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

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11 DEPOSITION OF: CHARLES KIRK

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Tuesday, May 24, 2022

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Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:01

21 a.m.

22

Present: Representative Kinzinger.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] FINANCIAL INVESTIGATOR

11

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13 For CHARLES KIRK:

14

15 JOSHUA LEVY

16 JEFF NEIMAN

17 JULIANA ANDONIAN

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2 [REDACTED]: We're on the record.

3 This is a deposition conducted by the House Select Committee to Investigate the
4 January 6th Attack on the United States Capitol.

5 At this time, I would ask the witness to state and spell your name for the record.

6 The Witness. Charles Kirk, C-h-a-r-l-e-s K-i-r-k.

7 [REDACTED] Thank you, Mr. Kirk.

8 Could you please raise your hand so that you could be sworn in for the
9 deposition?10 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
11 that the testimony you are about to give will be the truth, the whole truth, and nothing
12 but the truth?13 The Witness. I do.

14 [REDACTED] Thank you.

15 Mr. Kirk, my name is [REDACTED], and I am the investigative counsel who's
16 designated by the select committee to lead this deposition. Members may join and ask
17 us questions or ask questions at any point. I don't see that any members are with us
18 right now. If they do join, we'll acknowledge that they've arrived.19 Otherwise, the only other person from the investigative staff who's joining us is
20 [REDACTED] who's an investigator with our team.

21 We do have an official reporter here with us.

22 Today we're going to be following the House deposition rules that we previously
23 provided to your counsel with the subpoena that came to you. And under those rules,
24 you are permitted to have an attorney present.

25 At this time, I'd ask that your counsel identify themselves for the record.

1 Mr. Neiman. Good morning. This is Jeff Neiman.

2 Mr. Levy. Joshua Levy.

3 Ms. Andonian. Juliana Andonian.

4 [REDACTED] Thank you.

5 Under House deposition rules neither committee members nor staff may discuss
6 the substance of your testimony today unless and until the committee approves the
7 release of the testimony.

8 Mr. Kirk, you and your attorneys will have an opportunity to review the transcript.

9 Before we begin, I'd like to touch on a few ground rules and see if you have any
10 questions before we get started.

11 The first is we have an official reporter who's going to be transcribing the record
12 of this deposition. We also are recording the Webex feed, but the reporter's
13 transcription is going to be the official record of the proceeding.

14 And for that reason, it's important that we not talk over each other. So I'd ask
15 that you wait until I finish asking a question before you respond and I will do my best to
16 wait to ask a question until your response is complete.

17 The reporter cannot note any nonverbal responses. So although we're looking at
18 each other over these cameras, it's appropriate for you to give yes-or-no answers, for
19 example, rather than shaking or nodding your head.

20 If you have to spell something that we don't know -- sorry. I might ask you to
21 spell something if you're using a word that we don't know how to spell. That's really
22 simply for the benefit of the record and the court reporter.

23 All that we ask of you today, Mr. Kirk, as with any witness, is that you provide
24 complete answers to the best of your recollection.

25 If a question is not clear, just say so and I will do my best to rephrase it. If you

1 don't know an answer, you can simply say so.

2 You may refuse to answer a question only to preserve a privilege that is
3 recognized by the select committee. If you refuse to answer a question that's based on
4 a privilege, we can do a couple of things.

5 One is, we can proceed with the deposition and come back to that question later,
6 or we can seek a ruling from the chairman of the select committee on the objection.
7 And under the House's rules, if the chairman overrules your objection, you would be
8 required to answer.

9 Finally, I remind you, as we do with all witnesses, that it is unlawful to deliberately
10 provide false information to Congress and doing so could result in criminal penalties.

11 Mr. Kirk, do you understand all the ground rules I've just covered?

12 The Witness. Yes.

13 EXAMINATION

14 BY [REDACTED]

15 Q Now, I'd like to begin the deposition by outlining a little bit of the
16 background information on your interactions with the select committee so that we can be
17 clear about where we stand as of today.

18 The select committee's investigative staff contacted you in October of 2021.
19 Between October 2021 and March 2022, through your counsel, you voluntarily turned
20 over more than 8,000 pages of documents that were associated with you and Turning
21 Point entities. These were largely email communications among Turning Point
22 employees about arranging bus transportation to and from the January 6th Ellipse rally.

23 In March of 2022, your counsel informed the select committee that you would not
24 voluntarily sit for an interview, and for that reason the select committee issued a
25 subpoena to compel your testimony and ensure the completion of your document

1 production.

2 Now, I'll say that your counsel have informed us, Mr. Kirk, that you will be refusing
3 to answer any questions today pursuant to the Fifth Amendment.

