

THE SENATE OF THE STATE OF TEXAS
SITTING AS A HIGH COURT OF IMPEACHMENT

IN THE MATTER OF §
WARREN KENNETH §
PAXTON, JR. §

TRIAL
VOLUME 4 - AM SESSION
SEPTEMBER 8, 2023

The following proceedings came on to be heard in the
above-entitled cause in the Senate chambers before Lieutenant
Governor Dan Patrick, Presiding Officer, and Senate members.
Stenographically reported by Kim Cherry, CSR, RMR.

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P R O C E E D I N G S

SEPTEMBER 8, 2023

(9:00 a.m.)

1 THE BAILIFF: All rise. The Court of
2 Impeachment of the Texas Senate is now in session. The
3 Honorable Lieutenant Governor and President of the Senate Dan
4 Patrick now presiding.

5 PRESIDING OFFICER: Bailiff will bring in the
6 jury.

7 (Senate members enter the Senate chamber)

8 PRESIDING OFFICER: Mr. Little, if you want to
9 stand over there until we do the prayer.

10 Good morning, members of the jury. As always,
11 we'll open with a prayer.

12 Senator Sparks?

13 SENATOR SPARKS: Please pray with me.
14 Almighty God, we pray Psalms 139 this morning. Search me,
15 oh, God, and know my heart; test me and know my anxious
16 thoughts. See if there is any offensive way in me and lead
17 me in the way everlasting.

18 Please give us wisdom and discernment beyond
19 our own abilities. Give us the courage to stand when we must
20 and kneel when we should. May all of our thoughts and
21 actions today and every day bring glory and honor to our
22 Savior Jesus Christ in whose name we pray. Amen
23
24
25

1 PRESIDING OFFICER: Amen.

2 Thank you, Senator Sparks.

3 You may be seated, everyone. Welcome to those
4 here in the gallery.

5 Bailiff, would you bring in the witness.

6 The witness may come forward.

7 Mr. Vassar, you are still under oath.

8 THE WITNESS: Yes, sir.

9 PRESIDING OFFICER: Please be seated.

10 Mr. Little, you may begin.

11 MR. LITTLE: May it please the court. Thank
12 you, Mr. President.

13 RYAN VASSAR,

14 having been previously duly sworn, testified as follows:

15 CROSS-EXAMINATION (CONTINUED)

16 BY MR. LITTLE:

17 Q. Mr. Vassar, when we were visiting yesterday, I
18 believe it was somewhat of an emotional day.

19 PRESIDING OFFICER: Can you speak up a little
20 bit?

21 MR. LITTLE: I'm sorry. Thank you.

22 Q. (BY MR. LITTLE) It was somewhat of an emotional
23 day yesterday. You were talking about being called a rogue
24 employee and the effect that that had on you. Do you
25 remember?

1 A. Yes, sir.

2 Q. And that -- I mean, being called a rogue employee
3 by someone you worked with was painful, yes?

4 A. Yes, sir.

5 Q. Okay.

6 MR. LITTLE: Your Honor, may I approach the
7 witness?

8 PRESIDING OFFICER: Yes, you may.

9 Q. (BY MR. LITTLE) I'm going to show you --

10 PRESIDING OFFICER: Don't talk to him on the
11 way up, though.

12 MR. LITTLE: Of course.

13 Q. (BY MR. LITTLE) I'm going to show you what's
14 already been marked and admitted as Exhibit AG 170.

15 MR. LITTLE: And, Mr. Arroyo, if you could
16 bring up Exhibit AG 170 to page Brickman 190, please.

17 Q. (BY MR. LITTLE) Mr. Vassar, are you at page
18 Brickman 190?

19 A. Yes, I am.

20 Q. Mr. Arroyo was getting there so the jury can follow
21 along with us.

22 While this document is moving, Mr. Vassar, I
23 understand you were served with a series of subpoenas by the
24 House Board of Managers and by the Senate and by the Attorney
25 General Ken Paxton in connection with this impeachment, true?

1 A. Yes.

2 Q. And in the course of responding to that
3 impeachment, you performed a diligent search for all the
4 materials, of course, that were responsive to the subpoena,
5 true?

6 A. Yes, sir.

7 Q. And you didn't produce this text thread that we are
8 looking at here at page Brickman 190, true?

9 A. I didn't have it. That's -- that's correct. It
10 was not produced.

11 Q. And you did not have it, sir, because you deleted
12 it, correct?

13 A. No, that's not correct.

14 Q. Why did you not have it?

15 A. My phone -- my personal phone, through which these
16 messages were sent, had a retention policy of 30 days to
17 align with the Office of the Attorney General's retention
18 policy. And so those records were automatically expunged
19 under that retention policy.

20 Q. And tell the ladies and gentlemen of the jury
21 whether you signed what is called a litigation hold in
22 connection with the Nate Paul investigation at the Office of
23 the Attorney General on October 15th of 2020.

24 A. Yes.

25 Q. But you did not hold this text thread that related

1 to that investigation, true?

2 A. It did not occur to me to change the setting on my
3 personal device. But I delivered my agency phone and laptop
4 to Brent Webster before I was placed on investigative leave.
5 So I presumed that any information on those devices were
6 maintained.

7 Q. So this text thread -- your testimony here today is
8 this was on your work phone, true?

9 A. No, sir. This was on my personal phone. And I
10 didn't consider changing the settings on my phone -- my
11 personal phone, which were matching the OAG's retention
12 policy on the work devices.

13 Q. And you would agree with me, of course, that these
14 documents would be responsive to the litigation hold?

15 A. I would have to look at the litigation hold to
16 recall what it said exactly. I remember signing it on
17 October 15th, but I don't remember the exact categories or
18 nature of the documents that it had mentioned.

19 Q. Well, it was anything related to Nate Paul, true?

20 A. Like I said, I -- I'm happy to take a look at the
21 document. I don't recall offhand if it was anything related
22 to Nate Paul.

23 Q. That's fine. Let's take a look at this text
24 thread. It begins on October 20, correct?

25 A. That's right.

1 Q. Yes. And yesterday I believe you said that after
2 you left the Attorney General's Office, you had trouble
3 finding work for six months; is that right?

4 A. Yes, sir.

5 Q. Do you know who Amanda Crawford is?

6 A. Yes.

7 Q. Who is Amanda Crawford?

8 A. She is the current director of the Department of
9 Information Resources.

10 Q. And upon your leaving the Attorney General's
11 Office, Amanda Crawford offered you the position of general
12 counsel at the Texas Department of Information Resources,
13 true?

14 A. I don't believe she offered me the job. I think
15 she mentioned that there was a posting for the position.

16 Q. And why did she mention it to you? So that you
17 could apply?

18 A. I -- I presume so. You would have to ask her why
19 she mentioned it to me.

20 Q. But you did -- well, isn't it true that she
21 mentioned it to you because she wanted you to apply and
22 thought that you would get it?

23 A. I believe that could be a reasonable conclusion.

24 Q. But you did not apply, correct?

25 A. I don't recall if I did or not. I -- I don't

1 believe I did.

2 Q. You did not want that job, did you?

3 A. I -- I don't remember at the time what my thinking
4 was about whether I wanted the job or not.

5 Q. And isn't it true that Lacey Mase also offered you
6 a job to come with her to the State of Tennessee and work for
7 the Attorney General's Office?

8 A. I don't recall that -- of any official job or
9 anything like that.

10 Q. You don't recall any discussions with her about it?

11 A. No, sir.

12 Q. All right. Let's take a look at this text thread
13 here at Exhibit AG 170. It begins with a couple of -- and
14 you have to understand, these documents were produced by
15 Blake Brickman, and it begins -- and so everything in blue is
16 Blake Brickman. Do you understand that on an iPhone?

17 A. Yes, sir.

18 Q. He's the producer, and so his phone shows up blue,
19 yes?

20 A. Yes.

21 Q. There are a couple of news articles at the top.
22 There's a quote from one of the news articles, the third
23 text. David Maxwell below that says, "How true." And you --
24 you liked the statement from the news article about the
25 whistleblowers in the Houston Chronicle, correct?

1 A. Yes, sir.

2 Q. And moving down through it, Blake Brickman posts
3 another article from the Texas Tribune, and Lacey Mase says,
4 "Cute picture, Blake." And you post, it looks like, a Batman
5 meme; is that right?

6 A. That's right.

7 Q. This is a very somber time, yes?

8 A. That was a lighthearted effort to resemble the
9 picture of Mr. Brickman.

10 Q. Oh, that he looks like Batman?

11 Okay. Mr. -- I guess we'll see.

12 Mr. Vassar, after that Mr. Brickman says,
13 "From 2014, pre-lasik." Lacey Mase laughs. Ryan Bangert
14 says, "handsome man," and you post a link to Twitter and a
15 tweet that was posted by Scott Braddock, true?

16 A. Yes.

17 Q. All right. We're going to jump ahead a little bit.
18 I want you to --

19 MR. LITTLE: Mr. Arroyo, could you move us to
20 page Brickman 198.

21 Q. (BY MR. LITTLE) And if you could join me there,
22 Mr. Vassar.

23 All right. And do you see that you made a
24 text at 6:59 p.m. that evening?

25 A. Oh, I see the one --

1 Q. It's Amplified Credit Union?

2 A. Oh, yes. Yes.

3 MR. LITTLE: Okay. Mr. Arroyo, could you
4 highlight that text for me or bring it up in zoom?

5 Q. (BY MR. LITTLE) It reads, "Amplified Credit Union,
6 which held notes on three Paul-controlled properties and had
7 planned to put them up for auction on Tuesday, August 4,
8 halted its proceedings because of Paxton's opinion, Amplified
9 CEO Kendall Garrison told the Statesman. The opinion was
10 provided to us by an attorney for World Class that Monday,
11 Garrison said."

12 You -- you posted that, correct?

13 A. Yes, sir.

14 Q. But you didn't know if it was true or not, did you?

15 A. No. I quoted it. That's a quote from the article
16 that was circulating in the text.

17 Q. Yes, I understand. But you didn't know whether
18 that was true, correct?

19 A. No.

20 Q. Okay.

21 A. Not at the time.

22 Q. I'm going to show you a document here.

23 Do you have any experience with bankruptcy law
24 at all?

25 A. No, sir.

1 Q. Do you know what the automatic stay is?

2 A. No, sir.

3 Q. Throughout your practice, you've not encountered it
4 in the least, no?

5 A. I've heard of an automatic stay, but I couldn't
6 explain the consequences of it for you.

7 Q. You don't know what it means?

8 A. I -- I understand it to mean that if a petition for
9 bankruptcy is filed, it creates an automatic stay of any
10 proceedings potentially relating to a debt or a claim. Is
11 that a sufficient description?

12 Q. That's actually really good. It would also stop a
13 foreclosure, right?

14 A. Again, I -- I'm not sure. I'm not a bankruptcy
15 lawyer, so I wouldn't be able to say if it would stop it.

16 Q. Do you know what times of day on the first Tuesday
17 of the month foreclosures are required to occur under the
18 Property Code?

19 A. Noon sounds right, but I don't know for sure.

20 MR. LITTLE: Your Honor, may I approach the
21 witness?

22 PRESIDING OFFICER: Yes.

23 Q. (BY MR. LITTLE) I'm going to show you what's been
24 marked as Exhibit AG 292.

25 Mr. Vassar, have you ever seen Exhibit AG 292

1 before?

2 A. No, sir.

3 Q. Can you tell at the top what time this document was
4 filed?

5 A. It says it was filed August 4th, 2020, entered the
6 same date at 10:48. I assume that's a.m. time. It doesn't
7 have an indication.

8 Q. Yeah. If I told you that August 4th, 2020, was the
9 first Tuesday of the month, would you believe me?

10 A. That sounds right.

11 Q. Let's go back to Exhibit AG 170, which is this text
12 thread here, if you would. Let's continue on.

13 Blake Brickman responds to you --

14 MR. LITTLE: Mr. Arroyo, can you bring that
15 back up for me? We're at page Brickman 198 for the ladies
16 and gentlemen of the jury.

17 And if you look -- Mr. Arroyo, if you can zoom
18 in on the blue text at the very bottom.

19 Q. (BY MR. LITTLE) Blake Brickman responds,
20 "Obviously, just a coincidence, right? LOL. And then he had
21 the audacity to thank the office publicly at deputies meeting
22 later that week for stopping foreclosure on individual homes.
23 The man is a pathological liar."

24 Do you see that?

25 A. Yes, sir, I see that.

1 Q. Next page.

2 Mr. McCarty responds, "All about the people."
3 And David Maxwell responds, "All about himself." Then there
4 are a series of additional articles that are being posted to
5 this group chat.

6 Why are you on a group chat in October of 2020
7 anyway?

8 A. We were all friends. We were all colleagues. We
9 all enjoyed working together, so this was just a group thread
10 where we talked.

11 MR. LITTLE: If you would, Mr. Arroyo, would
12 you bring it forward to page Brickman 200.

13 Q. (BY MR. LITTLE) In the middle of the page --

14 PRESIDING OFFICER: Counselor, hold on one
15 second. You're a little ahead of the --

16 MR. LITTLE: Oh, I am. Sorry.

17 PRESIDING OFFICER: It's up now. I want to be
18 sure it's up for the jurors to read when you're quoting it.

19 MR. LITTLE: Thank you, Mr. President.

20 Mr. Arroyo, if you could zoom in on Ryan
21 Vassar's text at the middle of that page.

22 Yes. Mr. Vassar, thank you. Not quite so
23 close, Erick. If you would, just capture those two texts
24 from Ryan Vassar in the middle of the page. The one above
25 that, too.

1 Thank you, Mr. Arroyo.

2 Q. (BY MR. LITTLE) Now, Mr. Vassar, you linked to a
3 tweet from Lauren McGaughy on, it looks like, October 25; is
4 that right?

5 A. I don't -- yes. It's a link to a tweet. I don't
6 see anything about an October date, but -- oh, you're talking
7 about the date that it was sent.

8 Q. Yeah. It may be October 26th because --

9 A. Yeah.

10 Q. We're on that same thread.

11 A. Yeah. If it's -- if it's chronologically just with
12 the pages, the page before, Brickman 199, ends on 10-26. So
13 it could have been 10-26 earlier in the day.

14 Q. And you write "#sole survivor." What does that
15 mean?

16 A. I'm not sure if it was referring to the tweet that
17 I was referencing. It -- it could have been an indication
18 that I was the last remaining whistleblower who was still
19 employed by the office.

