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

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14 DEPOSITION OF: DANIEL J. SCAVINO, JR. (NO-SHOW)

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Wednesday, December 1, 2021

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Washington, D.C.

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The deposition in the above matter was held in Room 1540A, Longworth House

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Office Building, commencing at 9:59 a.m.

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2 **Appearances:**

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6 For the SELECT COMMITTEE TO INVESTIGATE

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

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9 [REDACTED], CHIEF CLERK

10 [REDACTED] SENIOR COUNSEL

11 [REDACTED], PROFESSIONAL STAFF

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Ms. [REDACTED] We are on the record.

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Today is Wednesday, December 1st, 2021. The time is 10 a.m. We are convened in the Longworth House Office Building, Room 1540A, for the deposition of Daniel J. Scavino, Jr., to be conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol.

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The person transcribing this proceeding is the House stenographer and notary public authorized to administer oaths.

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My name is [REDACTED]. I am a senior counsel and senior adviser to the select committee and the select committee's designated staff counsel for this proceeding. I'm accompanied by [REDACTED] professional staff member, and [REDACTED] chief clerk.

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For the record, it is now 10:01, and Mr. Scavino is not present.

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On October 6th, 2021, Chairman Bennie Thompson issued a subpoena to Mr. Scavino both to produce documents by October 21st, 2021, and to testify at a deposition on October 28th, 2021, at 10 a.m.

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The subpoena is in connection with the select committee's investigation into the facts, circumstances, and causes of the January 6th attack and issues related to the peaceful transition of power in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations.

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This inquiry includes examination of how various individuals, to include Mr. Scavino, and entities coordinated their activities leading up to the events of January 6th, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition of administrations, and

1 the constitutional and statutory processes that affect that transition.

2 After Mr. Scavino retained counsel, Mr. Stanley Woodward and Mr. Stan Brand,
3 the select committee agreed several times to postpone the subpoena deadline to enable
4 his counsel to overcome varied logistical challenges.

5 Ultimately, the select committee set new deadlines to produce documents and
6 appear for testimony. Mr. Scavino was required to produce documents by November
7 29th, 2021, and appear for testimony on December 1st, 2021.

8 By letters dated between November 5th and November 26th, the select
9 committee engaged with counsel for Mr. Scavino. In the letters, the select committee
10 addressed Mr. Scavino's claims of, among other things, extensive and blanket assertions
11 of privilege.

12 In the letter dated November 9th, the select committee also instructed
13 Mr. Scavino to assert privilege claims in a privilege log based on the topics provided by
14 the select committee no later than November 11th, 2021.

15 On November 18th, 2021, Mr. Scavino, through counsel, informed the select
16 committee that he would not appear at the deposition then scheduled for November
17 19th. Specifically, counsel said that, quote, "Mr. Scavino cannot meaningfully appear for
18 a deposition on Friday, November 19th, 2021," end quote.

19 Counsel also, for the first time, objected to the method of the select committee's
20 service of Mr. Scavino's October 6th, 2021, subpoena despite having all relevant
21 documentation, including the subpoena itself, in counsel's possession.

22 On November 23rd, 2021, Mr. Woodward, counsel for Mr. Scavino, agreed to
23 accept service of a subpoena on Mr. Scavino's behalf, and the new subpoena was issued
24 to Mr. Woodward that same day.

25 In a letter also dated November 23rd, 2021, the select committee addressed

1 Mr. Scavino's other concerns and allowed a final continuance of the deposition date.

2 The select committee also reiterated the importance of a privilege log based on
3 the topics provided by the select committee in the letter dated November 9th, 2021, and
4 set a November 26th, 2021, deadline for this log.

5 The select committee further informed Mr. Scavino that, quote, "The select
6 committee will view Mr. Scavino's failure to appear for the deposition and respond to the
7 subpoena as willful noncompliance. His continued failure to produce documents
8 pursuant to the subpoena also constitutes willful noncompliance.

9 "Mr. Scavino has a short time in which to cure his noncompliance. The
10 continued willful noncompliance with a subpoena would force the select committee to
11 consider invoking the contempt of Congress procedures in 2 USC, Sections 192 and 194,
12 which could result in a referral from the House to the Department of Justice for criminal
13 charges, as well as the possibility of having a civil action to enforce a subpoena brought
14 against Mr. Scavino in his personal capacity," end quote.

