

1 has two people working on his campaign that are in
2 the role of finance, finance consultants, and that
3 would be Steve Fitzer who is his primary finance
4 consultant. He does work in both Washington, DC
5 and New Mexico, and then there's another individual
6 that works for Steve Fitzer and his name is Sean
7 Marcus, and he does primarily work in New Mexico.

8 MR. PAYNE: Do you do any work related to
9 sending out campaign e-mails for Representative
10 Luján's campaign?

11 [REDACTED]: I've been involved in
12 providing ideas or reviewing any sort of content
13 that is sent out by the Congressman's e-mail
14 program simply because, you know, there are nuanced
15 ways to talk about certain issues especially if
16 you're trying to communicate to grassroots
17 supporters and things of that nature, and so like
18 every now and again, if I get an opportunity, I'll
19 sort of scan the e-mail to say, oh, this looks good
20 or, you know, you know, say this maybe a different
21 way or, you know, if there are any flags that I
22 might raise regarding an e-mail or something like

1 that, I will, but it's not a consistent thing.
2 It's kind of just like on a case-by-case basis just
3 depending on whether or not I have time during the
4 day, you know, like if I'm, you know, I've got an
5 extra minute or two here or there and, and I have
6 time to look at things.

7 Sometimes, you know, like especially last
8 year, I will help, like if there's a conference
9 call with the campaign staff because last year the
10 Congressman had basically a fully operating
11 campaign with a campaign manager and their finance
12 consultants and Boulder Strategies who was the main
13 e-mail, e-mail program consultant, if there are,
14 like, conference calls or anything like that that
15 are scheduled for any time during the week, I'll
16 participate in those conference calls just
17 depending on what's going on during the week.

18 MR. PAYNE: And then what is your role in
19 those conference calls then?

20 [REDACTED]: Like I said, I'll just --
21 I'm just kind of like a volunteer; like I'll listen
22 and provide advice if I think something is, needs,

1 you know, clarification or provide ideas sometimes,
2 but it's the primary function of the other
3 individuals to, like, execute whatever we talked
4 about on the phone calls. So, for example, if it's
5 finance related, it's Steve Fitzer; if it's e-mail
6 related, it's -- it was Boulder Strategies; if it's
7 like field or anything related, it's whoever the
8 campaign manager is at any given point in time, but
9 I'll just sort of like participate in an advisory
10 role, but I'm basically a volunteer.

11 MR. PAYNE: What was your role with
12 Boulder Strategies? You mentioned them. How often
13 would you interact with Boulder Strategies?

14 [REDACTED]: I interacted with them
15 quite a bit I would say, especially in the
16 beginning of their time as Congressman Luján's
17 e-mail consultants, especially because that was a
18 time when they were trying to get to know the
19 Congressman and, you know, create content that was
20 maybe in his voice, if you will, the way he would
21 say things or the way that, you know, certain
22 pictures looked or things of that nature, the

1 formatting of the e-mails, that kind of stuff,
2 because they wanted to do right by him. So I would
3 talk to them quite frequently to kind of just give
4 them advice on what I thought would, would be a
5 good way for them to approach any given project or
6 creating content and things of that nature. Simply
7 because I had worked for the Congressman for so
8 many years, I had worked on his campaign, you know,
9 I had a lot of experience with being in New Mexico
10 and doing politics in New Mexico, and so that was
11 basically the advice that I gave him.

12 MR. PAYNE: Now, when was this? You said
13 it was when they first came on, but when was that
14 time period?

15 [REDACTED]: It was the majority -- I'm
16 saying the majority of my interaction with them was
17 when they first started, that was very frequent.

18 MR. PAYNE: When did they first start?

19 [REDACTED]: Let me think. I don't
20 remember if it was late 2015 or early 2016, but at
21 some point in early 2016 I know that they were
22 fully on board, and that's when they reached out to

1 me for advice and --

2 MR. PAYNE: Were you involved in the
3 hiring of Boulder Strategies?

4 [REDACTED]: I was involved in their
5 interview, but I didn't, like, make the decision to
6 hire them. There were a number of different
7 companies that came to pitch Congressman Luján on
8 what services they could offer in terms of an
9 e-mail program, and I was sitting in on those
10 interviews just to hear what they had to say
11 because, like I said, you know, I would offer
12 advice to Congressman Luján's campaign, you know,
13 anybody that was involved in his political side
14 like Steve Fitzer and others. Steve Fitzer was
15 also in those interviews as well, but I didn't make
16 the decision to hire Boulder, but I was involved in
17 those interviews.

18 MS. EISNER: Who invited you to
19 participate in the interviews?

20 [REDACTED]: I sort of invited myself.
21 I mean I knew that sort of there was an open door
22 for me to participate in Congressman Luján's

1 campaign because I had done it for many years, and
2 it was something that I kind of just took upon
3 myself to go and sit in on those interviews because
4 I wanted to be in the loop, especially if somebody
5 had asked me a question or anything of that nature,
6 especially if they asked me a question about New
7 Mexico. So I knew that, like, it was an open
8 invitation. I didn't have to, like, ask for
9 permission, or nobody had to ask me to be involved
10 in that at all.

11 MR. PAYNE: Did you have anything else?

12 MS. EISNER: You can go ahead.

13 MR. PAYNE: So in the very beginning
14 which you think may have been some point early 2016
15 were you the main point of contact for Boulder
16 Strategies with respect to the campaign for
17 Representative Luján?

18 [REDACTED]: I -- I was probably one of
19 their main contacts simply because they were asking
20 me their opinion on how they should approach the
21 e-mail program and, you know, how widespread e-mail
22 use is in New Mexico and that kind of stuff just

1 because I had worked on campaigns before and I kind
2 of just know that information from my work on
3 campaigns, but I would say in addition to me
4 another one of their primary contacts was Steve
5 Fitzer because Steve Fitzer oversees all of the
6 finance operations, and included in that would be
7 e-mail fundraising as well. So, so part of the
8 e-mail program obviously sometimes is asking for
9 campaign donations through e-mail, and because that
10 had a financial component Steve Fitzer would be the
11 one to be the main contact for anything related to
12 that.

13 MR. PAYNE: Okay. So then you would work
14 on helping them draft the e-mails? And let me be
15 more specific. You would help Boulder Strategies
16 in its very beginning know the voice and know how
17 to draft the campaign e-mails that they would send;
18 is that correct?

19 [REDACTED]: Yeah, sometimes.

20 MR. PAYNE: Would you also approve any
21 solicitation, an e-mail solicitation that Boulder
22 Strategies would send on behalf of the campaign?

1 [REDACTED]: So, so I wouldn't say
2 approved because I wasn't, like, the end-all be-all
3 voice of, like, who was in charge of the e-mail
4 program. There were several people that Boulder
5 wanted to just keep in the loop consistently about
6 what they're sending, and so we had this sort of
7 like piecemeal system where, you know, we always
8 knew that, that I would be on an e-mail before it
9 went out. They would share the content with an
10 e-mail before it went out with a number of
11 individuals, and, and Steve Fitzer and myself sort
12 of like took it upon ourselves to be like, yeah,
13 we'll take a look and say, like, we're good with
14 this or maybe we should change a line here. I
15 often line edited e-mails because, you know, it
16 didn't sound right or, you know, there were things
17 that were in the e-mails that concerned me.

18 For example, like there was a point in
19 time early on when Boulder was drafting content
20 where they were like using e-mail, or they were
21 using pictures from the Internet and pasting them
22 in the body of the e-mail without citing them

1 properly. So naturally that was like a big red
2 flag for me, and I said any time you use a picture
3 or anything -- it doesn't matter if it's, like, a
4 picture of a sunset or a picture of anything --
5 like, you have to cite it because if, if somebody's
6 picture or intellectual property is captured in one
7 of our campaign e-mails, it's going to be a problem
8 especially if we don't cite where it comes from.

9 So things like that, yes, absolutely I
10 would be involved in helping them figure out
11 before, you know, they sent an e-mail out or
12 something like that as it related to the content of
13 the e-mail.

14 MR. PAYNE: How about when the decision
15 was made to even send out campaign e-mails? How
16 did that -- how would those typically start?