20 Q. I see. And if we can continue on in that thread.

21 MR. LITTLE: Mr. Arroyo, zoom in on the next
22 three texts in that thread, please. Mr. Arroyo, just right
23 under the date stamp, if you would, please. Good man. Thank
24 you.

25 Q. (BY MR. LITTLE) All right. On October 26th at

1 about 5:55 p.m. Ryan Bangert writes, "Yep," and Ryan Bangert
2 writes, "BW." That's Brent Webster, right?

3 A. Yes, sir.

4 Q. "BW just dropped by my" -- and just to be clear for
5 the ladies and gentlemen of the jury, hopefully everyone
6 knows, but Brent Webster is the then current First Assistant
7 Attorney General, true?

8 A. Yes, sir.

9 Q. It says, "Brent Webster just dropped by my office
10 to inform me of an org chart change. I will no longer be
11 overseeing special litigation because he will now report
12 directly to him." And you respond, "What a joke." Right?

13 A. Yes, sir.

14 Q. And David Maxwell responds, "That's a train wreck
15 waiting to happen." Ryan Bangert says, "Let him have it."
16 And Blake Brickman writes, "He is a joke." Yes?

17 A. Yes, sir.

18 Q. Let's continue to the next page.

19 MR. LITTLE: If you can give me, Mr. Arroyo,
20 maybe the top -- the gray text at the top, we'll go piece by
21 piece. No. Maybe the first six gray texts so we can just
22 all see them together, if you could. Thank you.

23 Q. (BY MR. LITTLE) Ryan Bangert says, "It will run
24 itself. My fear is that he will force them to do crazy" --
25 expletive.

1 Is that typically how Ryan Bangert would
2 talk?

3 A. No, sir.

4 Q. Lacey Mase says, "I find that absolutely
5 hilarious." And Darren McCarty says, "Perfect. I've been
6 trying to figure out how to get Patrick and Disher to join my
7 new law firm."

8 Is Darren McCarty one of the so-called
9 whistleblowers?

10 A. Yes, sir.

11 Q. Has he filed a lawsuit with you?

12 A. No, sir.

13 Q. Has he just got out of the OAG's office and hung
14 out a shingle, it sounds like, right?

15 A. That's my understanding.

16 Q. Okay. And Ryan Bangert says, "Maybe Aaron can
17 help. I'm sure Patrick and Dish will loved being managed by
18 a failed prosecutor and a third-year lawyer."

19 That's what Ryan Bangert wrote about his
20 coworkers, yes?

21 A. I'm sorry, say that again. Ryan Bangert?

22 Q. That's what Ryan Bangert wrote about his coworkers,
23 yes? His colleagues, yes?

24 A. Yes.

25 Q. Then there's a like from Ryan Bangert, and you

1 write, "Patrick and Dish will need to start using smaller
2 words in their pleadings."

3 That's what you wrote, right?

4 A. Yes, sir.

5 Q. You're insulting your colleagues on this familiar
6 group chat, yes? Among friends, yes?

7 A. It was a very --

8 MR. LITTLE: Object, nonresponsive.

9 PRESIDING OFFICER: The witness shall answer
10 yes or no.

11 Q. (BY MR. LITTLE) You are -- I'm sorry, I'll ask it
12 again. You are insulting your colleagues on this group chat
13 among friends, true?

14 A. I wouldn't describe it as insulting.

15 PRESIDING OFFICER: The witness will answer
16 "yes" or "no."

17 A. The way that you phrased it, no, sir.

18 Q. (BY MR. LITTLE) What did you mean? Well, first of
19 all, just tell the ladies and gentlemen of the jury, who are
20 Patrick and Dish?

21 A. Patrick Sweeten was in the special litigation
22 division, and Todd Disher was also in the special litigation
23 division.

24 Q. And so I want to make sure the jury understands the
25 implication of what you're saying. The implication is that

1 Patrick and -- is it Todd?

2 A. Yes, sir.

3 Q. Patrick and Todd are going to need to use smaller
4 words because their new colleagues at the Attorney General's
5 Office wouldn't understand it if they used big words, right?

6 A. That's the implication.

7 Q. That is, as they say, the joke, right?

8 A. Yes, sir.

9 Q. You were being funny, right?

10 A. Yes, sir.

11 MR. LITTLE: If we could move down to the
12 remainder of the page, Mr. Arroyo.

13 Q. (BY MR. LITTLE) Blake Brickman says, "The agency
14 is going to fall apart and that is one person's fault and one
15 person only, KP." Right?

16 A. Yes, I see that.

17 Q. In point of fact, the agency did not fall apart,
18 did it?

19 A. I haven't followed it. I -- I wouldn't know.

20 Q. Lacey Mase laughs and says -- or she laughs at your
21 joke and she says, "I would love to be a fly on the wall
22 during the special lit meetings. Can you even imagine?"
23 Four laughing emojis, right?

24 A. Yes, sir.

25 Q. And you deleted all of these texts, I guess, by

1 just a policy on your personal phone, true?

2 A. The way that you phrased it, no, sir, I did not
3 delete them.

4 Q. Well, you had a -- you had a setting on your phone
5 that deleted them, yes?

6 A. That's right.

7 Q. You didn't think they might be necessary or needed
8 later, right?

9 A. That's not true.

10 Q. You post a link to Amazon below that. And what is
11 that link to?

12 A. The title is A Coloring Book, it looks like.

13 Q. And the text below that says, from you, "They might
14 need some activities to keep the kids entertained." Right?

15 A. Yes, sir.

16 Q. You are suggesting, are you not, Mr. Vassar, that
17 your colleagues, professional lawyers at the Office of
18 Attorney General, might need -- might need a coloring book to
19 stay entertained? That's what you're suggesting?

20 A. I wouldn't describe them as colleagues. I had no
21 professional experience with them other than just the
22 knowledge that they were new lawyers.

23 Q. You didn't have any experience with the people that
24 you are saying that might need coloring books to keep
25 themselves entertained at the Office of Attorney General; is

1 that true?

2 A. That's correct. It was a joke.

3 Q. It was a joke.

4 I believe earlier your testimony was that
5 being called a rogue employee was very upsetting to you,
6 right?

7 A. Yes, sir.

8 Q. But this is how you talk about your coworkers,
9 true?

10 A. Again, it was lighthearted. It was among friends.
11 It was not made public to millions of people.

12 Q. No one was ever supposed to see it and certainly
13 not the people of Texas who are watching this impeachment
14 proceeding, right? No one was ever supposed to see this.

15 A. No one was hiding it.

16 Q. It was private.

17 A. I'm sorry?

18 Q. It was private, right?

19 A. Well, it was -- it was a conversation among
20 friends, but I wouldn't say that any of us are concerned that
21 it's being discussed here today.

22 Q. Are you proud of this?

23 A. No, sir. That's not what I said.

24 Q. No. I'm asking you now, are you proud of this?

25 A. No, sir.

1 Q. Let's turn the page.

2 MR. LITTLE: If you could give me all the gray
3 ones at the top, Mr. Arroyo, or just the first six texts so
4 we can see it in context.

5 Q. (BY MR. LITTLE) Lacey Mase says, "Ha-ha-ha-ha," in
6 response to your text, and David Maxwell posts a laughing
7 emoji, right? This is -- everybody is joking, having a good
8 time on this text thread, right?

9 A. Sure.

10 Q. Nobody's appreciating the somber moment of being
11 FBI whistleblowers, at least at this time on October 26th,
12 right?

13 A. Well, we had all been through a lot by that point,
14 and I suppose people process things in different ways.

15 Q. Gallows humor, perhaps, right?

16 A. Yes, sir.

17 Q. Okay. David Max- -- David Maxwell says, "My phone
18 conference with Margaret Moore and her team went well well
19 today. They are excited about pursuing this investigation
20 and will coordinate their efforts with the U.S. Attorney's
21 Office so that both pursuits complement each other."

22 Who is Margaret Moore?

23 A. She was the previous Travis County District
24 Attorney.

25 Q. So David Maxwell is calling the Travis County

1 District Attorney at the time and the U.S. Attorney's Office
2 and everybody is getting fired up. They're getting excited
3 about prosecuting Ken Paxton, right?

4 A. That appears to be what he is saying.

5 Q. Next sentence says, "They obviously want to move
6 quickly, as they have time constraints. They are not going
7 to wait on the feds."

8 What does that mean?

9 A. You'd have to ask Director Maxwell. I'm not sure
10 what that means.

11 Q. What do you think it means?

12 MR. HARDIN: Objection. Objection to him
13 being asked to speculate what it means, Your Honor.

14 MR. LITTLE: Good objection. I'll --

15 MR. HARDIN: He doesn't know -- he doesn't
16 know --

17 PRESIDING OFFICER: Sustained.

18 MR. LITTLE: Thank you. I'll withdraw it.

19 Q. (BY MR. LITTLE) Now, if you'll look down in the
20 rest of the thread, it says, "So you know" -- this is Ryan
21 Bangert. "So you know, I tendered my resignation today
22 effective November 4th." Darren McCarty says, "Thanks for
23 letting us know." David Maxwell says, "No, I didn't. Just
24 got done at FBI. Went great. I'm staying until he fires me.
25 Will keep y'all posted on progress." Right?

1 A. Yes, sir, I see that.

2 Q. At this time are you hoping to retain your job?

3 A. Yes, sir. I was still on investigative leave at
4 the time.

5 Q. Yes. And you're hoping to retain your job?

6 A. Yes, sir.

7 Q. And ultimately you came back to the office and
8 talked to Brent Webster, yes?

9 A. That's right.

10 Q. And you said to Brent Webster in that meeting that
11 you still trusted the Attorney General, correct?

12 A. I -- I believe so. I don't recall exactly what I
13 said to Mr. Webster about trusting the Attorney General. I
14 think what Mr. Webster asked --

15 PRESIDING OFFICER: Can you hold for a moment?
16 We'll stand at ease for 30 minutes.

17 MR. LITTLE: Yes, Your Honor.

18 (Recess from 9:28 to 10:10 a.m.)

19 PRESIDING OFFICER: Mr. Little, if you want to
20 be seated for just a moment, because he's -- I know he's in
21 the building.

22 Bailiff, will you bring in the witness,
23 please.

24 Mr. Vassar, you're still under oath. Please
25 be seated.

1 Mr. Little, you may continue.

2 MR. LITTLE: Thank you.

3 Q. (BY MR. LITTLE) Mr. Vassar, we're going to go back
4 to Exhibit AG 170.

5 MR. LITTLE: Mr. Arroyo, if you could bring up
6 page Brickman 201 again. We're going to go back one step.

7 And, Mr. Arroyo, if you could highlight or
8 zoom in on the two texts at the bottom again.

9 Q. (BY MR. LITTLE) So, Mr. Vassar, my apologies. My
10 colleague, Amy Hilton, informs me that I did not, in fact,
11 get the joke.

12 The joke here is this is a coloring book. It
13 says -- and I encourage anyone to look it up. It's the
14 "Going Rouge: Sarah Palin Rogue Coloring & Activity Book,"
15 right?

16 A. That sounds right.

17 Q. Does that look like it?

18 A. I don't recall exactly. That could be accurate.

19 Q. And the joke is that Sarah Palin is so dumb that
20 she can't spell "rogue," right?

21 A. That wasn't my understanding of the joke. I -- I
22 believe -- my recollection is that when I found a coloring
23 book about going rogue, that was why I sent it to this group
24 chat. I don't recall any specific reference to Sarah Palin.

25 Q. That's the context of the joke, but the joke of the

1 coloring book here is it's supposed to say "going rogue," and
2 it says "going rouge" and it's Sarah Palin can't spell
3 "rogue," LOL, right?

4 A. I -- I can't really see your phone, but I'll take
5 your point.

6 Q. Would you like me to approach so you can see it?

7 MR. LITTLE: May I, Your Honor?

8 A. That's up to the president.

9 I see it.

10 Q. (BY MR. LITTLE) That's the one, right?

11 A. I can't recall specifically if that is the one
12 that's linked in this text message.

13 Q. But the context of the joke within the text chain
14 is it's about you going rogue. And the reference is an
15 oblique reference to Ken Paxton calling you rogue employees,
16 right?

17 A. Yes, sir.

18 Q. And so the same information that got you very upset
19 yesterday about being called a rogue employee, looks like
20 three weeks or so after it happened, you're joking on a text
21 chat with your friends about it and showing them the Going
22 Rouge coloring book, right?

23 A. That's --

24 Q. Do I have it?

25 A. -- what happened. Yes, sir.

1 Q. There's nothing less funny than someone who
2 explains the joke, but I think I have it now, right?

3 A. I'm sorry. Say that again. There's --

4 Q. I think I have it now, right? That was the context
5 of the joke. I explained it, true?

6 A. Yes. At the time circulating an Amazon link to a
7 coloring book about going rogue was what had happened.

8 MR. LITTLE: All right. Mr. Arroyo, if you
9 could advance to page Brickman 203. If you could start,
10 Mr. Arroyo, with the blue text down and zoom in on that.

11 Q. (BY MR. LITTLE) The text from Blake Brickman says,
12 "Being fired will make you a cool kid," right?

13 A. That's what he says.

14 Q. David Maxwell gives a thumbs up and sunglasses
15 emoji, right?

16 A. Yes. I see that.

17 Q. Ryan Bangert responds, "Brent told me today that he
18 was, quote, completing his investigation. He says" -- "he
19 said it's all based on the documents he reviewed. I told him
20 the cold documents may tell one story, but ten months of
21 loved experience tell the rest of the story." And then Ryan
22 corrects his typo and says "lived." It says "lived
23 experience that tells the story," right?

24 A. Yes. I see that.

25 Q. And Darren McCarty says, "Definitely not loved."

1 Ryan Bangert said, "He also asked me how soon it was after RV
2 received the signed Cammack contract that Jeff and I learned
3 about it."

4 Do you see that?

5 A. Yes, sir.

6 Q. You are RV, right?

7 A. Yes.

8 Q. And what Brent Webster was trying to investigate at
9 the time is what we discussed yesterday, right, Mr. Vassar?
10 That apparently at some point you received the signed
11 contract with Ken Paxton's signature on it with Brandon
12 Cammack, right?

13 A. Yes, I did.

14 Q. And Brent Webster was trying to discover when Jeff
15 Mateer and Ryan Bangert learned about that contract as part
16 of his investigation, true?

17 A. That's my understanding. He didn't ask me when
18 they learned about it, but he asked me when I received a copy
19 of the contract.

