

KENTUCKIANA
— COURT REPORTERS —

NO. 25-CV-12173

**CHICAGO HEADLINE CLUB, BLOCK CLUB CHICAGO, CHICAGO
NEWSPAPER GUILD LOCAL 34071, NABET-CWA LOCAL 54041,
RAVEN GEARY, CHARLES THRUSH, STEPHEN HELD, DAVID BLACK,
WILLIAM PAULSON, AUTUMN REIDY-HAMER, and LEIGH KUNKEL,**

on behalf of themselves and others similarly situated

V.

KRISTI NOEM, Secretary, ET AL.

DEPONENT: GREGORY BOVINO, VOL. III

DATE: November 04, 2025



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
HONORABLE SARA L. ELLIS, DISTRICT JUDGE
NO. 25-CV-12173

CHICAGO HEADLINE CLUB, BLOCK CLUB CHICAGO, CHICAGO
NEWSPAPER GUILD LOCAL 34071, NABET-CWA LOCAL 54041,
RAVEN GEARY, CHARLES THRUSH, STEPHEN HELD,
DAVID BLACK, WILLIAM PAULSON,
AUTUMN REIDY-HAMER, and LEIGH KUNKEL, on behalf of
themselves and others similarly situated,
Plaintiffs

V.

KRISTI NOEM, Secretary, U.S. Department of Homeland
Security (DHS); TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement (ICE); MARCOS
CHARLES, Acting Executive Associate Director,
Enforcement and Removal Operations, ICE; RUSSELL HOTT,
Chicago Field Office Director, ICE; RODNEY S. SCOTT,
Commissioner, U.S. Customs and Border Protection (CBP);
GREGORY BOVINO, Chief Border Patrol Agent, CBP; DANIEL
DRISCOLL, Director of the Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF); WILLIAM K. MARSHALL III,
Director of the Federal Bureau of Prisons (BOP); PAMELA
BONDI, Attorney General of the United States; U.S.
DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF
JUSTICE; UNIDENTIFIED FEDERAL OFFICER DEFENDANTS;
UNIDENTIFIED FEDERAL AGENCY DEFENDANTS; and DONALD J.
TRUMP, President of the United States,
Defendants

DEPONENT: GREGORY BOVINO, VOL. III

DATE: NOVEMBER 4, 2025

REPORTER: KORTNEY CHASE

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U.S. DEPARTMENT OF JUSTICE; UNIDENTIFIED FEDERAL
OFFICER DEFENDANTS; UNIDENTIFIED FEDERAL AGENCY
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Sarmad Khojasteh, Esquire
Sean Skedzielewski, Esquire
Patrick Hopple, Esquire
U.S. Department of Justice

Also Present: Sydney Little, Videographer; Valerie
Barajas, Loevy & Loevy Paralegal

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STIPULATION

The VIDEO deposition of GREGORY BOVINO, VOLUME III was taken at the [REDACTED] [REDACTED] CHICAGO, ILLINOIS, 60604 on TUESDAY the 4th day of NOVEMBER, 2025 at 10:16 a.m. (CT); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that KORTNEY CHASE, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness.

PROCEEDINGS

THE VIDEOGRAPHER: We are now on the record.

My name is Sydney Little. I'm the videographer today, and Kortney Chase is the court reporter. Today is the 4th day of November 2025, and the time is 10:16 a.m. Central. We're at the

Chicago, Illinois to take the deposition of Gregory Bovino, Volume III, in the matter of Chicago Headline Club, et al. v. Kristi Noem, et al., Case number 25-CV-12173, pending in the United States District Court, Northern District of Illinois, Eastern Division. Will the Counsel please identify themselves for the record?

MR. BOWMAN: My name is Locke Bowman, appearing on behalf of Plaintiffs.

MR. FUTTERMAN: Also, Craig Futterman on behalf of Plaintiffs.

MR. KHOJASTEH: Sarmad Khojasteh on behalf of Defendants.

MR. HOPPLE: Patrick Hopple, Department of Homeland Security on behalf of Defendants.

MR. HITCHCOCK: Phil Hitchcock on behalf of Defendants.

1 THE VIDEOGRAPHER: Great. And will you
2 stipulate to the Counsel on Zoom?

3 MR. BOWMAN: Yes.

4 MR. KHOJASTEH: Yes.

5 THE VIDEOGRAPHER: Okay. All right. And sir,
6 can you please raise your right hand for the court
7 reporter to swear you in?

8 THE REPORTER: Do you solemnly swear or affirm
9 that the testimony you're about to give will be the
10 truth, the whole truth, and nothing but the truth?