17 [REDACTED]: So it started with -- it
18 started sort of big picture with a calendar. So
19 Boulder Strategies was in charge of creating a
20 calendar of e-mails that would go out every month,
21 and their expertise was how to sort of create the
22 best possible structure for the calendar and then

1 creating the content therein that would follow the
2 calendar, and that calendar was sort of based on
3 like current events, like what was in the news
4 cycle, you know, sort of anything that was relevant
5 to Congressman Luján's district back home, you
6 know, like New Mexico's birthday or, you know,
7 anything like that that would go into delivering a
8 message to show that Congressman Luján was, you
9 know, very much had his pulse back in New Mexico
10 but has his pulse on current events across the
11 country, and so a yearly calendar would get
12 formulated, and then from there a quarterly and a
13 monthly calendar would get formulated, and just
14 depending, like, if anything popped in the news
15 cycle, like sometimes that would influence whether
16 Boulder or not created content and stuff like that.
17 So they also had their ear to the ground when it
18 came to that kind of stuff, but that's basically
19 how the process worked, and then, you know, they
20 would, you know, go back with their writers, or I
21 don't know if they had writers or however they did
22 it, and come back to that e-mail chain that I

1 described earlier where we would provide our
2 feedback with whatever they had created on any
3 given day or any given week based on what was going
4 on or what they had planned in the calendar,
5 anything lining that.

6 MR. PAYNE: Okay. And would you ever
7 initiate campaign e-mails such that, you know, you
8 speak to them and you instruct them to draft
9 something or you --

10 [REDACTED]: Yeah. Sometimes if I --

11 MR. PAYNE: -- originate something by
12 e-mail?

13 [REDACTED]: Yeah. Sometimes if I
14 thought there was a good idea out there, I would
15 say, hey, we should think about doing something
16 like this.

17 MR. SVOBODA: [REDACTED], you want to make
18 sure to let Kedric finish his question.

19 [REDACTED]: Oh, sorry. Habit. I
20 thought about it.

21 MR. PAYNE: It just helps the record.

22 [REDACTED]: Oh, okay.

1 MR. PAYNE: You mentioned your role with
2 the solicitations and Steve's role and Boulder
3 Strategies. What was the role of Representative
4 Luján with these e-mails?

5 [REDACTED]: Well, first I want to
6 clarify. It wasn't just solicitations. It was --
7 it was just content delivery as well. Like that
8 was -- it was like an all-encompassing program,
9 right. It was thanking people for being engaged.
10 It was sharing current events, and then sometimes
11 there would be a solicitation for support for the
12 Congressman's campaign. So it wasn't just that.

13 MR. PAYNE: Okay.

14 [REDACTED]: And then can you repeat
15 your question again?

16 MR. PAYNE: Well, let me just --

17 [REDACTED]: I wanted to clarify that
18 point though.

19 MR. PAYNE: I'm glad you did. So how
20 would you decide whether or not the e-mail was
21 going to be one of these categories, that is a
22 thank-you versus a current event versus a campaign

1 solicitation?

2 [REDACTED]: Well, Boulder would decide
3 because they had a technology called HubSpot that
4 basically they would like message test things, and
5 they did this for all their clients, right. So we
6 weren't the only client that they had. They had a
7 number of different congressional clients and
8 corporate clients and organizations and things that
9 they do e-mail communications for, and from
10 whatever technology that they had they could decide
11 like, wow, people are really paying attention to,
12 like, you know, this issue or that issue or
13 whatever. So we never really knew what they were
14 going to say we should fundraise off of. It was
15 based on their recommendation as to what was
16 getting the most clicks. That's how they described
17 it; you know, this is getting a lot of clicks from
18 our other clients, or this is getting a lot of
19 clicks from what we're seeing out there through our
20 technology HubSpot, and then they wouldn't even
21 necessarily ask for our permission to say, like,
22 hey, we want to do a fundraising e-mail on this.

1 They would write the content. It was kind of like
2 a known fact that if an e-mail came across for our,
3 for us to kind of look at, that if it had a
4 solicitation within it that they had already
5 identified that that was a subject matter via this
6 technology HubSpot, that could potentially yield a
7 good amount of campaign donations online.

8 MR. PAYNE: Were there ever occasions
9 where you instructed Boulder Strategies to include
10 the solicitation in an e-mail?

11 [REDACTED]: I can't remember
12 specifically, but I would probably say yes.

13 MR. PAYNE: And then what would you base
14 it on? So if they're basing the decision on
15 clicks --

16 [REDACTED]: I kind of just based it on
17 like a gut feeling. Like if something was, like,
18 in the news cycle for several days, then I would
19 probably say, oh, hey, this might be a good idea
20 for a fundraising e-mail. There were many times
21 when they came back and they're, like, no, that's
22 not a good idea; but I kind of just based it off of

1 sort of my own political pulse, if you will, of
2 what I thought activists and voters and people were
3 paying attention to at the time.

4 MR. PAYNE: Now going back to the
5 original question which was Representative Luján's
6 involvement. So what was his involvement in these
7 type of e-mails where they are solicitations or the
8 other categories that you described?

9 [REDACTED]: So he would never edit
10 e-mails or say, like, this is something I want to
11 send out or anything like that. The majority of
12 his feedback came sort of after the fact, and also
13 he, for whatever reason, subscribes to a lot of
14 other members of Congress and organizations' e-mail
15 lists as well, and he would say sort of like after
16 the fact, so, so I'll take our e-mail program, for
17 example, if, if Boulder Strategies had created the
18 content based on the calendar and all the other
19 things and HubSpot and everything and they decided
20 that we wanted to send an e-mail out about climate
21 change, and then, you know, I might get an
22 opportunity to review it and say I'm good with

1 this, and Steve Fitzner might get an opportunity to
2 review it and say he's good with it, and Boulder
3 decides to send that e-mail out to the list.
4 Congressman Luján would comment after the fact: I
5 don't like how this looks. This doesn't sound like
6 me. You know, we need to figure out a better way
7 to talk about this issue because there are some
8 nuances there that you're not capturing, that kind
9 of stuff.

10 MR. PAYNE: Nothing positive? You said
11 it was always --

12 [REDACTED]: I mean if it was positive,
13 you know, we didn't get any feedback so we felt
14 like we were doing a good job.

15 MR. PAYNE: Okay.

16 [REDACTED]: But, you know, I mean --
17 and then there were also like, you know, plenty of
18 times where he would maybe forward an e-mail from
19 another list that says, oh, I think this is neat
20 or, like, you know, we should look at this or
21 something because he liked the way either the
22 content looked or he liked the way that the content

1 was being talked about in the e-mail and that kind
2 of stuff.

3 MR. PAYNE: So he, in those situations
4 where he would forward something, he would send
5 that forward to you, or would he send it to someone
6 else?

7 [REDACTED]: He would more than likely
8 send it to me.

9 MR. PAYNE: And why would he send it to
10 you?

11 [REDACTED]: Just because he and I have
12 a lot of face time, and we often talk about
13 political strategy and messaging and things of that
14 nature, right, and so he probably just felt more
15 comfortable sharing that information with me
16 knowing that, you know, if I have the opportunity,
17 I would share that and maybe with Boulder or with
18 Steve Fitzner or anybody that was involved, his
19 campaign or anything like that, as opposed to
20 having to go to too many people to share the same
21 idea.

22 MR. PAYNE: Okay. And so -- well, I want

1 to understand, are there any times where
2 Representative Luján would initiate an e-mail, but
3 it sounds like you're saying in certain situations
4 he would forward something to you, and that would
5 start an e-mail that Boulder Strategies would send?

6 [REDACTED]: No, not necessarily,
7 because I think almost all of the time Boulder was
8 already working on creating maybe the e-mail that
9 he said, oh, hey, this looks neat, like a neat idea
10 or whatever, right. So if it was a question about
11 formatting or not capturing his voice properly or
12 not talking about an issue in the way that he
13 wanted to talk about the issue or whatever's
14 happening, current events, that kind of stuff, that
15 sometimes is direct feedback that I would share
16 with Boulder, but in terms of, like, the actual
17 idea for a subject matter or things of that nature,
18 more often than not I would never even tell
19 Boulder, like, hey, Congressman Luján really likes
20 this, this e-mail from so-and-so simply because I
21 already knew that Boulder was already working on
22 something because of the calendar that they,

1 because on the calendar that they had created, the
2 weekly calendar, monthly calendar, all that kind of
3 stuff.

4 MR. PAYNE: But did he ever just say, I
5 need a particular e-mail sent out? So not
6 necessarily something that falls into this category
7 you described him forwarding, but he would
8 communicate to you, I need e-mail to go out on a
9 particular subject or whatever?

10 [REDACTED]: No, no. I was never
11 directed specifically by him to send an e-mail out
12 on a specific subject.

13 MR. PAYNE: Was anyone from the
14 Congressional Office involved in the solicitations
15 or the e-mails? I should -- let me -- you made a
16 good point of how you distinguish the e-mails, so
17 let me just speak broadly. In terms of those
18 e-mails that were sent by Boulder Strategies,
19 during the time period that you were working with
20 them last year 2016, were people from the
21 Congressional Office involved in reviewing those or
22 any type of approval?

1 MR. SVOBODA: And Kedric, would you
2 distinguish between in their official capacity or
3 volunteer capacity or either? I mean how are --
4 help me to understand, to follow that.

