

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 : **CRIMINAL NO. 21-cr-670**
 v. :
 :
STEPHEN K. BANNON, :
 :
 Defendant. :

**UNITED STATES' RESPONSE TO DEFENDANT'S NOTICE REGARDING
PUBLICITY DURING TRIAL**

On July 22, 2022, the Defendant filed a notice with the Court identifying publicity relating to the Defendant that occurred during trial. ECF No. 127. Specifically, the Defendant noted that he had been mentioned during the July 21, 2022, hearing held by the U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("the Committee"). *Id.* at 2. The Defendant stated in his notice that he made the filing in accordance with his counsel's discussion with the Court at the pretrial conference on July 14, 2022, about how the Defendant should complete the record for appeal relating to his pretrial publicity claims. *See* Pretrial Conf. Hrg., 7/14/22, Tr. at 25-26.

The Defendant did not, however, include in his notice any of the publicity about the Committee, the Defendant, or the trial proceedings that the Defendant himself generated in the lead up to or during trial. Accordingly, the Government files this response to the Defendant's notice to add to the record the Defendant's own efforts to publicize the CNN program about which the Defendant has raised claims of prejudice, *see* ECF No. 108 at 5-6; ECF No. 127 at 3, and to garner coverage of the Committee's work and his trial.

Specifically, the Government provides notice of the following:

- 1) On a July 12, 2022, episode of his podcast, War Room, the Defendant discussed his eleventh-hour offer to testify before the Committee. He also stated that listeners should

pray for “our enemies” because “we’re going medieval on these people, we’re going to savage our enemies.” *See* Episode 1996, War Room, July 12, 2022, *available at* <https://warroom.org/2022/07/12/episode-1996-pfizer-ccp-backed-partners-elon-musk-trolls-trump-alan-dershowitz-on-partisan-america-and-the-constitution-informants-confirmed-at-j6/> (last accessed July 27, 2022) (time 16:37 to 17:46).

- 2) On July 15, 2022, after moving to continue trial because of a CNN program planned for Sunday, July 17, 2022, about the Defendant, *see* ECF No. 108 at 5-7, an advertisement for the CNN program was posted to the Gettr page of the Defendant’s podcast, the War Room. *See* Ex. 1.
- 3) On July 17, 2022, the Defendant’s personal Gettr account reposted an advertisement for the same CNN program. *See* Ex. 2.
- 4) On July 18, 2022, after trial had concluded for the day, the Defendant gave a press conference in front of the courthouse doors. During the press conference, the Defendant called the Committee’s hearings a “show trial.” *See* “Bannon calls Jan. 6 committee hearing a ‘show trial,’” *Wash. Post*, July 18, 2022, *available at* https://www.washingtonpost.com/video/politics/bannon-calls-jan-6-committee-hearing-a-show-trial/2022/07/18/c2dfca98-3788-43f8-95ee-db31b978ccca_video.html (last accessed July 27, 2022).¹
- 5) On July 19, 2022, after trial had concluded for the day, the Defendant gave a press conference in front of the courthouse doors. During the press conference, the Defendant complained that Committee Chair Rep. Bennie Thompson was not testifying in his trial, referred to another member of the Committee and another member of Congress by derogatory names, and accused the Committee of not investigating January 6 in good faith. *See* “Prosecutors say Bannon willfully ignored subpoena,” *Associated Press Archive*, July 24, 2022, *available at* https://www.youtube.com/watch?v=3SR_EJL5nkw (last accessed July 27, 2022).
- 6) On July 20, 2022, after trial had concluded for the day, the Defendant gave a press conference in front of the courthouse doors. During the press conference, the Defendant called the Committee’s work a “show trial, the Moscow show trial of the 1930s.” He also reiterated what had been admitted into evidence during the trial that day about his public statements at the time he refused to comply with the Committee’s subpoena, stating, “I stand with Trump and the Constitution.” The Defendant further commented on the evidence admitted during trial that day, stating, “Hey, the big news coming out of the FBI is they went to the Gettr account, check it out.” *See* “Bannon’s team questions House subpoena deadline,” *Associated Press Archive*, July 25, 2022, *available at* <https://www.youtube.com/watch?v=RJ9qH4zMMI0> (last accessed July 27, 2022).

¹ The Government notes that while it links here to one source for each of the Defendant’s courthouse press conferences, the Defendant’s and his attorney’s statements during the press conferences he held throughout trial were covered by several national news outlets.

- 7) On July 21, 2022, after proceedings had concluded for the day, the Defendant gave a press conference in front of the courthouse doors. During the press conference, both the Defendant and his counsel commented on issues relevant to legal issues that had been litigated in the case proceedings. The Defendant's attorney commented on his advice-of-counsel and executive privilege claims and the Defendant discussed purported details about his prior compliance with congressional subpoenas. In addition, the Defendant again reiterated his public statement that had been entered into evidence the prior day: "I stand with Trump and the Constitution." See "Trump ex-adviser Bannon rests case in trial, calling no witnesses," Reuters, July 21, 2022, available at <https://www.reuters.com/world/us/ex-trump-aide-bannon-see-dismissal-criminal-contempt-congress-charges-2022-07-21/> (last accessed July 27, 2022) (excerpts of press conference included in video at top of article).

Respectfully submitted,

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