4 Is that correct as a general matter?

5 A Yes.

6 Q Now, be that as it may, we are hoping once you hear some of our questions
7 that you will choose to answer. These are questions that are within the scope of our
8 investigation, and we hope that you will consider whether you will actually answer the
9 questions.

10 Be that as it may, if you have a privilege assertion such as the Fifth Amendment,
11 you must assert it for the record in response to questions as appropriate.


12 I will also note that the Fifth Amendment provides a witness the ability to refuse
13 to answer a question if they have a reasonable belief that a truthful answer could be used
14 against them in a criminal prosecution, not simply because the witness would prefer not
15 to answer the question.

16 Mr. Kirk, do you understand that?

17 A On advice of counsel, I'm invoking my Fifth Amendment right not to testify
18 and decline to answer the question.

19 Q Now, before I move on to substantive questions, I took the liberty of
20 outlining some of the procedural history. I do want to give your attorneys an
21 opportunity to say anything for the record that they might want to add to that.

22 It's okay if you want to wait to do that until the end because I didn't give you a
23 heads-up on that. But Josh or Jeff, if there's anything that you want to add in terms of
24 the background that got us to today, I'm happy to let you say something.

25 Mr. Levy. Thank you, 

1 The background in terms of Mr. Kirk and Turning Point's cooperation with the
2 select committee has been memorialized in a number of writings and letters, including
3 the letter of March 16th, 2022, and the letter of May 16th, 2022, and the record of
4 cooperation in full as stated in those letters. And so I would ask that those letters be
5 entered into the record and allow them to speak for themselves.

6 [REDACTED] That's fine with me, Josh.

7 I'll tell you that we do have a few exhibits to look at today. Those are numbered
8 through exhibit 14. I don't know if we'll look at every single one. But we will make
9 those two letters exhibits 15 and 16 so that those can be referenced as part of the
10 deposition record.

11 Was there anything else, Josh?

12 Mr. Levy. No. Thank you.

13 BY [REDACTED]

14 Q Mr. Kirk, how old are you?

15 A On advice of counsel, I'm invoking my Fifth Amendment right not to testify
16 and decline to answer the question.

17 Q In what State do you reside?

18 A I live in currently Scottsdale, Arizona, Phoenix, Arizona.

19 Q And what is your highest level of education?

20 A On advice of counsel, I'm invoking my Fifth Amendment right not to testify
21 and decline to answer the question.

22 Q Mr. Kirk, you are a founder and the executive director of an entity called
23 Turning Point USA, correct?

24 A On advice of counsel, I'm invoking my Fifth Amendment right not to testify
25 and decline to answer the question.

1 Q And you are also the founder of an entity called Turning Point Action,
2 correct?

3 A On advice of counsel, I'm invoking my Fifth Amendment right not to testify
4 and decline to answer the question.

5 Q Mr. Kirk, I'll tell you that if you would like to shorten your response to invoke
6 the Fifth Amendment to something that is not as wordy as that to save some time, I'm
7 fine with that, and we will understand that you mean the full statement that you have
8 made.

9 So you can, moving forward, simply say, "I invoke the Fifth Amendment," if that
10 makes sense and that way -- we will not treat that response differently than the other
11 responses you've already given.

12 I do have some exhibits to share and show you. I'm going to start with exhibit 1.
13 You should be able to see on your screen here some documents that I'm sharing. I
14 apologize. Hold on one second.

15 There we go.

16 Mr. Kirk, can you see these documents that are on the screen?

17 A Yes, I can.

18 Q So, Mr. Kirk, this is a copy of the subpoena that was issued to you by the
19 select committee. As I mentioned before, we issued this in response to your decision to
20 decline a voluntarily interview. You can see here that the subpoena called for the
21 production of documents and testifying for a deposition.

22 I'm going to go forward here towards the end of this document. It has what we
23 refer to here as a document schedule. You can see under schedule A a command to you
24 to produce certain documents and communications in your possession, and covering
25 roughly four categories -- I'm sorry -- more than four categories, but specific to the

1 January 6th rally and events leading up to it.

2 As I mentioned before, your counsel produced several thousand documents in
3 response to the requests that were outlined in this schedule. This is identical to the
4 voluntary document request that was made last fall. We noted in the production there
5 were no text messages included, and your counsel have conveyed to us that you do not
6 have any text messages from the relevant period in your possession.

7 Is that correct?

8 A I am invoking my Fifth Amendment right.

9 Q When did you delete those text messages?

10 A I'm invoking my Fifth Amendment right.

11 Q We also noted that there are no messages from alternative messaging
12 applications, such as Telegram, Signal, WhatsApp, those kinds of applications.