5 MR. PAYNE: Well, sure. So answer that
6 part, and I can distinguish it that way.

7 [REDACTED]: Okay. Or I can just
8 describe it how I understood it to be, the
9 situation to be.

10 MR. PAYNE: Okay, mm-hmm.

11 [REDACTED]: For the sake of keeping
12 people in the loop, knowing that both Steve Fitzer
13 and I were the individuals that were most of the
14 time involved in either taking a look at the e-mail
15 or anything like that, Boulder Strategies added the
16 e-mail addresses of Angela Ramirez, the personal
17 e-mail addresses of Angela Ramirez and Andrew
18 Stoddard to the e-mail chain generally, but that
19 was just to keep them in the loop so that when they
20 had an opportunity on their own personal time to
21 kind of review their e-mail for the day, their
22 personal e-mail for the day, they could see what

1 was happening, but in terms of approvals, no. They
2 were on those e-mail chains simply to know what was
3 in the loop and, if they felt necessary, provide
4 any type of feedback that they wanted to give given
5 the, you know, the time when they had personal time
6 during the day or, you know, whatever they were
7 doing. I mean I don't know where they were or, you
8 know; I'm sure that they kept track of their own
9 personal time and all that kind of stuff, but it
10 was simply to keep them in the loop on what was
11 happening on any given day.

12 MR. PAYNE: Okay. And you mentioned that
13 you have face time with the member.

14 [REDACTED]: Mm-hmm.

15 MR. PAYNE: When did this face time
16 typically occur?

17 [REDACTED]: It occurred between drives
18 between, between his office in the DCCC. So, you
19 know, he has a car and a driver, and I would wait
20 for him outside the Congressional Office and, you
21 know, if he was on the way or something, I'd come
22 and jump in the car and chat with him for five or

1 ten minutes, and then he does keep office hours at
2 the DCCC several times a day. So in those time
3 blocks I would get, you know, 15 or 20 minutes with
4 him most days.

5 Sometimes on Fridays I would drive him to
6 the airport from his home just to get a little bit
7 of extra time to talk with him, and then there were
8 several occasions last year through my duties at
9 the DCCC that we actually traveled together on long
10 trips to California and other places, so that gave
11 us plenty of time to talk in an airplane or in a
12 car or anything like that. So those were the times
13 when we would discuss his campaign. Those were the
14 times when we would discuss different ideas, things
15 of that nature, or I would keep him updated on what
16 was going on, that kind of stuff.

17 MR. PAYNE: Okay. I want to now
18 specifically talk about the sit-in demonstration
19 that happened around June 22nd, 2016.

20 [REDACTED]: Mm-hmm.

21 MR. PAYNE: And do you remember that
22 sit-in demonstration on the Hill?

1 [REDACTED]: I do.

2 MR. PAYNE: Okay. And do you recall that
3 Representative Luján's campaign sent out e-mails
4 related to the sit-in?

5 [REDACTED]: I do.

6 MR. PAYNE: And do you recall how many
7 e-mails were sent out?

8 [REDACTED]: Oh, I don't. I don't re-
9 -- I mean two.

10 MR. PAYNE: Okay.

11 [REDACTED]: But it was actually not
12 related to the sit-in because the sit-in was
13 prompted by this whole no fly-no buy because of the
14 Orlando shooting. That was the sort of impetus of
15 the e-mails, right, and so when I mentioned current
16 events or things that were happening in the country
17 or, you know, issues that are important to
18 constituents or things of that nature, the Orlando
19 shooting was what prompted a bunch of e-mail action
20 during that time.

21 MR. PAYNE: Okay. I want to show you I
22 think one of the e-mails that you're referring

1 to --

2 [REDACTED]: Sure.

3 MR. PAYNE: -- just so we're on the same
4 page. This is document Bates stamped THRL009. Do
5 you need a copy?

6 MR. SVOBODA: I think, remember, he needs
7 the code that's in the lower right-hand corner.

8 MR. PAYNE: Do you need this at all?

9 MR. SVOBODA: That's just the number that
10 they use so that they're able to distinguish one
11 document from the other, so he can give you this,
12 and you and he will both know that you're talking
13 about the same document.

14 [REDACTED]: Got it.

15 MR. PAYNE: Feel free to read the entire
16 e-mail, but I want to draw your attention to the
17 e-mail at the bottom that appears to be a draft
18 related to the no fly-no buy bill that you just
19 mentioned.

20 [REDACTED]: Okay.

21 MR. PAYNE: Does this refresh your
22 recollection about that e-mail that was sent?

1 [REDACTED]: About this e-mail?

2 MR. PAYNE: Right.

3 [REDACTED]: Yeah, totally.

4 MR. PAYNE: And what was your role in
5 this e-mail?

6 [REDACTED]: So if I remember
7 correctly, before this e-mail was drafted Boulder
8 Strategies sent out their ideas for the week or
9 whatever they did, and, and somewhere in the
10 conversation because the Orlando shooting had
11 happened I think it was on a Saturday night,
12 Saturday or Sunday -- it was during the weekend,
13 right -- so everything for that week was sort of
14 surrounding this, this topic, and, and then Boulder
15 Strategies just went to work and, and started
16 drafting e-mails based on what was happening
17 surrounding the Orlando shooting.

18 The -- the idea for the, for the no fly-
19 no buy concept or whatever, that was what Boulder
20 had come up with, and then they sent this e-mail
21 around for approval at that time.

22 MR. PAYNE: Okay.

1 MS. EISNER: What other e-mails or
2 outreach had Boulder Strategies done or proposed
3 related to no fly-no buy prior to this date June
4 22nd?

5 [REDACTED]: I don't remember, but it
6 came -- it would -- it used to come in the form of,
7 like, a content calendar or content for the week,
8 whatever, that was going to happen, and so when
9 this happened, obviously all of that changed
10 because it was a current event that was a hot topic
11 especially amongst people in New Mexico and around
12 the country, and I believe Boulder wanted to
13 capitalize on that. So they decided to, to start
14 drafting the content, and it was actually kind of
15 assumed -- when they sent us this for approval or
16 for, you know, to look at or whatever, they called
17 it approval, but basically it was like if Aaron or
18 Steve Fitzner can take a look at these, that's
19 great; if not, they're going to, like, move forward
20 anyway, and if something was wrong with the e-mail
21 or whatever, they'd just, like, blame it on us and
22 say you didn't approve it or you didn't look at it

1 or whatever, but yeah, I mean I think it was just
2 sort of assumed that because that was happening,
3 given the nature of, like, how e-mail programs
4 work, like, there's this underlying assumption
5 about e-mail programs, right, and it's, like, you
6 plan as much as you can, but if a big topic happens
7 or something or something happens in the press or
8 whatever and there's an opportunity to communicate
9 with your supporters or grassroots voters or
10 anything like that, then you take what's in the
11 news cycle and you try to add additional
12 information or your way of talking about the issue
13 or whatever the case may be. And so given that
14 common understanding, when Boulder had presented
15 this to us, even if it did deviate from whatever
16 the proposed calendar had been, we were kind of
17 just, like, okay, you know, this is the direction
18 they want to go because they have that technology
19 HubSpot and they have other congressional clients
20 who are probably also talking about the same thing,
21 and there were many other members of Congress
22 talking about this issue and organizations and the

1 news and everything like that. So it was, like, a
2 common understanding that, yeah, obviously they're
3 going to draft an e-mail about this because if, if
4 they were to send out an e-mail from Congressman
5 Luján's account saying like, oh, how great are
6 puppies, you know, like, they would sound tone deaf
7 to everything that's going on, so, and then, you
8 know, once you start an e-mail program the people
9 who receive your e-mails expect to get an e-mail
10 from you especially if there's like something big
11 happening, right, at that particular point in time,
12 right. So Boulder Strategies was well aware of
13 that, and that was the reason that they started to
14 generate this type of content because the news
15 cycle was completely filled by this subject matter.

16 MR. PAYNE: So after they generated this
17 and sent it to you what did you do with this e-mail
18 or with this draft I should say?

19 [REDACTED]: I don't remember, but I
20 probably looked at it, and I -- I don't know. I
21 might have said, hey, I'm good with this; this
22 looks good or, you know, I might have made some

1 line edits, but that's what I would do, you know,
2 in e-mails that I was sent if I had time.

3 MR. PAYNE: The first sentence here says,
4 "Today I join countless colleagues on the House
5 floor to demand action that will make our country
6 safer."

7 [REDACTED]: Mm-hmm.

8 MR. PAYNE: Did you have any role in
9 drafting that language?

10 [REDACTED]: No. I didn't draft that
11 language. That was Boulder Strategies, and I don't
12 know, that -- I didn't draft that language, but,
13 like, at the time, if you remember the news
14 coverage from that time, it was like 24/7 of
15 basically this debate on the floor. So I think
16 that that's why Boulder Strategies wrote that.
17 That's just an assumption.