15 Although the select committee continued to engage with counsel, Mr. Scavino,
16 through counsel, informed the select committee that he would not appear today.

17 Specifically, Mr. Woodward informed counsel for the select committee on
18 November 30th that, quote, "I believe our position remains fairly stated in our
19 correspondence," end quote.

20 Mr. Woodward clarified to counsel for the select committee over the phone on
21 November 30th, 2021, that this meant that Mr. Scavino would not be appearing on the
22 record today, either to answer questions or to assert specific claims of privilege.
23 Counsel for the select committee then confirmed this understanding over email
24 correspondence.

25 To date, Mr. Scavino has not produced any documents or a privilege log, and

1 Mr. Scavino has not appeared today to answer questions or assert privilege objections.

2 I will mark as exhibit 1 and enter into the record the October 6th select committee
3 subpoena to Mr. Scavino included with materials that accompanied the subpoena,
4 namely, a letter from the chairman, a document schedule with accompanying production
5 instructions, and a copy of the deposition rules.

6 [Scavino Exhibit No. 1

7 Was marked for identification.]

8 Ms. [REDACTED] I will mark as exhibit 2 and enter into the record the receipt of
9 service for the October 6th subpoena, which was personally served to Susan Wiles, chief
10 of staff to the former President Trump, recorded on the proof of service as chief of staff
11 for the 45th Office, on October 8th, 2021.

12 [Scavino Exhibit No. 2

13 Was marked for identification.]

14 Ms. [REDACTED] Ms. Wiles reportedly represented to the U.S. marshal who served
15 her that she was authorized to accept service on Mr. Scavino's behalf.

16 I will mark as exhibit 3 and enter into the record the November 23rd select
17 committee subpoena to Mr. Scavino included with materials that accompanied the
18 subpoena, namely, a letter from the chairman, a document schedule with accompanying
19 production instructions, and a copy of deposition rules.

20 [Scavino Exhibit No. 3

21 Was marked for identification.]

22 Ms. [REDACTED] I personally served the subpoena to Mr. Scavino's counsel, Stanley
23 Woodward, over email pursuant to agreement with counsel.

24 I will mark as exhibit 4 and enter into the record a series of letters and emails
25 exchanged between the select committee and counsel for Mr. Scavino.

1 [Scavino Exhibit No. 4
2 Was marked for identification.]

3 Ms. [REDACTED] Specifically, they are an email exchange between Mr. Woodward,
4 myself, and Mr. [REDACTED], who is chief investigative counsel for the select committee,
5 dated from October 20th until November 30th, 2021. This exchange includes emails of
6 service of the November 23rd, 2021, subpoena for Mr. Scavino reflecting extended
7 deadlines.

8 It also includes a letter from Mr. Woodward and Mr. Brand to the select
9 committee on November 5th, 2021. Attached to that letter is a letter from Mr. Justin
10 Clark, counsel to the former President, Donald J. Trump, to Mr. Scavino on October 6th,
11 2021.

12 There is also a letter from the select committee to Mr. Woodward and Mr. Brand
13 dated November 9th, 2021; a letter from Mr. Woodward and Mr. Brand to the select
14 committee dated on November 15th, 2021; a letter from Mr. Woodward and Mr. Brand
15 to the select committee dated November 18th, 2021; a letter from the select committee
16 to Mr. Woodward and Mr. Brand dated November 23rd, 2021; and finally, a letter from
17 Mr. Brand and Mr. Woodward to the select committee dated November 26th, 2021.

18 I will note for the record that the time is now 10:08 a.m., and Mr. Scavino still has
19 not appeared or communicated to the select committee that he will appear today as
20 required by the subpoena.

21 Accordingly, as we await Mr. Scavino's compliance with the October 6th and
22 November 23rd subpoenas, this section of the deposition stands in recess, subject to the
23 call of the chair, at 10:09 a.m.

24 We are off the record.

25 [Whereupon, at 10:09 a.m., the deposition was recessed, subject to the call of the

1 chair.]