13 Mr. Kirk, did you use any such messaging applications to communicate about
14 subjects that are outlined in the subpoena?

15 A I'm invoking my Fifth Amendment right.

16 Q I'm going to show you what's been marked as exhibit 2.

17 Mr. Kirk, I can represent to you these are text messages produced by a woman
18 named Amy Kremer, and the document suggests that these are text messages between
19 Ms. Kremer and a user that she had saved in her phone as Charlie Kirk.

20 And you can see here, December 21st, 2020, Amy sends a message, says, "Hey,
21 Charlie. Can you speak at the March for Trump rally on Jan 6th in D.C.?" Then, 2 days
22 after that, "Please give me a call. Thanks."

23 Mr. Kirk, did you speak with Ms. Kremer about speaking at the January 6th event?

24 A I'm invoking my Fifth Amendment right.

25 Q Do you recall the first time that you were asked to participate in events on

1 January 6th, 2021?

2 A I am invoking my Fifth Amendment right.

3 Q Going to show you now exhibit 3. These are text messages produced by
4 Caroline Wren.

5 Do you know Ms. Wren?

6 A I'm invoking my Fifth Amendment right.

7 Q She's represented to us that these are communications with you. You can
8 see here that the contact is saved in her phone as Charlie with an image that appears to
9 be you. And I'll just read you the first couple of text messages here that start
10 December 15th, 2020.

11 At about 12:25 p.m., Ms. Wren texts you, "Do you know Julie Fancelli?" And she
12 explains who this woman is, that she's given money to President Trump. She says -- Ms.
13 Wren says, "She's going to come Thursday through Sunday for SAS and asks for wire
14 transfer info because she's interested in donating money to your entities."

15 Mr. Kirk, SAS, does that refer to the Student Action Summit held by Turning Point?

16 A I am invoking my Fifth Amendment right.

17 Q The Student Action Summit in December 2020 was held in West Palm Beach,
18 Florida, right?

19 A I am invoking my Fifth Amendment right.

20 Q Did you meet with Ms. Fancelli or Ms. Wren at the 2020 SAS?

21 A I am invoking my Fifth Amendment right.

22 Q Now, you see here in this message Ms. Wren writes, "If you meet with her,"
23 meaning Ms. Fancelli, "for 5 minutes at some point, she would do a minimum" -- I'm
24 sorry. Let me back up.

25 Ms. Wren says, "I was going to tell her to send you \$50,000 today, and then if you

1 meet with her for 5 minutes at some point she would do minimum \$250,000
2 guaranteed."

3 During the 2020 Student Action Summit, did you discuss any conversations that
4 you needed to have with Ms. Fancelli to secure donations from her?

5 A I'm invoking my Fifth Amendment right.

6 Q We can see here on page 2, the Charlie Kirk user sends to Ms. Wren wiring
7 instructions for Turning Point Action.

8 Are these wiring instructions sent from you to Ms. Wren?

9 A I'm invoking my Fifth Amendment right.

10 Q On page 3 of exhibit 3, here on December 26th, the conversation continues
11 about Ms. Fancelli. On the 23rd of December you wrote, "Did your friend give us
12 money?"

13 Three days later Ms. Wren responds, "I'm actually sitting with her now. Are you
14 all doing any sort of effort to bring folks out to D.C. for January 6th protests? Call me if
15 you can. She's ready to invest."

16 And in response you write, "Nothing for Jan 6th. Can call soon."

17 Mr. Kirk, why at this point was Turning Point not involved in planning any efforts
18 for January 6th, 2021?

19 A I am invoking my Fifth Amendment right.

20 Q We can scroll down here on page 4 of this exhibit, Ms. Wren shares with you
21 a contact card in the iMessage for Julie Fancelli, and in response on December 26th you
22 write back, "Called her. No response."

23 December 26th, later in the day, you ask Ms. Wren to call you back. And she
24 writes back, "Went to voicemail."

25 At the bottom of this page 4, Ms. Wren writes to you, "Can you send me a quick

1 paragraph to describe what you would spend the 1.5 million on? I'm going to suggest
2 1.25 to Turning Point Action and 250K to Turning Point USA."

3 What happened between December 26th and December 27th that you went from
4 doing nothing in response for January 6th to being involved in planning support for
5 January 6th?

6 A I'm invoking my Fifth Amendment right.

7 Q And I should've gone here to page 5 to clarify that, because you write back,
8 "An investment of \$1,250,000 for TPA will allow us to deploy social media influencers to
9 Washington, D.C., on Jan 6th, produce high-quality capturing video content that will
10 educate millions about the significance of Jan 6th, mobilize students to fight against voter
11 fraud, as well help expand Turning Point Action's campus army towards the President's
12 America first goals/objectives."