20 Q. Okay. And Ryan Bangert responds, "He said that was
21 one missing piece of his, quote, investigation, closed
22 quote." Lacey Mase says, "He's the worst."

23 Let's turn the page, if you would.

24 And Brent Webster, he's the new guy at the
25 office, right?

1 A. Yes, sir.

2 Q. He's been working there a little over three weeks
3 maybe, or three weeks?

4 A. I think his first day was October 4th. And if
5 these are on the 26th, then that would be accurate.

6 Q. Okay. Turn to the next page.

7 MR. LITTLE: If you could give me -- just zoom
8 in on the text, if you can, Mr. Arroyo. Just all of the
9 texts together if you can. Give me the first one at the top
10 too. Very kind.

11 Q. (BY MR. LITTLE) Ryan Bangert posts what looks
12 like -- I believe that is the "hmm" emoji. I don't know how
13 else to refer to it. And then David Maxwell says, "I never
14 created any documents. He wanted me to conduct an illegal
15 investigation." Right?

16 A. That's right.

17 Q. Do you know what he meant?

18 A. No, sir.

19 Q. And you posted a meme. And why don't you tell the
20 jury what your meme says.

21 A. It says, "Never interrupt your enemy when he is
22 making a mistake."

23 Q. Who is your enemy?

24 A. I didn't have an enemy at the time. It was a
25 meme just sent in the conversation.

1 Q. Sure. But there's a context, right?

2 A. Well, the context is Brent Webster was
3 investigating us when it was General Paxton who was abusing
4 the powers of the office to benefit Nate Paul.

5 Q. And so here the context is Brent Webster is the
6 enemy, yes?

7 A. No, sir. It's Brent Webster is investigating the
8 wrong person or the wrong people.

9 Q. Okay. Well, what's the mistake that's being made
10 that's being referenced in your meme here?

11 A. Oh, that would be the fact that he is investigating
12 us, not General Paxton.

13 Q. Brent Webster is making the mistake?

14 A. Yes, sir.

15 Q. And you don't want to interrupt Brent Webster,
16 right?

17 A. That was -- that was the joke. I was not in the
18 office, so I couldn't have interrupted him if I wanted to.

19 Q. You hadn't been in the office in a very long time.
20 You were working from home, right?

21 A. No, sir. I was placed on investigative leave
22 during this period and surrendered my official agency phone
23 and laptop and was not permitted to access the building or
24 work.

25 Q. It seems to suggest -- this meme seems to suggest

1 to me in context that you think Brent Webster is the enemy
2 who is making a mistake. Is that true or untrue?

3 A. I -- I don't know what it seems to you, but I
4 explained I didn't have an enemy at the time. I was not
5 fighting Brent Webster.

6 Q. Okay. David Maxwell posts a thumbs up and a
7 laughing emoji. Lacey Mase says, "So another candidate in
8 Wilco came up" -- Wilco is Williamson County, right?

9 A. Yes.

10 Q. And at this time Lacey Mase is running for office,
11 true?

12 A. I believe so.

13 Q. What's she running for?

14 A. I don't recall.

15 Q. "So another candidate at Wilco came up to me
16 yesterday and said, 'So I understand you're acquainted with
17 Brent Webster. Let me tell you about Mr. Webster. He's lazy
18 and he's a liar. I'm glad you don't have to work for him.'
19 And then she walked away." And you said, "That's awesome."
20 Right?

21 A. Yes, sir.

22 Q. Why was that awesome?

23 A. Because I had never heard anything about Brent
24 Webster, and to have someone approach Lacey and give their
25 personal experience of interacting with Brent Webster I

1 thought was informative.

2 Q. Mr. Vassar, I'm going to show you another text
3 thread that you didn't produce, okay, but you're part of.

4 MR. LITTLE: Your Honor, may I approach the
5 witness?

6 PRESIDING OFFICER: Yes, you may.

7 MR. LITTLE: I'm marking this Exhibit 1006.
8 Okay.

9 Q. (BY MR. LITTLE) Are you part of this text thread?

10 A. Yes, sir.

11 Q. Have you seen it before?

12 A. Yes. I have seen it before as a participant on the
13 thread. I've not seen these documents or this exhibit
14 before.

15 MR. LITTLE: Mr. President, we move for
16 admission of AG Exhibit 1006.

17 PRESIDING OFFICER: Any objection?

18 MR. HARDIN: Excuse me. I have not seen it.

19 MR. LITTLE: And to be clear --

20 MR. HARDIN: I'm sorry. Can I just have just
21 a moment?

22 I don't believe this is one previously that's
23 been marked, so if I could have just a moment to look at it.

24 PRESIDING OFFICER: Yes, take a moment.

25 MR. HARDIN: Your Honor, may I inquire of

1 counsel?

2 Is it a series of communications with the
3 different deputy chiefs? It's just so long that I'm trying
4 to save time if I could.

5 MR. LITTLE: Mr. Hardin, yes. This is a text
6 thread that was produced by Mark Penley in response to your
7 subpoena.

8 MR. HARDIN: I have no objection.

9 PRESIDING OFFICER: Admit Exhibit 1006 -- is
10 that the correct number, Mr. Little, 1006 --

11 MR. LITTLE: It is.

12 PRESIDING OFFICER: -- into evidence.

13 (AG Exhibit No. 1006 was admitted)

14 MR. LITTLE: May I proceed?

15 PRESIDING OFFICER: Yes.

16 MR. LITTLE: Thank you.

17 Q. (BY MR. LITTLE) Mr. Vassar, take a look --

18 MR. LITTLE: And, Mr. Arroyo, would you please
19 bring up Exhibit 1006 so the jury can see it with us. Go to
20 the first page of that, if you would. There you go. All
21 right. Thank you.

22 Q. (BY MR. LITTLE) Mr. Vassar, you post a picture
23 into this text thread, right?

24 A. Yes, sir.

25 Q. And you're posting a picture of an email from Ken

1 Paxton to a group chat, yes?

2 A. Yes, sir.

3 Q. And -- and Ken Paxton is telling you, "I did sign
4 the outside counsel contract with Cammack Law Firm PLLC."
5 Yes?

6 A. That's right.

7 Q. And who is -- if you can tell the ladies and
8 gentlemen of the jury, who is on this text thread?

9 A. It's myself, David Maxwell, Ryan Bangert, Blake
10 Brickman, and Lacey Mase, just going by their --

11 Q. And this is hard to tell with iPhones, but this
12 document was produced by Mark Penley, so these are
13 screenshots of Mark Penley's phone. Do you understand he's
14 on the thread too?

15 A. Okay. I don't see him -- I understand that now.
16 He wasn't listed in the little bubbles at the top, but I
17 understand.

18 Q. Well, my experience with this -- obviously, I'm not
19 testifying. But you know how on iPhones when you're on a
20 group chat, it doesn't necessarily put you in the little
21 circle --

22 A. Right.

23 Q. -- if it's your phone, right?

24 A. Okay.

25 Q. So Mark is on this thread?

1 A. It appears so.

2 Q. Okay. So Lacey Mase's second text, "New group."
3 Do you see that?

4 A. Yes, sir.

5 Q. And the date of this, just to be clear, it begins
6 on October 2 of 2020, right, right after you went to the FBI?

7 A. That's right.

8 Q. All right. Let's see what you're talking about.
9 Turn to the next page, if you would.

10 The next page is a picture from Ryan Vassar.
11 It says, "Silence unknown callers." And he says y'all -- and
12 you say -- I'm sorry, it's a text from you. You say -- you
13 show them a picture of the silence unknown callers feature on
14 your phone and you say, "Y'all should probably should turn
15 this feature on." Right?

16 A. That's right.

17 Q. And you're -- and why do you say that?

18 A. To avoid receiving a phone call from a blocked
19 number or an unknown number that was unanticipated or
20 unexpected.

21 Q. And you're worried about media calls at this point,
22 right?

23 A. It could have been any calls, any unknown or
24 unidentified calls.

25 Q. And Ryan Bangert says, "How did I not know about

1 that until now?" And Lacey Mase says, "Excellent."

2 The next --

3 MR. LITTLE: And let's turn the page, if you
4 would, Mr. Arroyo, to page Penley 9.

5 Q. (BY MR. LITTLE) You say, "We should consider
6 notifying other deps before Monday." Notifying them of what?

7 A. The fact that we had gone to report General Paxton
8 to law enforcement about the facts that we had determined.

9 Q. That's not what you say.

10 A. To -- to whom --

11 MR. HARDIN: Excuse me. I object to the
12 sidebar and testifying, Your Honor. He can ask questions,
13 but not -- not state --

14 PRESIDING OFFICER: Sustained.

15 MR. HARDIN: -- testimony. Thank you.

16 Q. (BY MR. LITTLE) Lacey Mase responds to you, "About
17 the new FA." And she means first assistant, right?

18 A. Yes, I believe so.

19 Q. And then she says, "I don't feel like that's our
20 announcement to make." And you say, "Resigning." Resigning?

21 A. Right.

22 Q. So what you said, "We should consider notifying
23 other deps before Monday," it's about resigning, yes?

24 A. That was -- that was an element of it. But most of
25 it was about going to law enforcement to report General

1 Paxton's activities that we had determined.

2 Q. That's not what you say in this text thread, is it?

3 A. No. What I -- what I just explained is that is
4 part of the conversation that we're having at the time.

5 Q. As of October 2, you were planning to resign as a
6 group, yes?

7 A. No, sir. We were discussing what we should do.

8 Q. And you were saying we should consider notifying
9 the other deputies before Monday about resigning, true?

10 A. That's -- that's right. In addition to disclosing
11 to them that we had gone to law enforcement to report General
12 Paxton's activities.

13 Q. Ryan Bangert responds, "I don't think we tell them
14 until we have a fully vetted plan of action."

15 Next page.

16 Blake Brickman says, "Has anybody updated
17 Johnny?" Who is Johnny?

18 A. You'd have to ask Blake, but I interpreted that as
19 Johnny Sutton.

20 Q. Is he representing all of you at this point?

21 A. Yes, sir.

22 Q. Who is paying for all of that, by the way?

23 A. Well, we are.

24 Q. You pay for it out of your savings?

25 A. I have not paid Mr. Sutton.

1 Q. Oh. Who has?

2 A. Nobody has. He's agreed to bill us at a future
3 date.

4 Q. What future date?

5 A. You'd have to ask him.

6 Q. You're telling me that an attorney, a very
7 experienced, prominent criminal defense attorney decided to
8 do this for free for you for three years; is that right?

9 A. No, sir. It's not for free.

10 Q. What's the arrangement?

11 A. We will pay him for the services that he's rendered
12 to us.

13 Q. Is he billing you hourly?

14 A. He's recording his hours is my understanding. I
15 have not received a bill from him.

16 Q. And he hasn't been paid by any of you yet; is that
17 right?

18 A. I have not paid him. I'm not aware of whether any
19 other individuals have paid him.

20 Q. And so is the plan for you to achieve this
21 settlement through the adoption of the Texas Legislature and
22 then pay off your criminal attorney who is trying to help you
23 not be labeled coconspirators? Is that the plan?

24 A. No. That's never been discussed.

25 Q. When are you going to have the money?

1 A. Ideally, when I have enough money, I can pay him.

2 Q. But you've never been sent a bill. You don't even
3 know what to pay him.

4 A. That's right.

5 Q. You -- is everybody paying equally? Is it pro
6 rata?

7 A. Again, I'm not sure what other people's
8 arrangements have been, but I've not received a bill from
9 Mr. Sutton and I have not paid him yet.

10 Q. How did you find this fellow, by the way?

11 A. Mr. Sutton?

12 Q. Yes.

13 A. His name had been discussed with Mr. Mateer,
14 Mr. Bangert, and Mr. McCarty about the best person to call
15 before we had met with law enforcement.

16 Q. Who suggested him first?

17 A. I don't recall exactly.

18 Q. Did you understand Mr. Sutton to be a former U.S.
19 Attorney?

20 A. Yes, sir.

21 Q. In whose administration, if you would tell the
22 ladies and gentlemen of the jury?

23 A. I believe it was George W. Bush's administration.

24 Q. Have you ever heard the expression, "There are no
25 coincidences in Austin"?

1 A. I may have. I don't recall it right now.

2 Q. Next text you write -- or in response to Blake
3 Brickman you say, "Not me," meaning you haven't updated
4 Johnny Sutton yet, right?

5 A. That's right.

6 Q. Ryan Bangert says, "Not with the latest. He is
7 aware that Jeff resigned, but not the new FAAH or FAAG.

8 Is that supposed to be First Assistant
9 Attorney General?

10 A. That's right.

11 Q. Okay. Next page, if you would.

12 You write, "To-do list. 1, update Johnny."
13 That's Johnny Sutton, right?

14 A. That's right.

15 Q. And number 2 is, "Have someone call the new meat."
16 Right?

17 A. That's right.

18 Q. Who's the new meat?

19 A. I have no idea. I don't recall who I was referring
20 to at that time.

21 Q. You're talking about new employees at the Attorney
22 General's Office, right?

23 A. I'm not sure.

24 Q. You can't --

25 A. I -- I presume that would have been the people that

1 I was referring to just based on being in the office and
2 working in the office.

3 Q. Number 3 is "Discuss with Luis." Tell the ladies
4 and gentlemen of this jury who Luis is.

5 A. At the time Mr. Luis Saenz was the Chief of Staff
6 for Governor Abbott.

7 Q. What were you going to be discussing with Governor
8 Abbott's Chief of Staff?

9 A. It was not my discussion. It was a to-do list that
10 members of the group had contributed to. So I did not meet,
11 I did not talk to, I did not confer with Mr. Saenz.

12 Q. Who did?

13 A. I'm not -- I don't know. I believe Mr. Bangert and
14 Mr. Mateer met with Luis, but I don't know where or when.

15 Q. Well, I want to be super clear about the time line,
16 okay, without telling you anything that's been testified to
17 in this trial.

18 Are you aware of any type of meeting between
19 Mr. Mateer and Mr. Bangert and the Governor's Office on the
20 day of the FBI report?

21 A. I can't say that I recall. I don't know when or
22 where they may have met.

23 Q. But the discussion that's contemplated in your text
24 message with Luis Saenz, it -- that was poor syntax. Let me
25 try again.

1 The discussion with Luis Saenz that's
2 contemplated in your text message is not talking about that
3 because this is on October 2. So this is talking about a new
4 meeting with the Governor's Chief of Staff, right?

