you currently
2 provide any services to Representative Luján's
3 campaign committee?

4 [REDACTED]: I mean I'm in touch with
5 the individuals who work on his political work back
6 in New Mexico. I'm more of a volunteer capacity.
7 I'm not paid by the campaign, but, you know, I've
8 worked with the Congressman for many, many years.
9 I'm from New Mexico. I've done politics in New
10 Mexico, and I'll often give my advice on just what
11 I think might be good ideas or, you know, things
12 to, to look at in further detail, but I do that
13 with a number of different campaigns as well in my
14 role at the Campaign Committee.

15 MR. PAYNE: So can you walk me through
16 the type of work that you currently provide to the
17 campaign? I know you say it's on a volunteer
18 basis, but can you give more details besides just
19 the types?

20 [REDACTED]: Sure. If anybody who is
21 involved in his political campaign might have a
22 question about who somebody is or, you know, if

1 there's an issue happening in New Mexico that I
2 might be familiar with, they might give me a call
3 and I might provide advice to them on, you know,
4 how they should -- who they should talk to, how
5 they might be able to handle any given issue given
6 the circumstances, things of that nature, because,
7 again, I am from New Mexico, and I've worked in New
8 Mexico politics. Even before I worked for
9 Congressman Luján I had worked in New Mexico
10 politics for about four or five years before I
11 worked for him. So I have a good lay of the land,
12 and sometimes the people that worked on his
13 campaign side will just ask me questions.

14 MR. PAYNE: Okay.

15 [REDACTED]: And, you know, they know
16 that they can call me in the evenings or whatever
17 like, you know, when I'm around to ask me
18 questions.

19 MR. PAYNE: You mentioned people who work
20 on his campaign. Who were those people who contact
21 you?

22 [REDACTED]: Mm-hmm. So currently he