13 So is it fair to say, Mr. Kirk, that you only decided to be involved in supporting
14 January 6th once it was clear that Ms. Fancelli was going to provide a substantial
15 donation to enable that participation?

16 A I'm invoking my Fifth Amendment right.

17 Q At the bottom of page 5 of this exhibit, on December 28th in the morning,
18 Ms. Wren writes, "POTUS is now speaking on January 6th, so we need this to be a very
19 legit operation and crowd building. I'm not comfortable with these other organizations.
20 Can we step up TPUSA involvement? Also, I think you need to speak."

21 In response you write back, "Who told you he is speaking?"

22 Ms. Wren says, "White House. We had to move the location, have been dealing
23 with Secret Service all day, moving the permits into our name."

24 And you write back, "I find it hard to believe that he will speak."

25 First, did Ms. Wren ever tell you who from the White House conveyed to her the

1 President would speak on January 6th?

2 A I'm invoking my Fifth Amendment right.

3 Q Mr. Kirk, why did you find it hard to believe the President was going to be
4 speaking on January 6th?

5 A I'm invoking my Fifth Amendment right.

6 Q Now, I'll just give you the synopsis here of the following parts of the text
7 message exchange.

8 You can see here that on December 28th in the afternoon there's discussions
9 about the details that go into sending the wire transfer to Turning Point Action.

10 Ms. Wren then confirms that someone you got contacted by named Marianne
11 Parsons is someone who works for Ms. Fancelli as an accountant and goes on to talk
12 about the details of how the wire transfers would be effected to Turning Point Action and
13 Turning Point USA with Ms. Parsons' help.

14 On page 8, Ms. Wren sends you a budget. You can see there's an image here,
15 "Turning Point Action budget." And we can't see the details of this, but we do know that
16 in response you wrote, "I can't live by that budget. It's 6 days away."

17 Mr. Kirk, do you recall what about this budget was problematic for you?

18 A I'm invoking my Fifth Amendment right.

19 Q At the bottom of this page, on December 29th, you write to Ms. Wren, "I am
20 not speaking at the event."

21 Mr. Kirk, why did you decide not to speak at the January 6th event?

22 A I'm invoking my Fifth Amendment right.

23 Q Did you have concerns over how the January 6th event was being organized?

24 A I am invoking my Fifth Amendment right.

25 Q Mr. Kirk, did you have concerns over potential unrest or violence on

1 January 6th?

2 A I'm invoking my Fifth Amendment right.

3 Q In response, after you say you're not speaking at the event, Ms. Wren says,
4 "Please call Marianne," with the prayer hands emoji.

5 And then you write back, "I did," and said, "No response."

6 Then in subsequent days you ask her -- ask Ms. Wren -- "Check Telegram
7 please." And on January 4th you write, "No answer from Julie."

8 Did anyone ask you to reconsider your decision not to speak at the event after
9 that text message saying, "I'm not going to speak"?

10 A I am invoking my Fifth Amendment right.

11 Q Do you recall Marianne's or Ms. Fancelli's reaction to hearing that you were
12 not going to speak at this event?

13 A I'm invoking my Fifth Amendment right.

14 Q Now, you can see there on January 3rd you wrote to Ms. Wren, "Check
15 Telegram, please."

16 Why did you tell Ms. Wren to check Telegram?

17 A I'm invoking my Fifth Amendment right.

18 Q Did you use Telegram to communicate about the rally?

19 A I am invoking my Fifth Amendment right.

20 Q Now, as I indicated earlier, at the start of the deposition, Mr. Kirk, there
21 were no messages, text messages, messaging application documents that were produced.
22 And so our assumption is that, because your attorneys have certified compliance with the
23 subpoena, that you do not have any Telegram communications in your possession.

24 Is that correct?

25 A I am invoking my Fifth Amendment right.

1 Q We'll move on here to exhibit 4.

2 This is a document that Ms. Fancelli received from Caroline Wren. You can see
3 the top of exhibit 4, page 1 says, "Fancelli budget and trip plan for Monday, January 4th,
4 through Wednesday, January 6th." And this first page has an itinerary of different
5 events to attend.

6 The second page includes a budget and trip plan. And you can see here, the very
7 top line of this exhibit -- and I can zoom in, I think -- includes a line item here for Turning
8 Point Action, \$1 million. And it gives an explanation that I can tell you generally tracks
9 the text message that you sent to Ms. Wren when she asked you for an explanation of
10 how you would spend money from Ms. Fancelli.