18 MR. PAYNE: Did you have any
19 communication with Representative Luján concerning
20 an e-mail related to this sit-in?

21 [REDACTED]: No, not about the sit-in,
22 but this is different from the sit-in. This is the

1 bill.

2 MR. PAYNE: Okay. Did you have any
3 communications with Representative Luján concerning
4 this e-mail?

5 [REDACTED]: No, not that I recall.
6 Maybe he -- I mean he -- I think he forwarded an
7 e-mail that he thought was, like, a good idea or
8 something that, like, he liked, the way that they
9 were talking about the, about the, the subject
10 matter, but like I said before, when it came to
11 Boulder Strategies' role in this, you know, a
12 hundred times out of a hundred they were already
13 like drafting e-mails about what the subject matter
14 that the Congressman might have said, oh, this
15 looks like a neat idea or something like that.
16 Like they were already on it. So that's not
17 necessarily even an idea I would have gone back to
18 even tell Boulder, like, hey, this is what the
19 Congressman wants to say because I never did that.
20 It was just because I knew that Boulder was already
21 sort of on the case based on what they were, what
22 they were drafting and what was being sent around

1 by other members of Congress and all that kind of
2 stuff, right, to prevent that the, the optics of
3 being tone deaf on what's going on around the
4 country. I knew that they were professional enough
5 to know that they better be focusing on this
6 because everyone else was.

7 MR. PAYNE: Okay. And let me make sure I
8 follow it. So in the first sentence it talks about
9 today I joined countless colleagues on the House
10 floor. You're saying that does not refer to the
11 sit-in?

12 [REDACTED]: I don't think so. I think
13 it refers to this bill because at the time, and
14 again, I'm just trying to remember this all right
15 now, there were countless people on the floor
16 giving speeches about gun violence in America, and
17 that was prompted by the Orlando shooting at the
18 time, and, and so, yeah, members were on the floor
19 or at the time talking about gun violence.

20 MR. PAYNE: Can you turn to the second
21 page, and this may refresh your recollection. In
22 the next-to-the-last sentence, paragraph I should

1 say, it says, "Stand up if you support our sit-in."

2 [REDACTED]: Oh. So then maybe the
3 sit-in must have started by that time.

4 MR. PAYNE: And so does that refresh your
5 recollection that this e-mail was related to the
6 sit-in as well as the no fly-no buy legislation
7 that you just mentioned?

8 [REDACTED]: Well, to me it seems like
9 a contradictory e-mail that we screwed up because
10 it refers to two separate things, and so that just
11 means to me that, you know, as Boulder was drafting
12 stuff that they wanted to get as much content in an
13 e-mail as possible to prompt people to click on the
14 e-mail and read it.

15 MR. PAYNE: Now, did you have any
16 discussions with Representative Luján about the
17 sit-in?

18 [REDACTED]: Not about the sit-in.

19 MR. PAYNE: What about?

20 [REDACTED]: Not about the sit-in.

21 MR. PAYNE: About anything else --

22 [REDACTED]: Oh, no.

1 MR. PAYNE: -- around this time period?

2 MR. SVOBODA: Excuse me. And you mean
3 apart from the e-mail also. Apart from any issues
4 related to e-mail or fundraising, whether he had
5 any communications with the Congressman --

6 MR. PAYNE: That's correct.

7 MR. SVOBODA: -- generally about the
8 sit-in --

9 MR. PAYNE: That's correct.

10 MR. SVOBODA: -- at the time it was
11 occurring.

12 MR. PAYNE: That's right.

13 [REDACTED]: I didn't have any
14 conversations with the Congressman about the
15 sit-in. As a matter of fact, he wasn't even
16 around, so --

17 MR. PAYNE: What do you mean he wasn't
18 around?

19 [REDACTED]: He wasn't anywhere where I
20 could talk to him. So I didn't have any --

21 MR. PAYNE: Where was he?

22 [REDACTED]: I believe he was on the

1 floor or in his office because all this was
2 happening.

3 MS. EISNER: And where were you?

4 [REDACTED]: I was in my office at the
5 DCCC.

6 MR. PAYNE: And you believe he was in the
7 House floor and his office, what, during this
8 entire day on the 22nd?

9 [REDACTED]: Like whatever he does on
10 the official side, meetings or votes or anything
11 like that, like, while I get to watch votes on the
12 television or anything like that, I never have
13 conversations with him while he's on the official
14 side. The conversations I have with him are
15 whether I'm waiting outside for someone to come
16 pick me up, his driver, so that I could sit with
17 him in the car or when he comes to the DCCC and we
18 have meetings in his office or my office and if I'm
19 traveling with him somewhere and we get face time
20 on an airplane or in a vehicle, those are the times
21 I have conversations with him.

22 MR. PAYNE: Okay.

1 MS. EISNER: How do you find out when
2 he's ready to meet you to, you know, for you to be
3 picked up to travel from one location to the next?
4 Who communicates that to you?

5 [REDACTED]: So the DCCC has a driver
6 that's hired to drive the Congressman around, and
7 he is part of his scheduling team. Now, schedulers
8 are allowed to see both sides of the schedule, and
9 the driver will tell me, I'm on the way to pick up
10 the Congressman; meet me here in five minutes,
11 because he is part of the scheduling team. That's
12 how I find out.

13 MS. EISNER: So this communication comes
14 from the driver?

15 [REDACTED]: That's paid for by the
16 DCCC who is part of his scheduling team.

17 MR. PAYNE: With this e-mail here you see
18 there's a contribution --

19 [REDACTED]: Mm-hmm.

20 MR. PAYNE: -- block at the bottom? How
21 did that come to be in the e-mail?

22 [REDACTED]: I think that might

1 actually just, is something that's permanent.

2 MR. PAYNE: Such that any e-mail that
3 they send may have that "contribute" button at the
4 bottom?

5 [REDACTED]: Yeah. Like sometime -- I
6 think it's just like one of the, like the Face book
7 or Twitter button, it's like something that's,
8 like -- so, for example, if the subject of an
9 e-mail is climate change is bad, you know, get
10 involved in your local community about climate
11 change, that "contribute" button is always just at
12 the bottom next to the Twitter and the Face book,
13 but if the communication is, give me five dollars
14 because today is the fifth anniversary of whatever,
15 right, that's a direct ask, that "contribute"
16 button is always there as well. So I think it's
17 just something that's permanent. I don't know.
18 You'd have to ask Boulder Strategies why they put
19 that there. I don't know.

20 MR. PAYNE: I want to show you an e-mail,
21 and the document is Bates stamp THRL0098.

22 [REDACTED]: Mm-hmm.

1 MR. PAYNE: Can you walk me through this
2 e-mail? It's an e-mail that is from Ben Luján to
3 you dated June 22nd.

4 [REDACTED]: Sure.

5 MR. PAYNE: And if you could just walk me
6 through what this means. So he says to you, get
7 something out.

8 [REDACTED]: Mm-hmm.

9 MR. PAYNE: What did that mean to you?

10 [REDACTED]: To me that just means he
11 thought this was an idea that he liked. Like I
12 said, he would forward me e-mails from members and
13 organizations all the time because he liked the way
14 they talked about an issue or something like that,
15 and so I already, you know, at this point in time I
16 already knew that Boulder was drafting this because
17 given the subject matter of everything that was
18 happening. So it was sort of just like, hey, this
19 is a way I like to talk about the issue or
20 something like that. I would almost describe it as
21 like, you know, if you're, if you're on the
22 Internet or you're walking around or something and

1 you see something that's like really neat, like,
2 hey, we should do that, like, hey, we should go eat
3 there sometime or whatever. It's not a directive.
4 It's kind of just like an acknowledgement that he
5 may have liked the way that this e-mail read or
6 looked or whatever.

7 MR. PAYNE: And how did you respond when
8 he sent this that says get something out?

9 [REDACTED]: I don't think I responded
10 at all.

11 MR. PAYNE: Is it common for you not to
12 respond when the Congressman sends you an e-mail?

13 [REDACTED]: Sometimes, yeah.

14 MR. PAYNE: And when you say that they
15 were already working on something, it was your
16 understanding that they were working on e-mail
17 about the no fly-no buy legislation?

18 [REDACTED]: No. It was my
19 understanding that they were working on e-mails
20 surrounding gun violence in America, that the
21 specific subject matter, you know, while obviously
22 the coverage of the House floor probably had a lot

1 to do to influence it and all that kind of stuff,
2 it was the Orlando shooting that had started the
3 whole new shift in communications from the e-mail
4 program.