5 A. Again, I don't know for sure. I don't -- I wasn't
6 part of that meeting. I don't know when it happened or where
7 it occurred. And I don't recall if this was referring to
8 that specific meeting or a subsequent meeting.

9 Q. Number 4 on your to do list, "Coordinate group
10 office cleanout," right?

11 A. Yes, sir.

12 Q. You are planning as a group to clean out your
13 offices, yes?

14 A. Again, that was the conversation that we were
15 having at the time.

16 Q. But at some point in time, I'm sure you retained an
17 employment lawyer and someone advised you that you need to
18 stick around and make them fire you, right?

19 A. I did hire an employment lawyer.

20 Q. And at some point in time after meeting the
21 employment lawyer, you decided the best thing to do was stick
22 around and make somebody fire you, yes?

23 A. I don't recall if that was the decision that was
24 reached with my employment lawyer.

25 Q. Your plan on October 2 was to coordinate a group

1 office cleanout, yes?

2 A. That was the conversation we were having, again,
3 about options, discussing continuity of the office, and
4 whether it was an option for us to resign.

5 Q. The next text is from -- it appears to me to be
6 Mark Penley because this is his text thread. It says, "Ryan
7 B, did you find the sets of subpoenas in my office?" Do you
8 see that?

9 A. I see that.

10 Q. These are the grand jury subpoenas, yes?

11 A. I would presume so. You would have to ask Mark
12 which subpoenas he was referring to.

13 Q. Okay. Ryan Bangert responds, "I have not been down
14 to grab them yet. I will" -- "I likely will get them in the
15 morning." Let's turn -- and he says, "I know Johnny has" --
16 and let's turn to the next page -- "them so we can always get
17 a copy from him worst comes to worst. I'm apparently not
18 locked out yet." And then Ryan posts a tweet from Lauren
19 McGaughy, right?

20 A. Yes. I see that.

21 Q. And who is Lauren McGaughy?

22 A. She's a reporter for the Dallas Morning News.

23 Q. Do you see her up here? Do you see her back there?

24 A. I don't know. I've never met her, so I'm not sure.

25 Q. You've never met her?

1 Well, she was on top of it this day. She's
2 got a tweet here. It says, "I heard First Attorney" --
3 "First Assistant Attorney General Jeff Mateer announced today
4 he's leaving the agency to return to First Liberty." And
5 then the next text from Ryan B is, "Lauren McGaughy knows."

6 She's a vigilant reporter, isn't she?

7 A. I'm not advised.

8 Q. That was not public at that point in time, right?

9 A. I'm not sure either. I am not sure of the time
10 line between when this was sent or when -- it looks like the
11 tweet occurred on October 2nd at 7:15 p.m.

12 Q. All right. Let's turn the page, if you would.

13 You write, "What she needs now is a statement
14 from First Liberty." Right?

15 A. That's right.

16 Q. What Lauren, the Dallas Morning News reporter,
17 needs now is a statement from First Liberty is what you're
18 saying, yes?

19 A. That's what I would have suggested, yes, sir.

20 Q. Yeah. And so correct me if I'm wrong, Mr. Vassar.
21 It kind of looks like you're trying to shape the media
22 narrative around what's going on. Is that true?

23 A. No, sir.

24 Q. But what you're saying here is we should give -- we
25 should try to give her a statement from First Liberty, right?

1 A. Absolutely not.

2 Q. That's not what you mean?

3 A. No, sir.

4 Q. What -- what did you mean? Just tell the ladies
5 and gentlemen of the jury.

6 A. That was my personal observation of another piece
7 of information that she could obtain was a statement from
8 First Liberty, which is where I understand Mr. Mateer was
9 going to work.

10 Q. And Ryan Bangert responds, "Or Alejandro can just
11 give our statement." Who is Alejandro?

12 A. He was the communications director at the office at
13 the time.

14 Q. Okay. And you say, "Unless KP is holding it or
15 Alejandro is keeping McGaughy on the blacklist." What's the
16 blacklist?

17 A. It's my understanding at the office that there was
18 a list of certain reporters that were handled differently
19 than other reporters.

20 Q. Next text. "On second thought, let the media
21 feeding frenzy start." Who said that?

22 A. That was Ryan Bangert.

23 Q. The same Ryan Bangert who's testified in this
24 trial, that guy?

25 A. Yes, sir.

1 Q. So on October 2 he's saying let the media feeding
2 frenzy start, true?

3 A. Yes. That's what this says.

4 Q. And this is -- how many days is this after you went
5 to the FBI with no evidence?

6 A. Well, to clarify, the absence of evidence that I
7 was referring to is documents. What we went with is our --

8 MR. LITTLE: Nonresponsive. Object,
9 nonresponsive, Your Honor.

10 PRESIDING OFFICER: Sustained. I'm sorry. I
11 did not -- I did not hear you.

12 Q. (BY MR. LITTLE) Why did Ryan Bangert want to start
13 a media feeding frenzy on October 2?

14 A. You'd have to ask him that. I'm not sure.

15 Q. I would like for you --

16 MR. LITTLE: Mr. Arroyo, if you could go to
17 page Penley 20. At the bottom of -- it's hard to read Bates
18 label at the bottom right. Right. Stop there. I want you
19 to look at the -- I want you to zoom in on the last two texts
20 on this thread if you would.

21 Q. (BY MR. LITTLE) Lacey Mase says, "Stand down on
22 that." We're not -- I'm going to ignore that. It says,
23 "Missy told me he was in JM's office," blank, and there's a
24 redacted name. Blank "was actually in the office while he
25 was there."

1 Mr. Penley redacted this name. Who is that?

2 A. I'm not sure. I don't recall who that would have
3 been. That was a message from, looks like, Lacey.

4 MR. LITTLE: And if you could, Mr. Arroyo,
5 advance to page Penley 25.

6 Q. (BY MR. LITTLE) And you say, "We need a
7 statement," right?

8 A. That's right.

9 Q. And you wrote a long one. Look to the bottom of
10 that page.

11 MR. LITTLE: Mr. Arroyo, next page.

12 Next page after that. Next page after that.
13 Next page after that.

14 Q. (BY MR. LITTLE) You talk about not tiring in your
15 pursuit for justice. Justice will be served. We refuse to
16 resign and will not be intimidated. You say all that, right?

17 A. Among other things, yes, sir.

18 Q. But you wrote that, yes?

19 A. Yes, sir.

20 Q. Why did you want to do that? Why did you want to
21 release a statement?

22 A. Because it was in response to the Attorney
23 General's allegations that we had authorized the activities
24 that he was directing and supervising throughout the year
25 that related to Nate Paul.

1 Q. And no one on this thread agrees with you, right?

2 A. Well, the statement was not issued. I don't know
3 that anyone disagreed with the content, but no one decided to
4 issue it.

5 Q. Next page, if you would, please.

6 Lacey Mase says, "It's likely that a very
7 talented crisis COMS person is working very hard on our
8 behalf."

9 PRESIDING OFFICER: Counselor, hold on. It's
10 not on the screen yet.

11 MR. LITTLE: Oh, I'm sorry.

12 If you would -- if you would, Mr. Arroyo, that
13 middle text.

14 PRESIDING OFFICER: There it is.

15 Q. (BY MR. LITTLE) The middle text says, "It's likely
16 that a very talented crisis COMS person is working very hard
17 on our behalf as we speak." Right?

18 A. Yes. I see that.

19 Q. Who is that?

20 A. I have no idea. You'd have to ask Lacey.

21 Q. Were you paying for -- were you paying for a crisis
22 COMS person?

23 A. No, sir.

24 Q. Did you ever ask her who she was talking about?

25 MR. HARDIN: Pardon me, Your Honor. Can I ask

1 the witness to speak a little closer to the microphone.

2 Thank you.

3 PRESIDING OFFICER: Yes. Please do.

4 Q. (BY MR. LITTLE) Did you ever ask her who she was
5 talking about?

6 A. No, sir.

7 Q. Okay. Next I want to move to the topic of what
8 I'll call the mystery of the altered letterhead. Okay?

9 I've got a new document for you. This is
10 marked as Exhibit AG 1007.

11 MR. LITTLE: May I approach, Mr. President?

12 PRESIDING OFFICER: Yes, you may.

13 Q. (BY MR. LITTLE) Please review this email thread,
14 Mr. Vassar.

15 PRESIDING OFFICER: One moment.

16 Mr. Hardin, have you had an opportunity to
17 look at it?

18 MR. HARDIN: I have no objection.

19 MR. LITTLE: We move for admission of AG 1007,
20 Mr. President.

21 PRESIDING OFFICER: It is admitted into
22 evidence.

23 (AG Exhibit No. 1007 was admitted)

24 Q. (BY MR. LITTLE) Mr. Vassar, review this thread,
25 please.

1 A. I see it. It's an email that was printed by Brent
2 Webster. It was sent from Lacey Mase to myself on October
3 1st, 2020.

4 MR. LITTLE: Mr. Arroyo, if you would, please.
5 Exhibit AG 1007, zoom in on the text if you would, please.

6 Q. (BY MR. LITTLE) All right. I want to make sure we
7 have this in perfect context. All right?

8 The earlier email in the thread is from a
9 woman name Brittany Hornsey, yes?

10 A. Yes.

11 Q. And who is that, Mr. Vassar?

12 A. At the time she was executive assistant to Jeff
13 Mateer.

14 Q. Jeff Mateer only? He's got his own assistant?

15 A. I believe she also supported Ryan Bangert, but I'm
16 not sure exactly.

17 Q. Okay. And she writes an email on September 30th at
18 6:16 p.m., yes?

19 A. Yes.

20 Q. And to whom did she write it?

21 A. To Ms. Mase.

22 Q. And what is the subject?

23 A. It says "Letter."

24 Q. All right. Put this in proper time line for the
25 jury. At 6:16 p.m. on September 30th of 2020, you have

1 already made your report to the Federal Bureau of
2 Investigation, yes?

3 A. Yes.

4 Q. And Brittany Hornsey is emailing something to Lacey
5 Mase, yes?

6 A. That's -- that's what this indicates, yes.

7 Q. And October 1, the next day -- 30 days hath
8 October. Yes, the next day, 12:09 p.m., Lacey Mase forwards
9 that item to you, yes?

10 A. Yes.

11 Q. Let's show the ladies and gentlemen of the jury
12 what that item is, Mr. Vassar.

13 Next page.

14 A. Do you want me to identify it, or was there a
15 question?

16 Q. What is it?

17 A. It says "A draft to." It's dated September 29th,
18 2020. It has the Attorney General's seal on the top of it.
19 And it has no body, but it is a draft signature block of the
20 executive deputies.

21 Q. What else do you notice about it?

22 A. There are some signatures and some that are not.
23 There are -- I think that's it.

24 Q. Anything else that you notice about it? Anything
25 missing, perhaps?

1 A. Not offhand, no, sir.

2 Q. The Attorney General's name has been removed from
3 the letterhead, hasn't it?

4 A. No, sir. As I explained yesterday, the agency has
5 different letterhead. This is a different letterhead.

6 Q. Do you understand that Brittany Hornsey was
7 interviewed by Brent Webster as part of this case?

8 A. I'm not advised, but --

9 Q. Have you heard that Brittany Hornsey was
10 intentionally told by Lacey Mase --

11 A. I have not heard that.

12 Q. Stop. I didn't finish my question.

13 A. Sorry.

14 Q. Hold on a second. Have you heard that Brittany
15 Hornsey was intentionally told by Lacey Mase to bring her the
16 letterhead without Ken Paxton's name on it?

17 A. I'm not sure that I have ever heard that, that
18 Lacey had instructed Brittany to send the letterhead.

19 Q. Had you ever before written a letter on agency
20 letterhead -- well, skip it.

21 This, of course, letterhead was being used in
22 the letter by the so-called whistleblowers to notify certain
23 parties of certain things, yes?

24 A. That's right.

25 Q. I want to go back in time a little bit. We've been

1 talking a lot about September -- or October, but I want to go
2 back to the hiring of Brandon Cammack, okay, and ask you a
3 series of questions that I think are going to call for a
4 yes/no answer. Just do your best. Okay?

5 You were responsible for overseeing outside
6 counsel contracts, correct?

7 A. For the Office of the Attorney General, that was
8 one of the areas, yes, sir.

9 Q. Yes. And the agency reviews and approves around
10 900 of them every two years, true?

11 A. Yes, across the state.

12 Q. Okay.

13 A. Not for the office.

14 Q. Okay. I want to put things in proper context.
15 Brandon Cammack would have been one outside counsel out of
16 about 900 between 2019 and 2020, true?

17 A. Yes. On average, yes. There's about 900
18 outside -- counsel contracts that the agency processes on
19 behalf of other state agencies. The office itself might have
20 two to five outside-counsel contracts at a time is my
21 recollection.

22 Q. So if the suggestion is that Nate Paul had such a
23 chokehold on the Attorney General's Office, that he had
24 consumed so many resources that the office wasn't really
25 doing much else, that wouldn't be true, would it?

1 A. The focus of Nate Paul's related activities were
2 becoming increasingly --

3 MR. LITTLE: Object, nonresponsive,
4 Mr. President.

5 PRESIDING OFFICER: Sustained.

6 Q. (BY MR. LITTLE) It is not true, Mr. Vassar, that
7 Nate Paul had such a stranglehold on the Office of Attorney
8 General that nothing else was getting done, right?

9 A. I wouldn't characterize it that way.

10 Q. All right. Let me ask a better question then.

11 Yes or no, did Nate Paul have such a
12 stranglehold on the Office of the Attorney General that other
13 things weren't getting done?

14 A. I don't think I can answer yes or no to that
15 question.

16 Q. Are you sure?

17 A. I am sure.

18 Q. You can't say "yes," right? It's not true.

19 A. It --

20 Q. You can't say "yes," right?

21 A. I -- the degree to which Nate Paul's relationship
22 with General Paxton and the activities that --

23 MR. LITTLE: Object to nonresponsive.

24 A. -- we were asking --

25 MR. HARDIN: Objection, Your Honor. He

1 can't -- I object to him being forced to answer yes or no.
2 The rules don't require that from a witness if they can't,
3 and he's trying to testify to these questions. When he
4 doesn't get what he wants, he asks him just to give yes or
5 no.

6 That question, if you look at it, we have no
7 idea what he means by stranglehold, as an example. He should
8 not be required to answer yes or no before he knows what this
9 man means. That's my objection.