11 So did Ms. Wren discuss with you that she would include the explanation that you
12 gave her in a budget and trip proposal for Ms. Fancelli?

13 A I'm invoking my Fifth Amendment right.

14 Q Now, if you recall, the original discussion with Ms. Wren on the text
15 messages was for \$1.25 million and this budget is for \$1 million. Do you know why the
16 amount in the budget is less than the amount originally discussed in the text messages?

17 A I'm invoking my Fifth Amendment right.

18 Q I'll show you exhibit 5. Exhibit 5 is a Gmail email thread that shows a brief
19 email thread between Caroline Wren, Justin Caporale, who's an event planner with Event
20 Strategies, and you, Charlie Kirk. And you can see here, on Thursday, December 31st,
21 Ms. Wren writes to Mr. Caporale and asks, "Please send Charlie the invoice and expense
22 breakdown for the \$211,931.33 payment needed for the January 6th build-out. The
23 invoice should be made to Turning Point Action."

24 In response you wrote, "Yes."

25 And then Justin writes back, "Thank you. Charlie, can you send me the legal

1 entity name so he can create a client profile? And then he'll send a full invoice." And
2 also explains additional costs that will be associated because of the floor covering
3 required by NPS, which is the National Park Service."

4 And in response you say, "Turning Point Action. Ask Caroline." And Ms. Wren
5 provides additional information about Turning Point's mailing address for the customer
6 profile.

7 So, Mr. Kirk, this was a payment associated with the production of the January 6th
8 rally at the Ellipse, correct?

9 A I'm invoking my Fifth Amendment right.

10 Q Now, you were able, through Turning Point, to provide these funds because
11 of a donation from Ms. Fancelli, correct?

12 A I'm invoking my Fifth Amendment right.

13 Q We can take a look at exhibit 6. Exhibit 6 is an email. The original emails
14 start on December 30th from Mr. Caporale to the Kremers, Amy Kremer and Kylie Jane
15 Kremer, who I can tell you are associated with Women for America First, which was the
16 entity that received the permit for the Ellipse rally. And then copying some of the event
17 planner people, including Ms. Wren and Tim Unes and Charles Carbone.

18 And then there is a forward of that. We understand that this is forwarded to you
19 from Ms. Wren on December 31st saying she wants to review the budget with you, saying
20 event production costs are getting high due to Secret Service and Park Service's
21 requirements, and she asks if you're comfortable with the budget that is laid out below in
22 the email.

23 And you can see that it includes, we'll say, roughly \$411,000 for Event Strategies,
24 \$50,000 for Bluebonnet Fundraising, which is the LLC where Ms. Wren establishes for her
25 own fundraising work, some miscellaneous money that's held back for unforeseen costs,

1 and then you can see \$250,000 for Turning Point Action busing and event promotion, and
2 then \$250,000 for Turning Point Action with nothing associated with it, not designated.

3 Did this track with the costs that you were predicting around this time for the
4 event?

5 A I'm invoking my Fifth Amendment right.

6 Q And you can also see up here on January 3rd Ms. Wren gives you a budget
7 update and also she says, "Attaches an invoice for Bluebonnet," and then also says for Tru
8 Media, T-r-u, for Don/KG speaker's fees. And you can see the explanation of that is
9 \$60,000 to Tru Media for speaking fees.

10 Did you agree to pay \$60,000 in speaking fees for Donald Trump, Jr. and Kimberly
11 Guilfoyle for the January 6th event?

12 A I'm invoking my Fifth Amendment right.

13 Q Exhibit 7 is another email thread. This one's provided by Ms. Fancelli and
14 her associates. The email is between Ms. Fancelli and Marianne Parsons, who's the
15 accountant who works for her. And on January 4th at 11:39 p.m. Ms. Fancelli writes to
16 Ms. Parsons, "I need to send \$250,000 to Charlie Kirk ASAP."

17 Ms. Parsons' response, "Is this to Turning Point Action where you gave him
18 \$1 million last week?"

19 Ms. Fancelli writes back: "I think so. It is for busing in more people. Call him.
20 Do you have his number?"

21 And then this is then forwarded from Ms. Parsons to people who are associated
22 with LJ Management, which is the entity that manages Ms. Fancelli's donations and the
23 money that was being given to different entities, with an explanation that there should be
24 a \$250,000 wire to Turning Point Action in addition to the \$1 million wire that had been
25 sent out the previous week.

1 Did you tell Ms. Fancelli or Caroline Wren that the original \$1 million was not
2 sufficient to cover the costs associated with busing?