5 So they could have general -- you know, I
6 don't know what the time is on this, but if I
7 remember correctly from what happened that week,
8 everyone knew that all of the Democrats were going
9 to be talking about gun violence in America because
10 up to that point there had been so many things that
11 had happened with regard to gun violence that the
12 Orlando shooting shined a spotlight on gun violence
13 generally, and obviously that's a hot topic of
14 debate, and CNN was covering this, this no fly-no
15 buy bill, but that was sort of a more specific
16 subject matter of the larger subject of gun
17 violence as a whole in America.

18 So when, when I received this e-mail
19 message from Congressman Luján, I took it to mean,
20 oh, he thought this was a good way to talk about
21 gun violence or something to his grassroots e-mail
22 list knowing that because Boulder Strategies was a

1 firm in charge of our e-mail program and knowing
2 that they're not tone deaf that they were probably
3 already drafting something regarding guns; it just
4 happened to be the no fly-no buy bill.

5 MR. PAYNE: Okay. And can you read the
6 subject line of this e-mail that was forwarded to
7 you --

8 [REDACTED]: Oh, this one. Okay.

9 MR. PAYNE: -- the subject line from --

10 [REDACTED]: Subject. Update: House
11 Dems are staging sit-in.

12 MR. PAYNE: Okay. And then what was the
13 sit-in?

14 [REDACTED]: Well, first, that was
15 probably the subject line of this e-mail that was
16 sent out by Michelle Luján Grisham, not the subject
17 line that Congressman Luján typed in the subject
18 box.

19 MR. PAYNE: Okay. And does that subject
20 say anything about gun violence?

21 [REDACTED]: No.

22 MR. PAYNE: So once you received this

1 e-mail from the Congressman with the subject line
2 stating a sit-in, are you saying that you felt as
3 though the e-mail that was going to be about gun
4 violence addressed what he wanted you to be
5 concerned about?

6 [REDACTED]: Well, I don't know if he
7 wanted me to be concerned about anything. I think
8 he was just forwarding me this e-mail which the
9 subject of this e-mail, and I don't know who
10 Michelle Luján Grisham's online consultant is or
11 whatever, is update: House are staging a sit-in,
12 and I don't think that was a signal to me at all.
13 What I think the Congressman was trying to convey
14 was the fact that a member had sent out an e-mail
15 regarding gun violence. The specific issue in this
16 e-mail was no fly-no buy, but the fact that all of
17 this stuff was happening on the House floor and
18 people were trying to sort of capture the greater
19 subject matter of gun violence and, and regulation
20 on keeping guns out of the hands of people that
21 don't have guns as a general subject matter, that
22 that's what he was trying to convey by forwarding

1 me this e-mail.

2 MR. PAYNE: Now, he sent you an e-mail
3 that talks about the sit-in. The e-mail we just
4 looked at before that was drafted by Boulder
5 Strategies mentions a sit-in.

6 [REDACTED]: Mm-hmm.

7 MR. PAYNE: Did you communicate anything
8 about the sit-in to Boulder Strategies to include
9 in the e-mail that they sent?

10 [REDACTED]: No, I don't think so.

11 MR. PAYNE: How did Boulder Strategies
12 come up with the idea to put the sit-in in the
13 e-mail that they sent?

14 [REDACTED]: So like I said before,
15 Boulder Strategies has many clients including other
16 members of Congress. In addition to that the way
17 that the e-mail communication consultant world
18 works, just like many other consulting practices in
19 different industries, is that people tend to start
20 speaking the same language. Like there's sort of
21 group think, if you will, in terms of like what to
22 talk about and what the hot topic issue is of the

1 time period or anything like that. So I knew given
2 my previous work with Boulder that they were
3 probably already drafting material based on what
4 was happening in the news cycle, and what was
5 happening in the news cycle was first Orlando, then
6 whatever was happening on the house floor, and then
7 all of a sudden the sit-in started popping up on
8 the TV, right, and people were, like, live
9 streaming and doing all that kind of stuff, and I
10 knew that they were paying attention. So that's
11 probably how that got into these e-mails.

12 MR. PAYNE: I'm just thinking back to
13 what you said where you're the main point of
14 contact at this time period for Boulder Strategies.

15 [REDACTED]: No. I said early on I was
16 the main point of contact.

17 MR. PAYNE: And you said that was in
18 2016.

19 [REDACTED]: The early 2016, like in
20 March or in April of 2016. I would have more
21 regular conversations with Boulder at that time
22 than at this time because at this time they had

1 already been doing Congressman Luján's e-mail
2 program for several months. So I didn't need to
3 speak with them frequently. I was concentrating on
4 other things. I would, you know, if I got a
5 chance, review any of the e-mails. Like if there
6 was a hot topic or something, I might suggest, you
7 know, hey, we should try to do something with this
8 or whatever, but I wasn't necessarily their main
9 point of contact.

10 Like they did -- they did pay attention
11 if I gave feedback for sure, absolutely, because
12 they knew that, like, I had been involved in New
13 Mexico politics, and I had worked on the Chairman's
14 campaign once upon a time and that kind of stuff.

15 MS. EISNER: So who was the main point of
16 contact then on June 22nd, 2016?

17 [REDACTED]: I don't know. Steve
18 Fitzner perhaps.

19 MS. EISNER: So --

20 [REDACTED]: I don't necessarily know
21 if there was -- sadly enough to say, I don't even
22 know if there was a main contact for Boulder

1 because, like, they had been hired to do this
2 e-mail program, and they would keep everyone in the
3 loop by showing us content and showing us calendars
4 and things of that nature, but there was never a
5 designated main point of contact, like this is the
6 person you always talk to.

7 I kind of, like I said before, when I sat
8 in on the interviews and things of that nature
9 regarding the Congressman's campaign or if I were
10 to ever participate in conference calls or anything
11 like that, I knew that I had an open door to
12 participate in the campaign regardless, and if I
13 found time to do that in my day, I would do it, and
14 on particular days like this, it was a day where I
15 was helping the campaign, so I did.

16 MS. EISNER: Okay. So I'm looking at
17 this same document and, you know, the forwarded
18 e-mail from Ben Luján is sent just to you.

19 [REDACTED]: Mm-hmm.

20 MS. EISNER: So maybe you can help me
21 understand, you know, why did he have the
22 expectation that you were the individual that he

1 should e-mail as far as get something out?

2 [REDACTED]: Hmm. Well, I mean I would
3 often be the main person he contacted for a number
4 of reasons, like if he needed to get something
5 figured out with his campaign or anything like
6 that. So this, this to me just wasn't like, oh, my
7 God, go get an e-mail out right now. It was just
8 more of him sort of like communicating with me as
9 he normally did about ideas that he had. It could
10 --

11 MS. EISNER: So the --

12 [REDACTED]: -- be anybody.

13 MS. EISNER: -- get something out, who
14 would have gotten something out then? Who was he
15 expecting to get something out?

16 [REDACTED]: Boulder Strategies
17 probably, mm-hmm.

18 MS. EISNER: So, so his expectation, and
19 correct me if I'm wrong then, is he was sending you
20 an e-mail with an expectation that you would
21 communicate to Boulder Strategies; is that correct?

22 MR. SVOBODA: Well, to be clear, you're

1 asking him --

2 [REDACTED]: No.

3 MR. SVOBODA: -- for his understanding --

4 MS. EISNER: His understanding.

5 MR. SVOBODA: -- of what the
6 Congressman's expectations.

7 MS. EISNER: I'm asking for your
8 understanding of his expectations.

9 [REDACTED]: No, I don't think that's
10 what he meant because, again, it comes back to a,
11 sort of like a nuanced view of like how the, how
12 the Congressman communicates with me because I've
13 worked with him for so long, right.

14 MS. EISNER: Mm-hmm.

15 [REDACTED]: So like I said before,
16 there were many times when we would be, you know,
17 at a campaign rally or doing anything, and he would
18 be, like, oh, that's a great idea; we should do
19 something like that. That's what I meant him to
20 say in this e-mail. I didn't -- I didn't interpret
21 this to be a directive of go right now, go to your
22 computer, write something about fly-no buy, and

1 then hit "send." That's not what I meant -- I
2 thought he meant by this, and then your question
3 about who was in charge of getting something out,
4 it was Boulder Strategies. They were in charge of
5 his entire e-mail program. They are the people who
6 physically clicked "send" with their technology
7 HubSpot or whatever they used to, like, message
8 test and see which e-mails get more clicks and less
9 clicks and how to include e-mail solicitations and
10 all that other stuff, right. They were sort of the
11 keeper of the keys when it came to that kind of
12 stuff.

13 MR. PAYNE: Are you saying you saw this
14 as an FYI, like he's sending this to you as a for
15 your information with no action that was supposed
16 to be taken on your part?

17 [REDACTED]: Yeah.