10 PRESIDING OFFICER: First -- I think you had
11 an objection first and then you had an objection.

12 MR. HARDIN: Yes, sir.

13 PRESIDING OFFICER: I believe so. Okay. The
14 court reporter, I hope you were able to get that. We had
15 objections over each other.

16 So, first of all, we will -- overrule your
17 objection. We will sustain your objection.

18 To the best of your ability, Mr. Vassar, if
19 you can, answer yes or no.

20 Continue.

21 Q. (BY MR. LITTLE) I'll ask a better question. How
22 many lawyers are there, roughly, at the Office of the
23 Attorney General?

24 A. Roughly 800 lawyers.

25 Q. How many of them have ever touched anything related

1 to Nate Paul? How many of the 800 ever touched anything
2 related to Nate Paul?

3 A. I could speculate there may have been 15 lawyers,
4 maybe 15 to 20.

5 Q. How many cases does the Attorney General's Office
6 have going on at any time?

7 A. Generally, I think it's around 900,000 or maybe
8 50,000 cases.

9 Q. 900,000 or 50,000?

10 A. Well --

11 Q. Help me out here.

12 A. -- I was -- I was going back to the outside counsel
13 numbers of 900 every two years, so I apologize. I was not in
14 the civil litigation division, so I'm not sure how many
15 litigation cases are active at any general moment.

16 Q. What's your best understanding of how many civil
17 litigation matters are going at the Office of the Attorney
18 General at any given time?

19 A. Possibly it could be 20,000 active cases at a time.

20 Q. 20,000, right? And how many of those 20,000 cases
21 involve Nate Paul?

22 A. I would have no direct knowledge of how many of
23 those cases would.

24 Q. So I think we've been over this a lot. I don't
25 want to burden us with it too much longer. There's a

1 layering of signatures and approvals as part of the policy
2 for hiring outside counsel, yes?

3 A. Yes, sir.

4 Q. But, of course, you know that the law says that the
5 elected Attorney General appoints outside counsel, right?
6 Just him, right?

7 A. No, sir.

8 Q. All right.

9 MR. LITTLE: Mr. Arroyo, this may be
10 challenging for you to find, but please bring up Section
11 402.0212 of the Texas Government Code.

12 Erick on-the-spot.

13 All right. Give me the title and Section (a),
14 please.

15 Q. (BY MR. LITTLE) Have you ever read this before?

16 A. Yes, sir.

17 Q. Let's read it together. It says, "Except as
18 other" -- "authorized by other law, a contract for legal
19 services between an attorney, other than a full-time employee
20 of the agency, and a state agency in the executive
21 department, other than an agency established by the Texas
22 Constitution, must be approved by the Attorney General to be
23 valid," right?

24 A. Yes, sir.

25 Q. That's pretty clear, isn't it?

1 A. Yes, sir.

2 Q. It doesn't have to be approved by you. It doesn't
3 have to be approved by Jeff Mateer. It doesn't have to be
4 approved by Michele Price. It doesn't have to be approved by
5 Lacey Mase or Ryan Bangert or anybody else but the guy who
6 got 4.2 million votes, right?

7 A. It was the standard practice for approvals, but,
8 yes.

9 MR. LITTLE: Object, nonresponsive.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. LITTLE) Right?

12 A. If your initial question was whether the law allows
13 General Paxton to appoint outside --

14 MR. LITTLE: Object, nonresponsive,
15 Mr. President.

16 PRESIDING OFFICER: Sustained.

17 Q. (BY MR. LITTLE) Would you like to have the court
18 reporter read the question back to you?

19 A. The first -- your first question about whether the
20 law allows --

21 MR. LITTLE: Object, nonresponsive.

22 PRESIDING OFFICER: Sustained.

23 A. Yes. Please read the question back to me.

24 (Court reporter read back the question)

25 PRESIDING OFFICER: We could not hear that.

1 Can you repeat that?

2 MR. LITTLE: I'll be happy to repeat it.

3 Q. (BY MR. LITTLE) Outside-counsel contracts don't
4 have to be approved by you, they don't have to be approved by
5 Jeff Mateer, they don't have to be approved by Michele Price
6 or Lacey Mase or Ryan Bangert or anyone but the guy who got
7 4.2 million votes, right?

8 A. That's right.

9 Q. Thank you. Now, with regard to criminal matters,
10 you had a call with General Paxton, true?

11 A. Specific to the outside-counsel process, yes, but
12 in general criminal matters, no, I never spoke to General
13 Paxton.

14 Q. Yes. Just about the outside-counsel process, yes?

15 A. Yes.

16 Q. Okay. And he said, and I quote, "Tell me about the
17 approval process." And you walked him through it, right?

18 A. Yes, sir.

19 Q. Remember, you're the lawyer to lawyers, right?

20 A. That's right.

21 Q. And he was asking for your advice, yes?

22 A. He was asking me to explain the outside-counsel
23 process.

24 Q. Now, this next question is very important. Ken
25 Paxton asked you, and I quote, "Can the agency retain outside

1 counsel in a criminal matter?" Yes?

2 A. That's right.

3 Q. He asked for your advice, right?

4 A. Yes.

5 Q. He didn't kick down your door and say, Ryan, this
6 is what we're doing, did he?

7 A. Not in that conversation.

8 Q. He asked you for your advice, and you gave him your
9 advice, true?

10 A. Yes.

11 Q. You called two candidates, Joe Brown and Brandon
12 Cammack, correct?

13 A. Yes, sir.

14 Q. You got each of them to run a conflict check, true?

15 A. Yes, sir.

16 Q. You drafted a contract for Joe Brown, didn't you?

17 A. No, sir. I sent Mr. Brown the template -- the
18 outside-counsel contract template with no scope. There was
19 no scope of work, no rate of pay; and his follow-up email to
20 me was, "Would you like me to draft the scope?"

21 Q. And you said, "Joe, the malpractice issue may be
22 one that we can resolve. We will draft the scope and will
23 send you a draft agreement with the relevant details as soon
24 as possible," right?

25 A. That's right.

1 Q. You got each of them to run a conflict check, Brown
2 and Cammack, right?

3 A. Yes.

4 Q. Now, in your estimation the Nate Paul
5 investigative referral from the Travis County District
6 Attorney's Office was, and I quote, "an ordinary criminal
7 referral with ordinary investigative issues," true?

8 A. That was my perception, yes, sir.

9 Q. Your conversations with First Assistant Jeff --
10 actually, let me press pause here.

11 After your testimony yesterday, did you go
12 back and watch the video of yourself giving testimony?

13 A. No, sir.

14 Q. Okay. Your conversations with First Assistant Jeff
15 Mateer were that you could make a legal argument that this
16 outside-counsel contract with Cammack was okay because you
17 had a referral and you had separate authority to engage
18 outside counsel, true?

19 A. Yes, sir.

20 Q. And you drafted Cammack's contract, true?

21 A. Yes, sir.

22 Q. Now, tell the ladies and gentlemen of the jury --
23 because I think we all want to understand the executive
24 action memorandum -- the whole process or whole idea of using
25 what's called workflow in DocuSign for these outside counsel

1 contracts was your idea, wasn't it?

2 A. Yes, sir.

3 Q. Doesn't date back to John Cornyn or Greg Abbott,
4 does it?

5 A. No, sir.

6 Q. You're the progenitor of this idea, and we have you
7 to thank for it, I suppose, right?

8 A. I suppose so.

9 Q. And so what happens in workflow DocuSign is one
10 person has to sign and then the next person and it has to go
11 in order, true?

12 A. Yes, sir.

13 Q. Didn't exist before you, yes?

14 A. It existed in hard copy but not electronic copy.

15 Q. Jeff Mateer told you to sign this contract, yes?

16 A. Yes, sir, he did.

17 Q. Not Ken Paxton. Jeff Mateer told you to sign this
18 contract with Brandon Cammack, right?

19 A. In my conversations with Jeff --

20 Q. No one but Jeff Mateer told you to sign this
21 contract, right? Right?

22 A. Jeff Mateer was the only person that I spoke to
23 about signing the contract.

24 Q. Ken Paxton didn't cause you or compel you to sign
25 it, did he?

1 A. No, sir.

2 Q. Your conversation with Mateer, in fact, was, and I
3 quote, "We need to keep this on as short of a leash as
4 possible because we don't want it running away," true?

5 A. No, sir. That's not true.

6 Q. Well, fortunately, we have your transcript.

7 MR. LITTLE: Mr. President, may I approach the
8 witness?

9 PRESIDING OFFICER: You may.

10 MR. LITTLE: Mr. President, I am not moving
11 for admission of this transcript as I do not think it will be
12 necessary. The purpose of this is impeachment only.

13 MR. HARDIN: May I inquire -- excuse me. Go
14 ahead. Go ahead.

15 May I inquire if you intend to introduce the
16 entire document?

17 MR. LITTLE: I do not. I just said that. I
18 don't intend to introduce it as an exhibit. I intend to use
19 it for impeachment purposes only.

20 MR. HARDIN: All right. Thank you, Judge.

21 PRESIDING OFFICER: Continue.

22 Q. (BY MR. LITTLE) If you would, turn to page 105 of
23 your transcript. I'm going to bring it up as well. We're
24 not going to put it on the screen because I don't think we'll
25 need to do that.

1 Can you find page 105?

2 A. I am on the transcript page of 105, yes, sir.

3 Q. Read for the ladies and gentlemen of the jury what
4 you testified to the House Board of --

5 PRESIDING OFFICER: Counselor, hold on one
6 second. My transcript is down. I'm just trying to get it
7 back up. Hold on.

8 Go ahead.

9 MR. LITTLE: Thank you, Mr. President.

10 Q. (BY MR. LITTLE) Read, if you would, Mr. Vassar, to
11 the ladies and gentlemen of this jury the testimony that you
12 gave to the House Board of Managers beginning at page 105,
13 line 24, and read until page 106, line 4.

14 A. So it says, "In my conversations with Mateer,
15 similar to the qualifications, the expertise, the experience
16 between the two potential people, along those same lines was,
17 quote, 'We need to keep this on as short of a leash as
18 possible because we don't want it running away,' closed
19 quote."

20 Q. And you had that conversation with Jeff Mateer,
21 didn't you?

22 A. I had several conversations with Mr. Mateer.

23 MR. LITTLE: Object, nonresponsive.

24 PRESIDING OFFICER: Sustained.

25 Q. (BY MR. LITTLE) You had that conversation with

1 Mr. Mateer, didn't you?

2 A. Yes. I had a conversation with Mr. Mateer, but at
3 no point did I say --

4 MR. LITTLE: Object, nonresponsive.

5 MR. HARDIN: Excuse me. May he please be
6 allowed to -- may he please respond to his --

7 PRESIDING OFFICER: Overruled.

8 A. Can you repeat the question to me?

9 Q. (BY MR. LITTLE) You had the conversation that you
10 described here in your testimony to the House Board of
11 Managers with Mr. Mateer, yes?

12 A. Yes, sir, I had a conversation.

13 Q. Thank you. And you made an intentional decision to
14 bring Brandon Cammack on, as I believe you put it, a third
15 set of eyes, yes?

16 A. No, sir. I -- I didn't make the decision. I
17 provided a recommendation and a legal justification to do so.

18 Q. If you'll look at page 106, lines 5 through 11,
19 what you say is, "So I drafted the scope of work for the
20 contract." You're talking about Cammack's contract.

21 MR. HARDIN: Pardon me, Your Honor. May we
22 approach the bench, please?

23 PRESIDING OFFICER: Yes, you may.

24 (Conference at the bench off the record)

25 PRESIDING OFFICER: I think the two of you

1 have come to an agreement of moving forward --

2 MR. LITTLE: We have.

3 PRESIDING OFFICER: -- in a proper way.

4 MR. LITTLE: Mr. Hardin will let me know if I
5 mess up.

6 PRESIDING OFFICER: Members of the jury, come
7 to order.

8 Q. (BY MR. LITTLE) So, Mr. Vassar, the plan was to
9 bring on Mr. Cammack, as I believe you put it, a third set of
10 eyes, true?

11 A. That was my understanding.

12 Q. Tell the ladies and gentlemen of the jury, who were
13 the other two sets of eyes?

14 A. I didn't have any specifically other than Director
15 Maxwell and Mark Penley, I presume, is the two individuals.

16 Q. And --

17 A. I'm sorry. You were speaking.

18 Q. Did I cut you off?

19 A. No, sir.

20 Q. Okay. You anticipated Brandon Cammack providing a
21 report to your office, true?

22 A. I did.

23 Q. And you testified that the Brandon Cammack contract
24 never got to the Controller Michele Price, true?

25 A. That's right. At the time I don't believe it had.

1 Q. So just to be clear, you testified before the House
2 Board of Managers that Brandon Cammack's contract never got
3 to the Controller Michele Price, true?

4 A. That was my recollection.

5 Q. But you were wrong about that, weren't you?

6 A. I don't know for -- I don't know.

7 MR. LITTLE: Let's bring up Exhibit AG 130. I
8 believe it's already in evidence. If you can find that for
9 me, Mr. Arroyo. Right there.

10 Okay. Would you just highlight the signature
11 blocks for me or zoom in on the signature blocks?

12 Q. (BY MR. LITTLE) Michele Price, the Controller,
13 approved it, yes?

14 A. I see that.

15 Q. So this contract had the money?

16 A. I'm sorry. Had a what?

17 Q. It had the money allocated if Michele Price signed
18 it, true?

19 A. Yes. It appears she signed it after I did.

20 Q. But in the rushed impeachment in this case, you
21 told the House Board of Managers that she never signed it,
22 true?

23 A. She had not signed it before I signed it. That was
24 my testimony, as I recall.

25 Q. Yeah. And at the time you gave your testimony to

1 the House Board of Managers, you didn't know and now you
2 know, right?

3 A. Well, yes. I see now that she has signed it.

4 Q. Lesley French, who's that?

5 A. At the time she was general counsel.

6 Q. She approved the choice of Brandon Cammack as
7 outside counsel, true?

8 A. Yes. She initialed this as indicating approval.

9 Q. I want to talk briefly about grants. Okay? Are
10 you familiar with applying for federal grants?

11 A. Yes, sir.

12 Q. Okay. Just explain to the ladies and gentlemen of
13 the jury who may not understand the inside baseball of that,
14 why would -- why on earth would the wonderful State of Texas
15 need to apply for federal grants for OAG funding?

16 A. Well, there are a number of programs that the
17 office administers such as child support, crime-victim
18 services, that are supplemented by state funds, state grants,
19 as well as federal funding.