3 A I'm invoking my Fifth Amendment right.

4 Q Because as you'll see from the email that we just looked at with Ms. Wren
5 that the budget she had given to you for the spending of a million dollars already included
6 \$250,000 associated with busing and promotion. So was that original \$250,000 not
7 enough for the busing and promotion for January 6th?

8 A I'm invoking my Fifth Amendment right.

9 Q Exhibit 8, Mr. Kirk, this is an email that's sent from you to Marianne Parsons,
10 the accountant who works with Ms. Fancelli, and this is dated February 24th, 2021,
11 subject line "Confidential," and there's an Excel attachment to it.

12 You write, "Hi, Marianne. Please see the attached. With recent legal costs
13 incurred, the total comes to \$975,941 spent thus far." And the attachment here is a
14 spreadsheet.

15 I can tell you that you can see from the -- we call these Bates stamps in the
16 bottom right corner of the document. It says "TPA." That's Bates stamped that way
17 because this is produced by your counsel on behalf of Turning Point. So these are
18 documents that were produced by your lawyers on your behalf.

19 Our understanding is that the redactions, the blacked-out lines, have been
20 conveyed to us were not costs associated with January 6th. So we're left to understand
21 that the things that are shown are costs that were associated with the January 6th rally?

22 And you can see here that these columns have the date, the type of payment, the
23 payee, the recipient of the payment, what account it came out of, how much the dollar
24 amount was. And then there's an info category that generally characterizes -- or
25 categorizes -- the expense.

1 And so, for example, on line 7, you can see there is an \$83,877 payment to Shofur,
2 LLC, S-h-o-f-u-r, and the info column here says "buses."

3 So we've gone through and we've added up everything that says "buses" on this
4 spreadsheet. That figure comes out to less than \$250,000.

5 So can you help us understand why there would have been a need for an
6 additional \$250,000 on top of the million dollars that was already provided by Ms.
7 Fancelli?

8 A I'm invoking my Fifth Amendment right.

9 Q And the reason we ask that is because we're just trying to understand the
10 logistics and costs that were associated with bringing people to Washington, D.C., and
11 whether those efforts were successful, that kind of thing.

12 So any clarity that you'd be willing to provide on that would be very helpful to us.
13 But I understand that you're going to invoke the Fifth Amendment as to that question.
14 Is that correct?

15 A I'm invoking my Fifth Amendment right.

16 Q Now, I mentioned before Tru Media. Exhibit 9 is an invoice from Tru Media
17 LLC, with an address in New York, New York, billed to Turning Point Action, with a date of
18 January 2nd, 2021. The description on this invoice says, "March to Save America,
19 strategic advisory, promotion, keynote speeches by Kimberly Guilfoyle and Donald
20 Trump, Jr. on January 6th, 2021, for the total dollar amount of \$60,000."

21 So did you discuss strategy for January 6th with Ms. Guilfoyle or Mr. Trump?

22 A I'm invoking my Fifth Amendment right.

23 Q And did you agree to pay these individuals for their speeches on January 6th,
24 as opposed to payments for other services that they may have provided to Turning Point
25 previously?

1 A I'm invoking my Fifth Amendment right.

2 Q I understand that they also had -- "they" meaning Ms. Guilfoyle and Mr.
3 Trump -- had participated in some capacity at the Student Action Summit in West Palm
4 Beach the month prior where they also had been anticipating receiving payment for that
5 participation.

6 Mr. Kirk, if someone said that this \$60,000 payment that's listed as January 6th
7 was actually reimbursement for speaking at the Student Action Summit in December,
8 would that be true?

9 A I'm invoking my Fifth Amendment right.

10 Q Now, as has been mentioned a bunch of times already, we understand
11 Turning Point helped to coordinate bus transportation to the January 6th event.

12 Who from Turning Point was responsible at a leadership level for coordinating
13 that bus transportation to Washington, D.C., for that day?

14 A I am invoking my Fifth Amendment right.

15 Q I'm going to show you exhibit 10. This is a tweet -- I apologize. This is
16 actually from a website called Archive.org. And you may be familiar with it, but the way
17 that it works is it essentially will crawl the internet and take screenshots or images of
18 websites historically over time.

19 And so I think you probably understand that this particular tweet that we're
20 looking at here by you was subsequently deleted. So the archived version that we have
21 is not, as you can see here from the language on it, from a United States-based website,
22 because there's an abbreviation for January that's not English. And I won't hazard a
23 guess -- well, I guess I could say that the like appears to be j'aime for French. So maybe
24 this is a French website.

25 But in any event, I just say that to point out that I can't tell you exactly what time

1 it was because the 1743 time stamp is likely the local time where the website was being
2 archived from. But in any event, you can see here @charliekirk11, which is your Twitter
3 handle, tweeted on January 4th, "This historic event will likely be one of the largest and
4 most consequential in American history. The team @TrumpStudents and Turning Point
5 Action are honored to help make this happen, sending 80-plus buses full of patriots to
6 D.C. to fight for this President."