18 MR. PAYNE: And get something out to you
19 means take no action?

20 [REDACTED]: Wait. You have to
21 understand that the Congressman and I have, have a
22 longstanding working relationship, and I know the

1 way he sort of like talks in like free, free lingo
2 speak right. This was not a direct proper sentence
3 to tell me to do something. This was him just like
4 expressing that he thought this was either a good
5 way to talk about the issue, or maybe he thought
6 the e-mail looked good or something, kind of often
7 left up to my interpretation a little bit. This
8 was not a directive to go get something out. This
9 was more like, hey, we should think about doing
10 something like that.

11 MR. PAYNE: Mm-hmm.

12 MR. SVOBODA: Kedric, I know we've been
13 going for almost an hour, and I'm gathering we're
14 probably not quite to the goal line yet.

15 MR. PAYNE: We're getting close. We're
16 getting close. I'm about to move on to another
17 question.

18 MR. SVOBODA: Aaron, how are you doing?
19 Do you need water or anything?

20 [REDACTED]: No. I've got my coffee.
21 I'm good.

22 MR. PAYNE: Yeah. Like I said, I never

1 intended this to take too much time. Let's move
2 on. Well, do you have any more questions?

3 MS. EISNER: Go ahead.

4 MR. PAYNE: I want to talk about, you
5 mentioned that there were two e-mails that were
6 sent --

7 [REDACTED]: Mm-hmm.

8 MR. PAYNE: -- related to this subject
9 matter. One is this one we just mentioned here.
10 What was the second one that you recall?

11 [REDACTED]: So I recall the no fly-no
12 buy one because of this graphic. That's why I
13 recall that.

14 MR. PAYNE: Mm-hmm.

15 [REDACTED]: And then I recall a second
16 one that was definitely during the time after the
17 sit-in, after the sit-in.

18 MR. PAYNE: Okay. And when you say
19 "after the sit-in," you mean after -- well, what do
20 you mean by "after the sit-in"?

21 [REDACTED]: I mean by after the sit-in
22 because at that time, because by this time Boulder

1 and I were communicating, right. We're
2 communicating through these e-mails, and everyone
3 was watching what was happening on the House floor,
4 and there was 24-hour coverage and everything like
5 that, and then it was being reported that the
6 Republicans were going to end the sit-in on CNN.
7 So given the sake of time I, I probably
8 communicated to Boulder Strategies like, hey, you
9 know, the Republicans are going to end the sit-in
10 as it's being reported; like we should probably try
11 to get another e-mail out that just basically
12 expresses the same sort of sentiment, because
13 remember, the sit-in was prompted by the Orlando
14 shooting and the string of gun violence well before
15 the actual sit-in. That's why -- and that's what
16 was being reported on TV, and that's what the
17 organizers of the sit-in were saying on TV, and so
18 given the discussion that was shown on CNN about no
19 fly-no buy and then given what was being reported
20 on CNN about the fact that the Republicans were
21 going to use a rule or something of that nature to
22 end the sit-in, then I probably told Boulder, like,

1 hey, we should try to get something out as soon as
2 possible regarding everything that's happening.

3 MR. PAYNE: Did you have any
4 communication with Representative Luján before you
5 sent that communication to Boulder Strategies about
6 another e-mail?

7 [REDACTED]: No.

8 MR. PAYNE: So for two days you had no
9 communication with a Representative Luján?

10 [REDACTED]: That's correct.

11 MR. PAYNE: And at this point you're
12 directing Boulder Strategies to send out an e-mail.
13 So are you the point of contact at that point to
14 tell them what e-mail should be sent and which ones
15 should not?

16 [REDACTED]: Mm-hmm. As I stated
17 before, they knew that I was somebody who had
18 worked on the campaign for a very long time, and I
19 probably had as good a read of anybody as to what
20 was going on or like ideas for communicating with
21 constituents or people on the e-mail or grassroots
22 people or voters or whatever. So yeah, they, they

1 trusted me at that particular point in time
2 probably as somebody that they should pay attention
3 to if I had an idea. So if you want to call that
4 the main point of contact and in the context of
5 them taking my idea and doing something with it,
6 then yeah, because it was probably my idea.

7 MR. PAYNE: And did you take part in
8 drafting that e-mail that you requested Boulder
9 Strategies to send the following day June 23rd?

10 [REDACTED]: I didn't draft it. I, I
11 may have made some line edits. I didn't draft the
12 entire thing, and then I think I said, hey, I'm
13 good with this.

14 MR. PAYNE: Let me show you a copy of it.
15 This is a document Bates stamped THRL0041 through
16 0044.

17 [REDACTED]: Okay.

18 MR. SVOBODA: Aaron, you'll want to read
19 the whole thing closely.

20 [REDACTED]: Sure. Okay.

21 MR. PAYNE: Okay. So is this the e-mail
22 that you're referring to, the second e-mail that

1 was sent?

2 [REDACTED]: Mm-hmm.

3 MR. PAYNE: And then what were your edits
4 to it? What section did you edit? What did you
5 add?

6 [REDACTED]: Oh, I don't know.

7 MR. SVOBODA: Do you recall whether you
8 edited at all?

9 [REDACTED]: Well, no.

10 MR. PAYNE: Well, you just stated that --

11 [REDACTED]: I said I might have. I
12 said I might have, but you know --

13 MS. JACOBS: Ask the court reporter to
14 read it back.

15 MR. PAYNE: That's not necessary. I just
16 -- I mean --

17 MS. EISNER: I think you said you may
18 have made line edits and said, hey, I'm good with
19 this.

20 [REDACTED]: Mm-hmm. So I don't --

21 MS. EISNER: Do you recall specific line
22 edits?

1 [REDACTED]: Looking at this
2 specifically I don't remember any specific line
3 edits, I don't. I don't remember specific line
4 edits that I made to this.

5 MR. PAYNE: Okay. With either of these
6 e-mails, the first one, the second one, did you
7 have those conversations that you mentioned before
8 with Representative Luján following them being sent
9 out with him having any type of comments on the
10 e-mails?

11 MR. SVOBODA: During what time frame,
12 Kedric? I'm sorry.

13 MR. PAYNE: Any time frame. So, well,
14 I'll divide it. So during this time period 2016
15 did you have any communications with Representative
16 Luján about these e-mails after they were sent?

17 [REDACTED]: 2016.

18 MR. PAYNE: Mm-hmm.

19 [REDACTED]: The year of 2016.

20 MR. PAYNE: Mm-hmm.

21 [REDACTED]: So several weeks after, or
22 I don't know if it was several weeks or several

1 days, but some time had occurred after, after all
2 of this had happened, right, like, and everything
3 was great, like, you know, we were moving forward,
4 and then a blogger, some blog raised issue with the
5 e-mail and said that they thought something was
6 wrong with it, and then a news story came out about
7 the e-mail particularly because they were raising
8 issue with a number of things that were happening
9 at the particular point in time. I guess there was
10 some issues with the live streaming and other
11 things that were happening at that particular point
12 in time. This e-mail was mentioned in that news
13 story. When that news story occurred, Congressman
14 Luján obviously saw the news story and then became
15 concerned that there might be something wrong with
16 the e-mail. That -- I remember that specifically
17 happening regarding, regarding this.

18 MR. PAYNE: And what did he say?

19 [REDACTED]: He said, is there
20 something wrong with the e-mail? You know, if
21 they're -- if they're saying that there's something
22 wrong with it, is there? Like is there something

1 wrong with it? And then in addition, like, they
2 knew that, like, this group that did the blog
3 before the news story was, like, a right wing group
4 that always would raise issues about anything and
5 kind of hype them up and blow things out of
6 proportion and that kind of stuff. So he -- but he
7 was generally concerned that something might have
8 been wrong.

9 MR. PAYNE: And what was your response
10 when he asked is something wrong with the e-mail?

11 [REDACTED]: My response was, I don't
12 know. Let me go find out.

13 MR. PAYNE: And what did you find out?

14 [REDACTED]: Well, I think --

15 MR. SVOBODA: You'll want to be careful
16 here not to talk about conversations with your own
17 attorneys about that with the DCCC, but beyond that
18 I mean obviously you should answer the question.

19 [REDACTED]: Well, specifically I, I
20 thought I read in the news story, I don't remember
21 specifically, but I thought I read in the news
22 story that they had referenced the fact that there

1 was a picture of the House floor in the e-mail, and
2 so what I did is I went back to Boulder Strategies,
3 and I asked: Where did you get this picture of the
4 House floor? And if you recall what I said early
5 on in the interview was that they were pulling
6 pictures off the Internet and putting them in
7 e-mails without properly citing them, and so I, I
8 asked: Where did you get this picture of the House
9 floor, and they said they had gotten it from a news
10 story, a CBS news story or an AP news story and
11 that they had properly cited it in the e-mail and,
12 you know, I had forgotten all about the e-mail at
13 that point, and so then I went back and looked, and
14 there was a citation on the bottom of the picture
15 that says where Boulder Strategies got the picture
16 from.