20 Q. And where does the money come from?

21 A. Well, in each instance it comes from state
22 appropriations and also federal grant programs.

23 Q. And does your office have to apply for them with
24 the federal government?

25 A. I believe so. There might be one or two instances

1 where they are statutory grants under the federal statutes,
2 but I think most of them are application based.

3 Q. And you were responsible for applying for those
4 grants, true?

5 A. No, sir. The grants division of the office was
6 responsible for applying.

7 Q. But you were overseeing them?

8 A. No, sir. That's a division that reported to Lacey
9 Mase.

10 Q. Okay. As the office -- as part of the office of
11 general counsel or -- by October 2020, what was your title at
12 the agency?

13 A. Deputy for Legal Counsel.

14 Q. Okay. And so you're giving the couns- -- isn't it
15 true that you gave the Office of the Attorney General legal
16 advice about those grants?

17 A. Yes.

18 Q. Okay. I think I'm over the target now finally.
19 So my understanding is, correct me if I'm
20 wrong, in October 2020 after you had so-called blown the
21 whistle with your friends, you were still providing legal
22 advice to the Office of Attorney General about grant
23 applications to the federal government, yes?

24 A. Yes, sir.

25 Q. And one of the reservations that you expressed was

1 that the Office of the Attorney General might have some
2 problems applying for federal grants because Ken Paxton was
3 under indictment, true?

4 A. That was an issue that came to my mind, yes, sir.

5 Q. He was under indictment the whole time you worked
6 there, right?

7 A. I'm not sure when it occurred, but I believe that's
8 probably true.

9 Q. In every other year before October of 2020, you
10 didn't provide that advice to the Office of the Attorney
11 General, true?

12 A. That's right.

13 Q. And, in fact, if Ken Paxton was not allowed to sign
14 those grant applications, it might have cost the Attorney
15 General's Office between 1- and \$10 million in federal money,
16 true?

17 A. I don't know the specific numbers, but, yes, if --
18 if we were prohibited as an agency from participating in the
19 federal grant program because of an ongoing indictment or
20 conviction for a felony that was prohibited under those
21 federal programs, then it could cost the agency.

22 Q. So after you blew the whistle on September 30th of
23 2020, your advice about those grants changed, right?

24 A. No, sir.

25 Q. You were advising the Attorney General's Office

1 about this all the way on from before that?

2 A. No. What you asked is did my advice change? The
3 answer is no. I didn't provide advice one way or the other
4 that had changed from the previous years.

5 Q. Okay. Did you advise the Attorney General's Office
6 on those grants before October of 2020?

7 A. On the specific grants that --

8 Q. The federal money, the 1- to \$10 million that's
9 supposed to be coming to the State of Texas to help the AG's
10 Office.

11 A. Right.

12 Q. Did you provide any advice about that before
13 October of 2020?

14 A. Not -- so just to clarify your question, these
15 grants are typically on a two-year cycle in most instances,
16 so each time we would consider those a separate grant. So
17 when you asked if I provided advice on these grants,
18 historically I would have advised on the legal nature of
19 participating in these grant programs at different years.

20 Q. Did you ever raise your concerns about the Attorney
21 General's being indicted for securities fraud over the last
22 eight years to anyone before October of 2020?

23 A. I don't recall so.

24 Q. Let me just circle back with you and clean
25 something up on the Public Information Act stuff that we

1 talked about yesterday. Okay? I want to make sure I have
2 this right, because I think we may have made a mistake, you
3 and I together -- or I may have made the mistake and elicited
4 testimony that wasn't correct. I want to make sure. Okay?

5 You remember the three requests we talked
6 about yesterday, right?

7 A. Yes.

8 Q. Okay.

9 A. The securities board, the big request, the FBI
10 brief.

11 Q. The FBI brief. So on the FBI brief, yesterday I
12 believe I elicited testimony from you that the FBI blew their
13 response deadline, but that wasn't right, was it?

14 A. I think is what I testified yesterday is I don't
15 recall exactly what the circumstances were regarding the
16 response deadline or any response that we had requested.

17 Q. What actually happened is the FBI responded when
18 that unredacted brief was requested, but their arguments were
19 so nonsensical or were nonresponsive to the issue that your
20 opinions division, which is under your oversight, made the
21 decision to release the unredacted brief, true?

22 A. I don't recall what the brief said, the FBI's
23 response to the request for the FBI brief itself. I don't
24 recall what the FBI's position was or what the division
25 issued.

1 Just to put it in context, my youngest was
2 born May 30th of 2020.

3 Q. Okay.

4 A. So I was working out of the office. And at that
5 time, if you recall, the DPS request -- the big request was
6 issued June 2nd. So toward May 30th for the month of June,
7 most of those conversations were directly with Ryan Bangert.

8 Q. Okay. So is it true that you can't tell the ladies
9 and gentlemen of the jury why the unredacted brief was
10 released?

11 A. The unredacted FBI brief was released because
12 General Paxton directed us to release it.

13 Q. And tell me about what that process was.

14 A. Well, in a meeting with General Paxton at which
15 Ryan Bangert was attending, we identified that the agency,
16 the Office of the Attorney General, had received a request
17 for public information for the FBI brief. General Paxton
18 asked us to provide him a copy of the redacted brief and the
19 unredacted brief.

20 Q. Yes.

21 A. A few days later we met again, and General Paxton
22 had reviewed it, had marked up the copies and indicated to
23 both of us that he had seen nothing that should be withheld
24 from Nate Paul.

25 Q. Did you disagree with him?

1 A. Yes, just based on the content of the information.

2 Q. Was there any claim of law enforcement privilege
3 made by the FBI?

4 A. I'm not advised -- again, I don't recall what their
5 brief said.

6 Q. You don't recall any of the content of what the FBI
7 said in their challenge?

8 A. Not in the challenge, no, sir. I recall the
9 content of the FBI brief that was submitted as part of the
10 DPS file.

11 Q. Okay. I'm going to show you a few other documents,
12 okay?

13 We're going to go to -- let's stay on this
14 same topic.

15 MR. LITTLE: This is Exhibit AG 185, Your
16 Honor, if I might approach.

17 PRESIDING OFFICER: You may.

18 Q. (BY MR. LITTLE) Have you had an opportunity to
19 review Exhibit AG 185?

20 A. Yes, sir.

21 Q. What is it?

22 A. It's a letter dated April 13th, 2020, from the
23 Department of Public Safety to Joseph Larsen regarding a
24 Public Information Request referenced as 20-0983.

25 MR. LITTLE: And, Mr. Arroyo, if you would

1 bring up Exhibit AG 185. Thank you so much.

2 PRESIDING OFFICER: Pardon me. Counselor, are
3 you offering this?

4 MR. LITTLE: I am. I thought I did. I'm
5 sorry. Exhibit AG 185, we move for admission, Mr. President.

6 PRESIDING OFFICER: Mr. Hardin?

7 MR. HARDIN: I have no objection, but I
8 request that we don't put it on the -- put it up on the easel
9 until we get a ruling, please. Thank you so much.

10 (AG Exhibit No. 185 was admitted)

11 PRESIDING OFFICER: Agreed.

12 MR. LITTLE: I agree.

13 Now, Mr. Arroyo, please --

14 PRESIDING OFFICER: Okay. Mr. Counselor --
15 Counselor, since we did break for a half hour earlier, that
16 was kind of our 10:30 break. So we'll go to 12:00, about 40
17 minutes, and then we'll have lunch from 12:00 to 1:00.

18 MR. LITTLE: Understood, Judge. Thank you.

19 Q. (BY MR. LITTLE) This is a response from DPS to the
20 big request, right?

21 A. It appears to be. I don't recall the exact number
22 of the request, but it appears to be.

23 Q. So Joe Larsen is the vehicle through -- that Nate
24 Paul is using to make these requests, yes?

25 A. It was my understanding, that's right.

1 Q. And in the lawsuit that Joe Larsen filed, he filed
2 that on behalf of Nate Paul, true?

3 A. Well, that lawsuit that you showed me yesterday, it
4 identified Mr. Larsen as the plaintiff. I don't know why he
5 would have filed it or what reasons he had.

6 Q. Ultimately, the unredacted FBI brief was released
7 from a lawyer at the Attorney General's Office to a lawyer,
8 Joe Larsen, who is working for Nate Paul, true?

9 A. I believe so.

10 Q. No one at the Attorney General's Office tried to
11 stop it from going out, did they?

12 A. Except for our conversations with General Paxton, I
13 don't think anybody stopped it after he instructed us just to
14 release it.

15 Q. But you didn't have any good legal reason to keep
16 it, did you?

17 A. I'm not sure what you mean by "legal reason to keep
18 it."

19 Q. You're a lawyer. Did you have a good legal reason
20 to keep it?

21 A. Well, we had reasons to believe that the
22 information contained in the brief itself involved law
23 enforcement information under the Public Information Act,
24 because as you mentioned yesterday, the FBI redacted it.

25 Q. But the FBI didn't assert law enforcement privilege

1 over the brief, did it?

2 A. Again, I don't recall what their position was in
3 their briefing that they submitted, just because --

4 Q. You don't know.

5 A. That's right.

6 Q. Okay.

7 MR. LITTLE: Your Honor, I've got another
8 exhibit. May I approach the witness?

9 PRESIDING OFFICER: Yes, you may.

10 Q. (BY MR. LITTLE) Have you seen Exhibit AG 253
11 before?

12 A. Yes, sir.

13 Q. What is it?

14 A. This is a --

15 PRESIDING OFFICER: Are you offering this?

16 MR. LITTLE: I was going to prove -- I was
17 going to lay the predicate first, but I will certainly offer
18 it.

19 MR. HARDIN: Excuse me, Your Honor. Thank
20 you. We have no objection to speed it up.

21 PRESIDING OFFICER: Exhibit 253, admitted into
22 evidence.

23 (AG Exhibit No. 253 was admitted)

24 PRESIDING OFFICER: Continue.

25 MR. LITTLE: Mr. Arroyo, if you would, Exhibit

1 AG 253.

2 Q. (BY MR. LITTLE) Mr. Vassar, what is it?

3 A. This is a letter involving private schools in the
4 middle of COVID-19. It's dated July 17th of 2020.

5 Q. And Attorney General Ken Paxton issued this
6 guidance, correct?

7 A. Yes. He signed it, and we issued it from the
8 office.

9 Q. And it is not a formal legal opinion, correct?

10 A. No. That's -- it's not a formal opinion decided
11 under 402.

12 Q. Okay. Did you have kids in a religious school at
13 that time?

14 A. No, sir.

15 Q. Okay. The purpose of this guidance was what?

16 A. To provide guidance on how religious private
17 schools could operate in the face of local orders that may
18 contradict the Governor's executive order at the time.

19 Q. Pretty important stuff, isn't it?

20 A. Yes, sir.

21 Q. And orders like this were being -- orders similar
22 to this that were giving informal legal guidance about COVID
23 matters were coming out of your office almost every day,
24 true?

25 A. I'm not sure if it was daily, but we were providing

1 advice on a regular basis.

2 Q. All right. Do you recall the quote, unquote,
3 midnight opinion -- I believe Mr. Hardin referred it --
4 referred to it as the midnight opinion, the foreclosure
5 guidance?

6 A. I recall it, yes, sir.

7 MR. LITTLE: May I approach the witness, Your
8 Honor?

9 PRESIDING OFFICER: Yes, you may.

10 Q. (BY MR. LITTLE) That wasn't even the only COVID
11 guidance issued that day, was it?

12 A. I don't recall that specifically either.

13 MR. LITTLE: Mr. President, we move for
14 admission of Exhibit AG 7.

15 PRESIDING OFFICER: Mr. Hardin?

16 MR. HARDIN: I'm trying to get my microphone.
17 I'm sorry. We have no objection, Your Honor.

18 PRESIDING OFFICER: Admit Exhibit No. 7 into
19 evidence.

20 (AG Exhibit No. 7 was admitted)

21 Q. (BY MR. LITTLE) Have you seen -- no. That's not
22 AG 7. This is 260.

23 MR. LITTLE: Would you put AG 7, please,
24 Mr. Arroyo? Thank you, Erick.

25 Erick, would you just -- would you zoom in on

1 the letterhead here?

2 Q. (BY MR. LITTLE) This is the letterhead of the
3 Office of the Attorney General of the State of Texas, true?

4 A. I wouldn't state that it's the only letterhead of
5 the Office of the Attorney General, just based on my previous
6 testimony.

7 Q. Well, we'll see how common it is in a minute. But
8 this is the letterhead that went out on formal statements,
9 legal guidance, and formal legal opinions, true?

10 A. Yes, it was used in those instances.

11 Q. All right. This Exhibit AG 7 was sent to a man
12 named Brian Muecke, who is of the City of Hedwig Village. Do
13 you know where the City of Hedwig Village is?

14 A. No, sir.

15 Q. It's in the Houston area. But let's zoom out a
16 little bit.

17 MR. LITTLE: Get me to the text, Erick, if you
18 would, and capture Austin's signature too. I'm sorry, sir.

19 Q. (BY MR. LITTLE) What's this about?

20 A. It's the first time I've seen this letter that I
21 can recall. It is issued under Section 418 at 193, which is
22 the Disaster Act. It appears to be in response to a
23 request -- a question that the mayor had asked about a local
24 health authority's power to close schools.

25 Q. And Austin Kinghorn works for you, true?

1 A. Yes, sir, at the time.

2 Q. And you knew this was going out, right?

3 A. No, sir.

4 Q. Why not?

5 A. Just based on the substance, this seems more like a
6 pro forma response that does not need to be raised to the
7 deputy level to make a decision. This seems to be consistent
8 with advice that we had already issued and it was essentially
9 reiterating that advice and not taking a contrary statement.

10 Q. Okay. So Austin -- this was a minor enough issue
11 that Austin could do this on his own, right?

12 A. No. So Austin worked in the general counsel
13 division. That division chief is responsible for that
14 division. I oversaw that division in addition to other
15 divisions. So I did not have a daily oversight of the
16 activities of that division.

17 Q. He's in your downline, true?

18 A. Yes, sir.

19 Q. What's the date on this?

20 A. August 1st of 2020.

21 Q. That's a Saturday, isn't it?

22 A. Possibly. I don't recall what day that would have
23 fallen on.

24 Q. It's the same Saturday as the foreclosure guidance,
25 true?

1 A. If that was a Saturday, then, yes, it would have
2 been the same day.

3 Q. Well, you know the foreclosure guidance is dated
4 August 1, right?

5 A. I don't recall if it's dated August 1. It might be
6 August 2nd.

7 Q. Isn't it true, sir, that there were so many needs
8 in this big state related to guidance about COVID that your
9 office was working on it constantly?