7 Now, Mr. Kirk, how many buses did Turning Point pay to travel to D.C. for
8 January 6th?

9 A I am invoking my Fifth Amendment right.

10 Q Now, I do understand that there later was clarification to the media after
11 January 6th that a number of the buses that you had been anticipating sending were
12 canceled and ultimately, according to news reports, Turning Point Action sent only seven
13 buses with students.

14 But how many other buses, aside from the ones for students associated with
15 Turning Point Action, did Turning Point pay to have travel to D.C.?

16 A I am invoking my Fifth Amendment right.

17 Q This is exhibit 11. Exhibit 11 is a very short email string. You can see here
18 January 4th, 2021, an email from an individual named Nathan Martin to Tyler Bowyer
19 with Turning Point Action. And Mr. Martin says, "Sending on behalf of Stop the Steal.
20 Thank you."

21 And I can scroll down to show you what he was sending. It's an invoice with a
22 company called Cincinnatus Consulting LLC," with an address in Shelby, Ohio. And then
23 you can see here January 3rd listed twice for two different buses, appears one from
24 Atlanta, one from Indianapolis, for a total cost of \$17,700, and also say that that dollar
25 amount does track with a figure that appears on the spreadsheet that we looked at

1 previously, exhibit 8.

2 And you can also see here at the top of this email Mr. Bowyer sends to an
3 accounting department at Turning Point Action, "Please pay."

4 Now, Mr. Kirk, do you know Nathan Martin?

5 A I am invoking my Fifth Amendment right.

6 Q Are you aware that Mr. Martin was working with an individual known as Ali
7 Alexander to coordinate events for January 6th, 2021, on behalf of an organization that
8 went by the name Stop the Steal?

9 A I am invoking my Fifth Amendment right.

10 Q Did you know that Turning Point was paying for buses associated with Ali
11 Alexander's entity?

12 A I am invoking my Fifth Amendment right.

13 Q Exhibit 12. You can see here the top of this says January 10th from the
14 events team at Turning Point Action to someone named Austin Smith at Turning Point
15 Action.

16 And the text of the email says, "Here's the email that was sent for all five buses
17 with different location and addresses and contact information." And then below that is
18 an email that was sent on January 4th, subject line, "March to Save America 2021,
19 New Jersey bus transportation."

20 And the email in sum and substance is an informational email ostensibly to
21 students or participants who were going to be taking a Turning Point bus to D.C. for
22 January 6th because it explains what you should wear, where you should be meeting with
23 people, travel information, those kinds of logistical details.

24 But the one thing I want to ask you about on this email is, you can see in the
25 middle in red text it says, "Please make sure to download the Telegram app as your bus

1 organizers will put all of you in a group chat and send the link to join."

2 Did Turning Point create Telegram chats for each bus group that traveled to D.C.
3 for January 6th?

4 A I'm invoking my Fifth Amendment right.

5 Q Do those Telegram chats still exist?

6 A I am invoking my Fifth Amendment right.

7 Q Do you know if other employees of Turning Point have been asked to search
8 to see if they have Telegram chats that are relevant to the select committee's inquiry?

9 A I'm invoking my Fifth Amendment right.

10 Q Mr. Kirk, I'd like to ask you a few questions about the day of January 6th.
11 Where were you on January 6th, 2021?

12 A I am invoking my Fifth Amendment right.

13 Q Heading into that day, what were your expectations?

14 A I'm invoking my Fifth Amendment right.

15 Q We've reviewed footage from your livestream of your radio or podcast show
16 from January 6th, 2021, and I'll read for you a quote of what we have you saying on the
17 morning of January 6th.

18 You say, "Well, and let me tell you my sources -- and I won't name -- I won't say
19 any names -- are saying the Vice President is prayerfully considering possibly at the very
20 end of this sending it back to the State legislatures for clarification, which is something,
21 an idea that was floated out there exclusively on the show."

22 And you go on to say, "I can confirm that he," meaning the Vice President, "has
23 been presented with this and that he is considering it."

24 Mr. Kirk, what sources are you referring to?

25 A I'm invoking my Fifth Amendment right.

1 Q Did anyone tell you that the Vice President was seriously considering sending
2 things back to the States even after he had already issued his statement saying that he
3 would fulfill his statutory and constitutional duties on January 6th?