17 MR. PAYNE: And did you have any
18 conversations with Representative Luján at that
19 time in 2016 about whether there was concern with
20 the appearance that this e-mail was sent from him
21 on the House floor?

22 [REDACTED]: No, never, because e-mails

1 are never sent from him. So, so no. We were never
2 concerned that people thought he was sending
3 e-mails from the House floor because he wasn't.
4 Boulder Strategies in Boulder, Colorado was in
5 charge of drafting content and physically hitting
6 "send" on their HubSpot or whatever it's called,
7 and so no, never.

8 MR. PAYNE: I want to show you another
9 e-mail, and that's Bates stamped THRL0080 through
10 82. Feel free again to read the entire e-mail, but
11 I'm going to ask you questions about the first two
12 sentences.

13 [REDACTED]: Okay.

14 MR. SVOBODA: The first two sentences of
15 Nick Passanante's e-mail or the first two sentences
16 of the draft e-mail that was being sent to people?

17 MR. PAYNE: Nick Passanante's?

18 MR. SVOBODA: Got it.

19 [REDACTED]: Okay.

20 MR. PAYNE: So in this e-mail Nick is
21 discussing the sit-in e-mails as well as an e-mail
22 related to the immigration case, and it says,

1 quote, But it's ready to go when the boss wants to
2 send it, end quote.

3 [REDACTED]: Mm-hmm.

4 MR. PAYNE: What is your understanding in
5 this e-mail to you about who Nick considered to be
6 the boss?

7 [REDACTED]: Sure. So this is Nick not
8 understanding how, how we do e-mail I guess. The
9 boss was, boss, I consider the boss, Congressman
10 Luján, was never involved in saying hit "send" on
11 this, don't hit "send" on that or anything. He
12 provided his feedback after the fact, and so this
13 is Nick just not understanding that Congressman
14 Luján is not involved in the process.

15 MR. PAYNE: And where do you think he got
16 that misunderstanding from? I mean -- I mean you
17 mentioned earlier that you were the one who
18 basically showed him the ropes in the beginning --

19 [REDACTED]: Sure.

20 MR. PAYNE: -- understanding his voice
21 and everything else on how everything works.

22 [REDACTED]: I don't know. I really

1 don't know. I don't know if it's appropriate to
2 talk about our relationship with Boulder right now,
3 is it?

4 MR. SVOBODA: Do you need to -- do you
5 need to take a break and confer before we do that?

6 [REDACTED]: Yeah. That would be
7 great, if we could talk about it.

8 MR. SVOBODA: Could we have just like two
9 minutes?

10 MR. PAYNE: Sure.

11 MR. SVOBODA: Thank you very much.

12 (A brief recess was taken.)

13 (A discussion was held off the record.)

14 MR. PAYNE: So my question for you is
15 just can you provide us with some context of the
16 relationship between the campaign and Boulder
17 Strategies?

18 [REDACTED]: So there was a formal
19 relationship with Boulder Strategies. They were
20 hired as the e-mail and online consultant for
21 Congressman Luján's campaign, and they were hired
22 by the campaign manager.

1 MR. PAYNE: And has that relationship
2 been a positive relationship, or had there been
3 some concerns?

4 [REDACTED]: I think one of the biggest
5 struggles with the relationship just viewing how
6 Boulder created content and sent content and
7 things, one of the biggest struggles during the
8 time that they were under contract with the
9 campaign was sometimes, sometimes they weren't
10 always as organized as, as I think people would
11 have liked them to have been.

12 MR. PAYNE: Okay.

13 [REDACTED]: And that in particular
14 leads me to my answer to this question that Nick
15 doesn't know what he's talking about because they
16 were unorganized, and so obviously Congressman
17 Luján for however many months up until now that
18 Boulder had been doing his e-mail program had never
19 once personally approved an e-mail to go out. So
20 why he's asking this question now is confusing to
21 me, so that's all.

22 MR. PAYNE: Okay. Helen, do you have any

1 questions?

2 MS. EISNER: Yeah. Just one follow-up
3 area, and going back to the e-mail. I think you
4 still have it in front of you, the HRL98, the
5 e-mail that the Congressman wrote with get
6 something out.

7 [REDACTED]: Mm-hmm.

8 MS. EISNER: What actions were taken in
9 response to this statement, "get something out"?

10 [REDACTED]: Nothing. I mean this,
11 this did not prompt any specific actions that were
12 not already occurring based on what was happening
13 on TV with the understanding that Boulder was
14 probably already drafting things and that we would
15 probably get to review whatever content they had
16 put together shortly. So, so nothing. Like I
17 think everyone expected that Boulder would try to
18 generate some sort of e-mail regarding what was
19 happening on TV.

20 MS. EISNER: Okay. So the Congressman's
21 statement "get something out" generated no action?

22 [REDACTED]: Not from me, and I was the

1 only one on the e-mail. Again, I took it to mean
2 like, hey, this is a good idea; this, I like the
3 way this looks, like up for sort of interpretation
4 to me almost as if, you know, people see something
5 that they like and say, you know, I like that or,
6 you know, we should try that one day or something,
7 you know. It was -- it was not a directive. It
8 was just more of a suggestion.

9 MR. SVOBODA: But you're not saying you
10 ignored him. You're saying that their wheels were
11 already moving to achieve the outcome you would
12 have wanted.

13 [REDACTED]: Yeah. I mean based on,
14 based on what was happening I knew that there, that
15 they were already doing their thing here to create
16 content, and so I, I didn't do anything. I mean I
17 didn't do anything.

18 MS. EISNER: Okay. And then besides the
19 two e-mails that we've been discussing from the
20 22nd and the 23rd what other contact was already
21 in -- you know, wheels were in motion, as you said.
22 What other content was generated by Boulder

1 Strategies that you thought, you know, was already
2 in motion based on this statement "get something
3 out?"

4 [REDACTED]: I have no idea. I don't
5 know what Boulder was drafting at the time. I
6 just -- I just knew or assumed based on having seen
7 how Boulder operated before and knowing that what
8 was on CNN and on the TV and being reported was a
9 huge topic that our e-mail list was very interested
10 in and knowing that Boulder knew that because they
11 had been our online consultants or the Chairman's
12 online consultants for many months, I assumed that
13 they were already drafting something that
14 referenced what was happening on TV.

15 MS. EISNER: Okay. But besides drafting,
16 because I understand the statement you don't know
17 exactly what they were drafting.

18 [REDACTED]: Mm-hmm.

19 MS. EISNER: But as far as any type of
20 outreach, anything that actually went out, what,
21 you know, outreach, e-mails, communications,
22 besides the two we've already talked about which

1 you've explained were sort of part of that same
2 process, what other e-mails or communications went
3 out that would have been a part of that same
4 process?

5 [REDACTED]: Like formally like this?

6 MS. EISNER: Formally what are you aware
7 of?

8 [REDACTED]: I don't think there were
9 any others, but I don't know.

10 MR. PAYNE: And you said during this
11 first day on Saturday, on the 22nd, you assumed
12 that they were drafting, you knew they were
13 working, so you didn't have to tell them to do
14 anything.

15 [REDACTED]: Mm-hmm.

16 MR. PAYNE: Why was the next day
17 different when it was still on CNN, still in the
18 news media, why did you then have to tell them to
19 write another e-mail and frame it as, quote,
20 another e-mail?

21 [REDACTED]: Because I had seen on TV
22 that the house Republicans were getting ready to

1 move on from the media attention that was happening
2 by ending the sit-in, by not having a vote or
3 whatever was happening on the House floor at that
4 time because that was being reported on CNN, and
5 before the move, the news cycle moved to another
6 subject which it often does very quickly I had
7 suggested to them that we should probably send out
8 another e-mail based on everything that was going
9 on because the news cycle was probably about to
10 shift.

11 MR. PAYNE: And you were watching the
12 sit-in during this entire time?

13 [REDACTED]: Mm-hmm.

14 MR. PAYNE: Even on Wednesday?

15 [REDACTED]: I watched -- I watch CNN
16 all day every day.

17 MR. PAYNE: Like most of America.

18 MR. SVOBODA: Poor man.

19 [REDACTED]: So, so yeah. I mean I
20 watch day and night all the time. So I'm sure I
21 was watching.

22 MR. PAYNE: And so did you see

1 Representative Luján there during the sit-in from
2 where you were watching?

3 [REDACTED]: I don't recall seeing him.
4 There were a bunch of members down there. No, I
5 don't recall seeing him on TV.