10 A. It was a perpetual thing.

11 Q. Let's see how perpetual it is.

12 MR. LITTLE: May I approach the witness?

13 PRESIDING OFFICER: Yes, you may.

14 MR. LITTLE: I move for admission of Exhibit
15 AG 260.

16 PRESIDING OFFICER: Give Mr. Hardin a
17 moment.

18 MR. HARDIN: I have no objection.

19 PRESIDING OFFICER: Admit Exhibit 260 into
20 evidence.

21 (AG Exhibit No. 260 was admitted)

22 MR. LITTLE: Thank you.

23 Mr. Arroyo, if you would.

24 Q. (BY MR. LITTLE) Same letterhead, yes?

25 A. Yes, sir. It's the same as the August 1st letter.

1 Q. July 28, 2020, three days earlier, yes?

2 A. Yes, sir.

3 Q. And who is Doug Svien? I hope I'm saying that
4 right.

5 A. This letter indicates he's the mayor of
6 Stephenville, Texas.

7 Q. He's asking about closure of schools, right?

8 A. That's right.

9 MR. LITTLE: May I approach the witness, Your
10 Honor?

11 PRESIDING OFFICER: Yes, you may.

12 MR. LITTLE: I'm going to try to do this in
13 bulk and maybe move this along a little bit.

14 Your Honor, we move for admission of AG
15 Exhibits AG 259 and 6.

16 MR. HARDIN: We have no objection. And we
17 have no objection to 289 [sic], and we have no objection to
18 Exhibit 6.

19 PRESIDING OFFICER: Admit Exhibit 6 and 259
20 into evidence.

21 (AG Exhibits Nos. 6 and 259 were admitted)

22 MR. LITTLE: Mr. Arroyo, Exhibit 259, please.

23 Q. (BY MR. LITTLE) Who is Craig Morgan?

24 A. This letter refers to him as the mayor of Round
25 Rock.

1 Q. That's on a Thursday before August 1st, right?

2 A. Sure.

3 Q. What's it about?

4 A. This is -- appears to be the Round -- City of Round
5 Rock's decision to move its local election from November 3rd
6 of 2020 to May of 2021.

7 Q. Why did they want to move it?

8 A. I think the reason that they had stated was because
9 of COVID.

10 Q. Who issued the opinion?

11 A. It was signed by General Paxton.

12 Q. Does it have a KP number?

13 A. No. No, sir.

14 Q. Not a formal legal opinion, true?

15 A. No, it was not issued as a formal opinion under
16 402.

17 MR. LITTLE: Mr. Arroyo, Exhibit 6, please, AG
18 Exhibit 6.

19 Q. (BY MR. LITTLE) August 3, Monday, who is the
20 Honorable Vince Ryan?

21 A. The Harris County Attorney.

22 Q. This is a formal legal opinion, yes?

23 A. Yes. This is a formal opinion issued under Chapter
24 402.

25 Q. Tell the ladies and gentlemen of the jury how they

1 can tell by looking at this document that it's a formal legal
2 opinion.

3 A. After the mailing address, there is an opinion
4 number that's referenced. And then in the subject line,
5 there is a request number that's also referenced.

6 Q. And every formal legal opinion from the Office of
7 the Attorney General under Chapter 402 of the Government Code
8 has both, true?

9 A. Yes.

10 Q. And what's this letter about?

11 A. It's regarding the County authority to require
12 masks in courtrooms, courthouses, and county buildings.

13 Q. Okay. So correct me if I'm wrong. July 28th, July
14 30th, August 1, August 1, August 3, there are opinions coming
15 out almost every day about COVID stuff during this period of
16 time, true?

17 A. Well, again, to clarify, a lot of the questions
18 that we would get would follow the Governor's executive
19 orders which were coming out at different points. So if an
20 executive order was issued, the frequency of our request for
21 advice might increase.

22 I can't testify that we were releasing
23 information daily. I don't know if that's actually true.
24 But I can say it was happening regularly just with the
25 pattern of executive orders or mayoral or county orders.

1 Q. Isn't it true that the office was constantly
2 adapting to the executive orders of the Governor's Office,
3 the executive orders of President Donald J. Trump?

4 A. Absolutely.

5 Q. And that actually increased the amount of informal
6 legal advice and the need for it on a literally day-to-day
7 basis?

8 A. Again, it was very frequent just given the number
9 of agencies that were involved on a state level as well as
10 the federal level.

11 MR. LITTLE: Mr. President, a moment, if I
12 may?

13 PRESIDING OFFICER: Yes.

14 MR. HARDIN: Oh, I'm sorry. I apologize. I
15 thought you were passing the witness. I apologize.

16 MR. LITTLE: No. You ought to keep coming.

17 Pass the witness.

18 MR. HARDIN: I apologize.

19 PRESIDING OFFICER: Mr. Hardin, he passed the
20 witness. Just you standing up made it all happen.

21 MR. HARDIN: Thank you.

22 PRESIDING OFFICER: We'll go to the top of the
23 hour, Mr. Hardin.

24 REDIRECT EXAMINATION

25 BY MR. HARDIN:

1 Q. Good morning, Mr. Vassar.

2 A. Good morning.

3 Q. I'm going to try to, as best I can, to do this
4 pretty quickly. Thank you so much.

5 I've got several areas here. We should start
6 where we finished up. I thought I would never have to talk
7 about the different numbers of the different portions of the
8 Government Code that suggested what y'all should and should
9 not do. But I think counsel has appropriately covered back
10 on the issue, and so I feel compelled to a little bit just
11 try to clear this up just a tad.

12 The two sections of the Government Code that
13 you folks would have been working -- primarily that you have
14 been testifying to counsel about on cross are what numbers in
15 the Code?

16 A. Chapter 402 of the Government Code and Chapter 418.

17 Q. All right. Now, let me see if I can do this
18 briefly with you.

19 How do you determine which of those codes
20 apply to a request for an opinion, or the sections of the
21 Code, excuse me?

22 A. So Chapter 402 enables the Attorney General to
23 provide general legal guidance in response to a request from
24 an eligible requester. Chapter 418 is expressly limited to
25 providing advice relating to a disaster declaration, again,

1 to eligible requesters who are differ -- different from
2 Chapter 402.

3 Q. All right. For instance, does which one of those
4 sections apply depend on the identity of the requester that
5 makes the request?

6 A. Yes, sir.

7 Q. And is 418 something that, I believe, did you
8 testify earlier -- if 418 was amended, the National Disaster
9 Act before COVID, but when COVID came was frequently used as
10 the basis to answer a query from a public official?

11 A. That's correct. I believe it was admitted in 2019.
12 Obviously, COVID hit in 2020, so that provided an avenue for
13 local officials to request legal advice from our office.

14 Q. Now, if when General Paxton requested y'all to do
15 this hurry-up opinion, if he had come up with a requester
16 that was a mayor, what section of the Code would have applied
17 to the opinion that you folks wrote?

18 A. Just based on the fact that it was a COVID-related
19 question and that the mayor is an authorized requester, it
20 would have fallen under Chapter 418.

21 Q. Now, once it was decided that the requester would
22 be a state senator, which section of the Code did that mean
23 would cover what you did?

24 A. A state senator who was a chair of a legislative
25 committee --

1 Q. Thank you. Excuse me for interrupting you. That's
2 the caveat. It's not just a state senator, but it has to be
3 a chairman, does it not?

4 A. That's right.

5 Q. All right. Resume the answer, please.

6 A. A state senator who is a chair of a legislature
7 committee is an authorized requester under Chapter 402.

8 Q. All right. And is the significance that 402 was
9 applied here is that Section 402 does not distinguish between
10 an informal and a formal opinion, correct?

11 A. That's correct, does not.

12 Q. Now, if we move forward, that it had gone through
13 the -- if it hadn't been a hurry-up and went through your
14 normal processes you testified that would take ordinarily
15 about six months, is there a difference in the way the
16 six-month opinions which are vetted and published in six
17 months as opposed to overnight is what we've called this
18 opinion, what would be the difference in the way those two
19 opinions -- heavily researched, vetted opinion, overnight
20 opinion -- how are those reported to the public and dealt
21 with as far as publishing to the world?

22 A. So under Chapter 402, if it's an eligible request,
23 our agency logs it as a request, publishes that request in
24 the Texas Register, which enables third parties who are just
25 interested in submitting their own briefing and arguments to

1 our office. After a drafting period in the division, it's
2 reviewed internally and -- including other divisions who
3 might have subject matter expertise on the issue.

4 After all of the division feedback is
5 received, it's circulated to the deputy level and the
6 executive for review and approval. After it is issued, it's
7 then, again, recorded on our website and then published in
8 the Texas Register for public dissemination. And I believe
9 it's also uploaded to Westlaw.

10 Q. So is one much more widely distributed and easily
11 published to the world than the other?

12 A. Yes, sir.

13 Q. Finally, you were asked about things I think you
14 said you did not know about in terms of the next day or a
15 hearing that you were not involved about, correct?

16 A. The hearing --

17 Q. For -- very good point. Let me rephrase. That's a
18 very good question.

19 Do you recall being questioned about what you
20 knew about how the overnight opinion was used on behalf of
21 Mr. Paul?

22 A. Yes, I recall that.

23 Q. Do you recall you said you were not aware at the
24 time? Do you recall that?

25 A. That's right.

1 Q. All right. Have you become aware and did you see a
2 document during your examination that showed a lawyer on
3 behalf of Mr. Paul immediately -- within 36 hours or 24
4 hours -- was using that in a court to try to get what he
5 wanted?

6 A. Yes, sir. I believe in one of the exhibits that I
7 reviewed there was a statement indicating that the
8 foreclosure letter that we had issued was used to stop a
9 foreclosure sale related to Nate Paul.

10 Q. Do you have any idea how one would have known as
11 early as Monday to be prepared to use that in a hearing on
12 Tuesday when you only issued it -- only completed it at 1:00
13 o'clock Sunday morning and sent it to the Attorney General
14 sometime Sunday?

15 MR. LITTLE: Objection, Mr. President.
16 Leading and calls for speculation.

17 PRESIDING OFFICER: Sustained.

18 Q. (BY MR. HARDIN) Now, let's go to a couple of other
19 areas.

20 Do you recall you had talked considerably --
21 questioned considerably about whether -- about, first of all,
22 the interview that he asked you about a little bit toward the
23 end. And that is that you were not under oath at that
24 hearing.

25 A. I recall that, yes, sir.

1 Q. And I said hearing. I don't mean hearing. It was
2 really an interview by investigators, many that are here
3 today, that were retained by the House Management
4 Committee -- or the House Committee, rather, to do an
5 investigation.

6 Do you recall that series of events?

7 A. Yes, sir.

8 Q. And I believe you were shown some of the
9 testimony -- again, not testimony, some of the interview
10 statement that you gave.

11 A. Yes, sir.

12 Q. Now, did you readily agree to have it videotaped?

13 A. Yes. I believe when I sat down there was a
14 recording that was going to be used for the interview.

15 Q. Well, yeah. But do you remember sort of a -- a
16 sort of fumbling around that nobody had a recorder, they had
17 to go get one?

18 A. Yes, sir.

19 Q. All right. But, at any rate, ultimately when that
20 happened, did you have any objection to it being videotaped
21 and audioed?

22 A. No, sir.

23 Q. Now, did anybody at all suggest placing you under
24 oath?

25 A. No, sir.

1 Q. Do you know enough about law enforcement as to
2 whether or not ordinarily if somebody is trying to gather
3 information as part of a law enforcement information or
4 investigation, where they would swear the people when they're
5 just trying to get people to tell them what happened?

6 MR. LITTLE: Your Honor, I'd have to object as
7 being argumentative and sidebar.

8 MR. HARDIN: I'll withdraw --

9 PRESIDING OFFICER: Sustained.

10 MR. HARDIN: Thank you, Judge. Thank you.
11 I'll withdraw the question, but I waited too late.

12 Q. (BY MR. HARDIN) All right. So, if I may, at any
13 rate, you gave that interview, correct?

14 A. Right.

15 Q. And told them. And that interview was totally
16 available as evidenced by questions you got to the other
17 side, correct?

18 A. I believe so, yes. I'm not -- yes.

19 Q. And in that one item that they came up with,
20 there's no suggestion that you've testified any differently
21 today than you did to these investigators, correct?

22 MR. LITTLE: Objection, leading and
23 argumentative.

24 PRESIDING OFFICER: Sustained.

25 Q. (BY MR. HARDIN) Are you under oath today?

1 A. Yes, sir, I am.

2 Q. Did you testify today the same as you did to these
3 House investigators?

4 A. Yes, sir.

5 Q. Can we take that as evidence of the fact nobody is
6 suggesting otherwise?

7 MR. LITTLE: Object to the argument,
8 Mr. President.

9 Q. (BY MR. HARDIN) Now --

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. HARDIN) Now, if I can, you were asked
12 about evidence. Do you recall this evidence that you took to
13 the FBI?

14 A. Yes, sir, I recall.

15 Q. And eight -- seven of you went to the FBI, did you
16 not, on the 30th of September of 2020?

17 A. Yes, sir.

18 Q. And you took no documents, did you?

19 A. That's right, no documents.

20 Q. Who did you take?

21 A. We took ourselves.

22 Q. And you took yourselves to do what?

23 A. To provide an explanation of the sequences of
24 events that we had determined --

25 Q. Well, when you --

1 A. -- revealed information tending to show that
2 General Paxton had abused his office and the powers and
3 responsibility and trust that millions of Texans bestowed
4 upon him to benefit one individual.

5 Q. And when you went, if you had taken things with
6 you, you would have had to take things that were the property
7 of the Attorney General's Office, wouldn't you?

8 MR. LITTLE: Objection, Your Honor. Calls for
9 speculation and a legal conclusion.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. HARDIN) Would you have had any documents
12 other than things that were circulated and created right
13 there in the AG's office?

14 MR. LITTLE: Objection, Your Honor.
15 Speculation and argument.

16 MR. HARDIN: I'm just asking -- I'm really
17 asking him if anything they took would have -- as evidence
18 would have had to be property of the Attorney General's
19 Office.

20 PRESIDING OFFICER: Overruled. You may answer
21 the question.

22 MR. HARDIN: Thank you.

23 Q. (BY MR. HARDIN) You can answer that.

24 A. All of the information would have been information
25 that we had obtained just by virtue of our employment at the

1 agency.