4 A I'm invoking my Fifth Amendment right.

5 Q Now, Mr. Kirk, as far as we can tell, from the very first moment on your
6 livestream that it was reported there was a breach of the Capitol security perimeter, you
7 immediately said, quote, "We do not support," close quote, and, quote, "We completely
8 denounce and we think it's reprehensible," close quote.

9 So before that moment when you learned about the breach of the security
10 perimeter, did anyone indicate to you that there was a chance that something like that
11 could happen on January 6th?

12 A I am invoking my Fifth Amendment right.

13 Q Is the risk of violence or individuals breaching the Capitol, is that part of the
14 reason why you didn't travel to Washington, D.C., on January 6th?

15 A I'm invoking my Fifth Amendment right.

16 Q Let me show you exhibit 13. There are a series of emails that were
17 produced to us from you after the subpoena was issued. And this one -- I think we're
18 being joined by Mr. Kinzinger.

19 Thank you for being here, sir.

20 Mr. Kirk, this is an email that it appears you received on January 21st where
21 someone wrote in and said, "I usually enjoy listening to you, but lately you've seemed
22 really weak. Why even say there's a legitimate argument that President Trump incited
23 the mess at the Capitol. There's no real argument. He said to be peaceful." And
24 goes on to explain that it's time to fight.

25 And in response here the user says, "Charlie Kirk" -- so Charlie Kirk wrote in

1 response to this person, "Why are you even saying there's a legitimate argument that
2 President Trump incited the mess at the Capitol?" In response, Charlie Kirk, writes, "It is
3 the honest thing to say."

4 Did you write this email?

5 A I'm invoking my Fifth Amendment right.

6 Q Now, further up this individual responds back to engage more, and saying, "I
7 do believe it's the honest thing to say. I don't think that anything" -- maybe they meant
8 do not, because the next sentence says -- "I don't think anything he said incited people to
9 break windows, etc. I think you give the side that hates you ammo."

10 And then in response to that, again, Charlie Kirk writes, "Fair enough. But I do
11 think he could have been more specific and calm in the way he handled the speech."

12 Again, is that you writing back?

13 A I am invoking my Fifth Amendment right.

14 Q Mr. Kirk, do you believe that there's a legitimate argument that President
15 Trump incited the violence that unfolded at the Capitol on January 6th?

16 A I am invoking my Fifth Amendment right.

17 Q I'll show you exhibit 14, which is the final exhibit we have to show you today.
18 It's an email here on January 6th at 8:23 a.m.

19 I will confess to you -- again, you can see I'm showing you the Bates stamp
20 showing it's a Turning Point document produced to us -- it's not clear to me what the time
21 zone is on this. I understand that you're on the West Coast. You're emailing
22 somebody, EOP/WHO is the Executive Office of the President, so somebody on the East
23 Coast. Not totally clear to me what time zone this is.

24 But in any event, on January 6th in the morning, Annie Morgan from the White
25 House writes to you and says, "In order to finalize your withdrawal from the President's

1 Advisory 1776 Commission, please send me an email -- responding to this one is
2 fine -- stating your resignation from the commission."

3 And a few days later, on January 9th, you write back, "Yes, this is correct. Sorry
4 for delay."

5 Did this decision have anything to do with President Trump's post-election
6 conduct?

7 A I'm invoking my Fifth Amendment right.

8 Q Now, Mr. Kirk, have you been interviewed by law enforcement regarding
9 your knowledge of events in Washington, D.C., on January 6th, 2021?

10 A I am invoking my Fifth Amendment right.

11 Q And, specifically, have you been contacted by the FBI about January 6th?

12 A I am invoking my Fifth Amendment right.

13 Q Have you been contacted by any attorneys representing individuals charged
14 with criminal conduct from January 6th, 2021?

15 A I am invoking my Fifth Amendment right.

16 [REDACTED] At this point, Mr. Kirk, I don't have any further questions.

17 For Mr. Kinzinger's benefit, I will summarize to say that Mr. Kirk has asserted the
18 Fifth Amendment privilege as a basis to refuse virtually every question today. By my
19 note, the only question he answered was what city and State he resides in. Other than
20 that, the Fifth Amendment was invoked to answer every questions.

21 So, Mr. Kinzinger, if you have any questions, I'll pause before we wrap up.

22 Mr. Kinzinger. No, I don't. Thank you. That's it. Appreciate it.

23 [REDACTED] Thank you, sir.

24 And, Mr. Kirk, under these circumstances, we will not officially close the record of
25 the deposition as the select committee considers the appropriate course of action to

1 move forward. But we do appreciate your time.

2 And at this time, the deposition will stand in recess subject to the call of the chair.

3 We can go off the record.

4 [Whereupon, at 10:48 a.m., the deposition was recessed subject to the call of the
5 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date