6 MR. PAYNE: But you knew he was
7 participating in the sit-in?

8 [REDACTED]: Yes.

9 MR. PAYNE: Okay.

10 [REDACTED]: I knew he was
11 participating in the sit-in because I had not had
12 contact with him for many, many hours.

13 MR. PAYNE: Any more questions?

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

15 MR. PAYNE: Okay. All right. Well,
16 thank you so much, [REDACTED]. I know this went a
17 little longer than we anticipated, but the
18 information provided is going to be helpful for the
19 board, and we appreciate it.

20 [REDACTED]: Okay. Great. Thank you.

21 (The interview of [REDACTED]
22 concluded at 5:18 p.m.)

CERTIFICATE OF REPORTER

I, Janet A. Hamilton, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

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

My commission expires March 14, 2018.


Janet A. Hamilton

NOTARY PUBLIC IN AND FOR
DISTRICT OF COLUMBIA

Transcript of Interview of [REDACTED]
 Conducted on March 1, 2017

78

A			
<p>[REDACTED]</p> <p>1:7, 2:1, 3:13, 4:3, 19:17, 34:17, 57:18, 61:18, 76:16, 76:21</p> <p>able 4:10, 8:5, 32:10</p> <p>about 4:17, 5:20, 7:22, 8:10, 9:15, 11:4, 14:6, 16:5, 17:14, 19:15, 19:20, 23:20, 24:7, 25:1, 25:12, 26:10, 26:12, 26:13, 30:18, 32:13, 32:22, 33:1, 35:5, 35:12, 35:20, 35:22, 36:3, 37:21, 38:9, 38:13, 39:8, 39:16, 39:19, 40:16, 40:18, 40:19, 40:20, 40:21, 41:7, 41:14, 44:10, 45:14, 45:19, 46:17, 47:9, 47:20, 48:20, 49:3, 49:5, 49:7, 50:3, 50:8, 50:22, 54:9, 55:22, 56:3, 57:5, 57:9, 57:16, 58:4, 59:18, 59:20, 60:5, 63:16, 64:6, 65:4, 65:16, 65:17, 66:12, 66:19, 67:11, 68:5,</p>	<p>69:2, 69:7, 70:15, 73:22, 75:9</p> <p>absence 6:17, 6:21</p> <p>absolutely 17:9, 52:11</p> <p>account 36:5</p> <p>achieve 72:11</p> <p>acknowledgement 46:4</p> <p>across 18:10, 22:2</p> <p>act 4:7, 4:12</p> <p>action 31:19, 37:5, 56:15, 56:19, 71:21</p> <p>actions 71:8, 71:11</p> <p>activists 23:2</p> <p>actual 26:16, 59:15</p> <p>actually 30:9, 31:11, 34:14, 44:1, 73:20</p> <p>add 35:11, 62:5</p> <p>added 28:15</p> <p>addition 15:3, 50:16, 65:1</p> <p>additional 35:11</p> <p>addressed 49:4</p> <p>addresses 28:16, 28:17</p> <p>advice 7:10, 8:3, 10:22, 12:4, 12:11, 13:1,</p>	<p>13:12</p> <p>advise 4:11</p> <p>advisory 11:9</p> <p>affairs 5:16</p> <p>affixed 77:14</p> <p>after 5:13, 6:20, 6:21, 23:12, 23:15, 24:4, 36:16, 58:16, 58:17, 58:19, 58:20, 58:21, 63:16, 63:21, 64:1, 68:12</p> <p>again 6:22, 8:7, 9:18, 20:15, 39:14, 55:10, 67:10, 72:1</p> <p>agreement 2:16</p> <p>ahead 14:12, 58:3</p> <p>airplane 30:11, 42:20</p> <p>airport 30:6</p> <p>all 4:3, 14:10, 15:5, 21:5, 23:18, 26:7, 27:2, 29:9, 32:8, 34:9, 39:1, 39:14, 42:1, 45:13, 46:10, 47:1, 47:8, 49:12, 49:16, 51:7, 51:9, 56:10, 62:8, 64:1, 66:12, 70:21, 75:16, 75:20, 76:14, 76:15</p> <p>all-encompassing 20:8</p>	<p>allowed 43:8</p> <p>almost 26:7, 45:20, 57:13, 72:4</p> <p>already 22:4, 26:8, 26:21, 38:12, 38:16, 38:20, 45:15, 45:16, 46:15, 48:3, 51:3, 52:1, 71:12, 71:14, 72:11, 72:15, 72:20, 73:1, 73:13, 73:22</p> <p>also 4:5, 13:15, 15:20, 18:17, 23:12, 24:17, 35:20, 41:3</p> <p>always 16:7, 24:11, 44:11, 44:16, 53:6, 65:4, 70:10</p> <p>america 39:16, 46:20, 47:9, 47:17, 75:17</p> <p>amongst 34:11</p> <p>amount 22:7</p> <p>andrew 28:17</p> <p>angela 28:16, 28:17</p> <p>anniversary 44:14</p> <p>another 9:5, 15:4, 24:19, 57:16, 59:11, 60:6, 67:8, 74:19, 74:20, 75:5, 75:8</p> <p>answer 28:5, 65:18,</p>

Transcript of Interview of [REDACTED]
 Conducted on March 1, 2017

79

<p>70:14 anticipate 4:9 anticipated 76:17 any 7:2, 8:5, 9:8, 9:12, 9:21, 10:15, 11:8, 12:5, 15:20, 17:2, 19:2, 19:3, 24:13, 26:1, 27:22, 29:4, 29:11, 37:8, 37:18, 38:2, 40:15, 41:3, 41:5, 41:13, 41:20, 44:2, 52:5, 58:2, 60:3, 63:2, 63:9, 63:13, 63:15, 66:17, 70:22, 71:11, 73:19, 74:9, 76:13, 77:10 anybody 7:20, 13:13, 25:18, 54:12, 60:19 anyone 27:13 anything 10:14, 11:7, 14:5, 14:11, 15:11, 17:3, 17:4, 18:4, 18:7, 18:14, 19:5, 23:11, 25:19, 28:15, 30:12, 35:10, 40:21, 42:10, 42:12, 48:20, 49:7, 50:7, 51:1, 53:10, 54:5, 55:17, 57:19, 65:4, 68:11, 72:16,</p>	<p>72:17, 73:20, 74:14 anyway 34:20 anywhere 41:19 ap 66:10 apart 41:3 appearance 66:20 appears 32:17 applies 4:12 appreciate 76:19 approach 12:5, 14:20 appropriate 69:1 approval 27:22, 33:21, 34:15, 34:17 approvals 29:1 approve 15:20, 34:22 approved 16:2, 70:19 april 51:20 area 71:3 around 8:17, 30:19, 33:21, 34:11, 38:22, 39:3, 41:1, 41:16, 41:18, 43:6, 45:22 asked 14:5, 14:6, 65:10, 66:3, 66:8 asking 14:19, 15:8,</p>	<p>55:1, 55:7, 70:20 assistant 6:8 assumed 34:15, 35:2, 73:6, 73:12, 74:11 assumption 35:4, 37:17 attention 21:11, 23:3, 32:16, 51:10, 52:10, 61:2, 75:1 attorneys 65:17 aware 36:12, 74:6</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 4:5, 6:18, 6:21, 7:5, 18:5, 18:9, 18:20, 18:22, 22:21, 23:4, 38:17, 51:12, 55:10, 62:14, 66:2, 66:13, 71:3 background 4:5, 4:19 bad 44:9 base 22:13 based 18:2, 19:3, 21:15, 22:16, 22:22, 23:18, 33:16, 38:21, 51:3, 71:12, 72:13, 72:14, 73:2, 73:6, 75:8 basically 10:10, 11:10, 12:11, 18:18, 21:4, 34:17,</p>	<p>37:15, 59:11, 68:18 basing 22:14 basis 7:18, 10:2 bates 32:4, 44:21, 61:15, 67:9 be-all 16:2 became 64:14 because 8:6, 9:14, 10:9, 11:17, 12:2, 12:7, 13:11, 14:1, 14:3, 14:19, 15:1, 15:5, 15:9, 16:2, 16:15, 17:5, 21:3, 24:7, 24:21, 25:11, 26:7, 26:20, 26:22, 27:1, 31:12, 31:13, 33:10, 34:10, 35:2, 35:18, 36:3, 36:14, 38:19, 38:20, 39:6, 39:13, 40:9, 42:1, 43:11, 44:14, 45:13, 45:16, 47:9, 47:22, 51:22, 52:11, 53:1, 55:10, 55:12, 58:12, 58:22, 59:12, 61:6, 64:7, 66:22, 67:3, 70:15, 73:10, 73:16, 74:21, 75:4, 75:9, 76:11 been 5:4, 5:6, 6:10,</p>
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