2 Q. Now, when you answered the question -- do you
3 recall answering the question as you had no evidence that you
4 took to the FBI in that meeting, correct? Do you recall that
5 answer?

6 A. Yes, sir, I do.

7 Q. Well, tell me -- tell me what you mean by that
8 answer when you say you took no evidence.

9 A. Well, the way that I interpreted opposing counsel's
10 question was documents, documentary evidence of what we took
11 to the meeting with the FBI for law enforcement.

12 Q. After this position you might want to say thank
13 God, but you're not a trial lawyer, are you?

14 A. No, sir.

15 Q. Do you have any idea how evidence is defined in
16 terms of law enforcement or people wanting to find out what
17 happened in this situation?

18 MR. LITTLE: Objection, Your Honor. Calls for
19 speculation, legal conclusion, argument.

20 MR. HARDIN: No. I'm asking does he have any
21 idea. That's all I'm asking.

22 PRESIDING OFFICER: Sustained. Rephrase.

23 Q. (BY MR. HARDIN) All right. In this particular
24 situation, did you take your body?

25 A. Yes, sir.

1 Q. Did you take your voice?

2 A. Yes, sir.

3 Q. Did you take your brain?

4 A. Yes, sir.

5 Q. Did you take your experience?

6 A. Yes, sir.

7 Q. Did you take your knowledge of the last nine
8 months?

9 A. Yes, sir.

10 Q. Did you take what things you personally knew of in
11 addition to going with people who may have known other
12 things?

13 A. Absolutely.

14 Q. Did you tell the FBI that?

15 A. Every bit of it.

16 Q. Do you realize in the legal world that is evidence?

17 MR. LITTLE: Objection, leading.

18 MR. HARDIN: No. That is -- that is simply a
19 fact statement. That is not leading in my --

20 PRESIDING OFFICER: Sustained.

21 MR. HARDIN: -- respect. And the Court
22 disagrees, which is why we're here.

23 Q. (BY MR. HARDIN) Let me ask you this: If you told
24 all of those people what you knew in your mind and what you
25 were concerned about, what is your opinion now, after the

1 primer we just did, as to whether you gave the FBI evidence?

2 MR. LITTLE: Object, leading, argumentative.
3 This is closing statement, not a question for the witness.

4 MR. HARDIN: I've asked him what his
5 opinion -- excuse me, Your Honor. I asked him what his
6 opinion is. I didn't ask him --

7 PRESIDING OFFICER: Overruled.

8 MR. HARDIN: Thank you.

9 A. My opinion was that our experiences were evidence,
10 but we did not conduct our own investigation to provide
11 documentary evidence of what we had come to learn.

12 Q. (BY MR. HARDIN) Well, what did you provide him?

13 A. Just our experiences.

14 Q. What do you mean?

15 A. The -- the situations in which General Paxton asked
16 us to act involving Nate Paul, the cumulative knowledge of
17 the conversations that we had as a group between September
18 29th and the morning of September 30th, once the grand jury
19 subpoenas from Brandon Cammack started coming to the office.

20 Q. Whose job, then, in your opinion, was it then to
21 conduct the investigation?

22 A. Federal law enforcement.

23 Q. Did you ever view yourself as an investigator in
24 this matter?

25 A. No, sir.

1 Q. What did you think you were when you went to the
2 FBI?

3 A. We were witnesses.

4 Q. Pardon me?

5 A. We -- I believed that I was a witness to criminal
6 activity that had occurred by General Paxton.

7 Q. All right. Do you know of any other occasion in
8 which the Attorney General involved himself in the drafting
9 of an opinion such as what you did in August on the issue of
10 foreclosures?

11 A. I can't think of any, no, sir.

12 Q. Finally, maybe from your age you don't know this.
13 Are you familiar with a movie Cool Hand Luke?

14 A. I've heard of it. I'm not familiar with it.

15 Q. Did you ever see the scene in a very, very bad
16 moment in the movie for -- at least a bad moment for Paul
17 Newman, in which the bad guy stands over there as he's
18 digging and says, "What we have here" --

19 MR. LITTLE: I'm going to object to the
20 argument.

21 MR. HARDIN: Let me just -- let me just
22 finish.

23 Q. (BY MR. HARDIN) -- "a failure to communicate."
24 That's just a question.

25 PRESIDING OFFICER: Overruled. And you are

1 allowed to finish.

2 MR. HARDIN: Thank you.

3 Q. (BY MR. HARDIN) Have you?

4 A. I have not.

5 Q. All right. Let's talk about these supposed altered
6 documents. All right?

7 You tried several times, did you not, on your
8 cross to explain there were different types of letterhead
9 papers in the AG's Office. Do you recall telling him that?

10 A. Yes, sir.

11 Q. Do you recall he went right by? He didn't want to
12 deal with that, did he?

13 A. That's right.

14 Q. All right. Well, let's deal with it real quickly.

15 For instance, in the Attorney General's
16 Office, did y'all periodically use one type of paper that did
17 not have General Paxton's name on it and another type of
18 papers that did?

19 A. Yes, sir.

20 Q. Do you have any idea how the circumstances were
21 that dictated which you would use?

22 A. No, sir.

23 Q. All right. On the occasion when the letter that
24 we've been talking about that they have been complaining was
25 altered and the Attorney General's name was taken off, was

1 that letter complaining about the Attorney General?

2 A. Yes, sir, it was.

3 Q. Well, if you're writing a letter complaining to --
4 about the Attorney General, what is your opinion as to
5 whether you would want to make sure his name wasn't on there
6 for a letter complaining about him?

7 MR. LITTLE: Objection, leading.

8 PRESIDING OFFICER: Sustained.

9 Q. (BY MR. HARDIN) Let me ask you this. I'm going to
10 show you a letter that is already in evidence, Exhibit 127.

11 MR. HARDIN: May I have it on the screen,
12 please?

13 Q. (BY MR. HARDIN) Is that an altered letter?

14 PRESIDING OFFICER: Counselor, excuse me. I
15 don't -- we don't show that being already entered.

16 MR. HARDIN: You do not show it's in?

17 PRESIDING OFFICER: Oh, it's in.

18 MR. HARDIN: Thank you.

19 PRESIDING OFFICER: My apology.

20 MR. HARDIN: No, no, no, not at all. I misled
21 you by making you think which one it was. We were both
22 inadvertent.

23 Q. (BY MR. HARDIN) But I think it is interesting to
24 point. Would you look down to the bottom, would you circle
25 where the -- the exhibit and whose exhibit this is?

1 MR. HARDIN: And let's, sort of, if we can,
2 highlight, Stacey, both from whom the production was that
3 produced it to us.

4 Q. (BY MR. HARDIN) OAG stands for what?

5 A. The Office of the Attorney General.

6 Q. And are you familiar enough, reluctantly, about
7 this process to know what AG exhibit means?

8 A. That appears to be a reference to an exhibit that
9 the Attorney General's defense team has offered as evidence.

10 Q. Yes. Yes. We can -- would you expect them to
11 offer an altered document?

12 A. No, sir, I would not.

13 Q. Well, in this offer is the Attorney General's name
14 on it?

15 A. His name is not on the seal at the top of the
16 document.

17 Q. Is this seal identical to the seal that y'all used
18 for the letter you wrote before you went to the FBI?

19 A. Yes, sir, it is.

20 Q. Or after you came back. I can't remember what -- I
21 don't have -- I don't want to misstate what it was.

22 A. It was -- it was drafted and reported -- or sent to
23 HR after we returned from meeting with law enforcement.

24 Q. All right. So it would have been on the 20- --
25 when you came back on the 30th?

1 A. 30th, yes, sir.

2 Q. When you came back on the 30th. Thank you.

3 All right. Now let's go to the next-to-last
4 page, I believe, of this exhibit.

5 Do you see who it's signed by?

6 A. It's signed by Jeff Mateer.

7 MR. HARDIN: Now, Stacey, just to test your
8 agility, would you go back to the front page again and
9 isolate the date this was.

10 Q. (BY MR. HARDIN) What's the date?

11 A. The date is October 1st of 2020.

12 Q. All right. Now I'm going to show you some that
13 have not been introduced, and I will first tender --

14 MR. HARDIN: Do we have copies of our Exhibit
15 633?

16 I'm going to move to introduce. I was waiting
17 for you to review it.

18 MR. LITTLE: Oh, thank you.

19 No objection, Judge.

20 PRESIDING OFFICER: Admit Exhibit 633 into
21 evidence.

22 (HBOM Exhibit No. 633 was admitted)

23 MR. HARDIN: Can you put it up on the screen,
24 please. Thank you.

25 Q. (BY MR. HARDIN) Would you give -- publish for the

1 jury the date of this letter.

2 A. This letter is dated January 28th of 2020.

3 Q. And would this have been in connection with any
4 particular event? Have you ever seen this letter or do you
5 know anything about this?

6 A. I don't recall exactly if I was involved in
7 reviewing it. It -- again, I was appointed Deputy AG for
8 legal counsel April 1st of 2020. It's possible I reviewed
9 it -- excuse me -- in the general counsel division, but I
10 have not seen it since.

11 Q. And the letter is signed by whom?

12 A. It's signed by General Paxton.

13 Q. And we can assume, can we not, that General Paxton
14 didn't alter this letter?

15 A. I would presume so.

16 Q. And is it also similar to the letter y'all sent on
17 paper that has just the seal?

18 A. That's the same seal, yes, sir.

19 Q. So let's, once again, make sure there's no
20 misunderstanding. Do you understand for the last four days
21 you folks have been accused of altering a document --

22 MR. LITTLE: This is a violation of the
23 rule --

24 MR. HARDIN: Excuse me. Excuse me.

25 MR. LITTLE: -- Mr. President.

1 MR. HARDIN: Let me put it another way. I'll
2 put it another way, Your Honor.

3 PRESIDING OFFICER: Was there an objection?

4 MR. LITTLE: Objection, violates the rule.

5 PRESIDING OFFICER: Sustained.

6 Q. (BY MR. HARDIN) If anybody was to suggest that you
7 guys had -- when you wrote your letter that you had somehow
8 altered it and taken the Attorney General's name off and,
9 therefore, altered a government document, would that be true
10 or not true?

11 A. That's not true.

12 Q. Would it actually be a lie?

13 A. As these documents indicate, there are different
14 seals for different purposes. And in this situation we used
15 the seal without General Paxton's name on it. That's the
16 seal that was --

17 Q. You are indeed, are you not, Mr. Vassar, a kind and
18 gentle person, so much so that even after and during yelling
19 and constant interruption, you still don't like to use the
20 word "lie," do you?

21 MR. LITTLE: Objection to leading and
22 argumentative.

23 MR. HARDIN: I have no further questions.

24 PRESIDING OFFICER: Objection is sustained.

25 We will hold your -- do you intend to recross?

1 MR. LITTLE: I do, Mr. President, but I could
2 probably resolve it in about three minutes.

3 PRESIDING OFFICER: I'll give you three
4 minutes.

5 MR. LITTLE: Thank you, Judge.

6 PRESIDING OFFICER: Five at the most.

7 MR. LITTLE: I will try to yield some back,
8 Mr. President.

9 REXCROSS-EXAMINATION

10 BY MR. LITTLE:

11 Q. So it's okay to give your personal lawyer documents
12 from inside the Office of the Attorney General but not the
13 FBI, right?

14 A. I provided documents under a grand jury subpoena
15 that I received to my lawyer, so I don't know what the
16 implication is.

17 Q. You had internal OAG documents, to-wit, a series of
18 grand jury subpoenas that were served by Brandon Cammack that
19 you sent to your personal lawyer, but you didn't bring any
20 documents to the FBI, right?

21 A. That's absolutely true.

22 Q. You went to the FBI. David Maxwell went to Travis
23 County. They investigated, and they still have done nothing,
24 true?

25 A. I -- I don't know what they found. I know it's an

1 ongoing investigation.

2 Q. Mr. Hardin talked to you about the letter that Nate
3 Paul wrote to the Court about the OG -- OAG foreclosure
4 guidance. Do you recall that testimony, those questions?

5 A. Yes.

6 Q. All right.

7 MR. LITTLE: Your Honor, Mr. President, I have
8 one copy of AG Exhibit 286. If I may, I will tender it to
9 Mr. Hardin for his review and then to Your Honor and then to
10 Mr. Vassar.

11 PRESIDING OFFICER: You may.

12 MR. HARDIN: I have no objection.

13 PRESIDING OFFICER: What is the number on
14 that?

15 MR. LITTLE: Mr. President, it's AG Exhibit
16 286, and we move for its admission.

17 PRESIDING OFFICER: The Exhibit 286 will be
18 admitted into evidence.

19 (AG Exhibit No. 286 was admitted)

20 MR. LITTLE: Mr. Arroyo, if you could assist
21 us, please, very briefly.

22 Q. (BY MR. LITTLE) Mr. Vassar, who is Stephen Benesh?

23 A. I have no idea.

24 Q. You should know him. He's your State Bar
25 president-elect.

1 This is a letter from Stephen Benesh who was
2 opposing counsel to Nate Paul in the WC 4th and Colorado
3 matter, and he wrote a letter.

4 MR. LITTLE: Mr. Arroyo, please blow up the
5 text of his letter.

6 Q. (BY MR. LITTLE) Mr. Benesh says in response to
7 Nate Paul's letter, like lawyers often do, "I disagree." And
8 he wrote to the judge and he said, "The foreclosure sale
9 isn't being stopped by this OAG informal guidance," right?

10 A. I've never seen this before, but I see where he
11 says, The AG's, quote, informal guidance does not,
12 emphasized, state that foreclosure sales may not proceed
13 unless specifically authorized by the mayor in the city of
14 the foreclosure.

15 Q. And what happens in courts is one side makes an
16 argument and the other side makes an argument and the judge
17 decides, right?

18 A. Yes, sir.

19 Q. Only in this case Nate Paul put his entity in
20 bankruptcy to stop the foreclosure, right?

21 A. I'm not sure.

22 MR. LITTLE: That will be all, Mr. President.

23 PRESIDING OFFICER: Thank you, Counselor.

24 We will break until 1:00 p.m.

25 (Recessed for lunch at 12:02 p.m.)

C E R T I F I C A T E

THE STATE OF TEXAS) (

COUNTY OF TRAVIS) (

I, Kim Cherry, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 8th day of September, 2023.

/s/ Kim Cherry

KIM CHERRY, CSR, RMR
Texas Certified Shorthand Reporter
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