11 THE WITNESS: I do.

12 THE VIDEOGRAPHER: Thank you. You may begin,
13 Counsel.

14 MR. BOWMAN: Thank you.

15 DIRECT EXAMINATION

16 BY MR. BOWMAN:

17 Q. Good morning again, Mr. Bovino.

18 A. Good morning.

19 Q. I wanted to start by returning to a discussion
20 that we had yesterday regarding video of the incident in
21 which you employed a canister with CS gas in it.

22 We were talking yesterday, sir, about a video from a
23 body- worn camera that depicts that incident. Do you
24 remember looking at that video yesterday?

25 A. Yes.

1 Q. You recall that in the video you can see a
2 canister deployed at one point?

3 A. Yes.

4 Q. Yes. And you recall that toward the end of
5 the video clip it is possible to see you in the lower
6 right corner of the image, right?

7 A. From the video or the picture? I'm -- I'm
8 confused now. I don't think I was in the lower right
9 corner of a video -- lower left, I don't know.

10 Q. Yeah. I think it was the lower left.

11 A. When you said lower right?

12 Q. I did. I was wrong.

13 A. Okay. I'm -- I'm -- yeah.

14 Q. Lower left.

15 A. You might want to explain that a little bit
16 more because now I'm -- I'm a little confused --

17 Q. I got you confused.

18 A. -- on what you're going here?

19 Q. Well, Mr. Bovino, at the end of the videotape,
20 you see yourself in the lower left corner of the screen
21 in the vicinity of a white object that may or may not be
22 a rock. Do you remember that now?

23 A. I do.

24 Q. All right. So we talked about that videotape
25 yesterday and you told me that -- unless I'm

1 misunderstanding you, and I want to clarify this. You
2 told me that that particular video does not provide
3 information for you as to the order in which two things
4 happened. You threw the canister. The white rock came
5 to land in your vicinity, right? You can't tell from
6 the video which comes first?

7 A. Yeah. That -- that's true. But I would like
8 to correct something from yesterday's testimony that has
9 to do with that -- what you're talking about. You said
10 the white rock?

11 Q. Yes.

12 A. The white rock there. I'd like to take a
13 moment to correct some prior testimony. I believe that
14 white -- I was mistaken. That white rock was -- was
15 thrown at me, but that was after -- that was after I
16 deployed less lethal means in chemical munitions. I was
17 mixed up with several other objects in a very chaotic
18 environment and other objects that were thrown at me.
19 And I confused that white rock with other objects like
20 water bottles, and fireworks, and many other things that
21 were happening at the time. So I want to correct that.

22 Q. All right. So to clarify and make sure we're
23 on the same page. The first thing that happens -- when
24 we're talking about rocks and canisters, the first thing
25 that happens is you deployed a canister, that's -- that

1 happened before the rocks?

2 A. I -- I deployed the canister before the white
3 rock. I didn't say -- I said the white rock.

4 Q. Yes. Before the white rock?

5 A. Yes.

6 Q. That we see in the video that we looked at
7 yesterday?

8 A. Yes.

9 MR. KHOJASTEH: Object to form. Asked and
10 answered.

11 BY MR. BOWMAN:

12 Q. You deployed the canister before the black
13 rock was thrown, that you described hitting you in the
14 head?

15 A. Well, that -- that -- that's not correct.
16 There were canisters. There was -- there was more than
17 one.

18 Q. Okay.

19 A. So that -- that's not --

20 Q. You -- you deployed the canisters, plural,
21 before that black rock came along and you say hit you in
22 the head, correct?

23 A. Yes. Before the rock hit me in the head, yes.

24 Q. All right. So it would not be correct to say
25 that you deployed the canisters because those two rocks

1 were thrown at you? I know you've got other reasons why
2 you say you threw the canisters, but it didn't have to
3 do with those two rocks?

4 A. I deployed both canisters because I felt this
5 was a very violent and chaotic situation. This was a
6 situation that I and many other Border Patrol agents
7 were faced with that included the throwing of objects
8 that could hurt -- hurt or main Border Patrol agents or
9 kill Border Patrol agents, including fireworks. So I
10 deployed those -- both those canisters, in plural -- as
11 you say, those canisters, in plural, because of a very
12 wide-ranging, very chaotic, very violent situation that
13 was unfolding both in the minutes before and the minutes
14 after I deployed those -- those two handheld less lethal
15 devices.

16 Q. Got all that. That doesn't answer my
17 question. My question was: Will you confirm that you
18 did not deploy the canisters specifically because either
19 the white or the black rock was thrown at you? That's a
20 yes or no, if you can do it. If you can't do it, I'll
21 move on.

22 A. Well, it's -- it's not a yes or no answer.

23 Q. All right. Then --

24 A. Because --

25 Q. -- let's move on. So my next question is: You

1 did not give a warning to the mob of violent rioters in
2 front of you before you deployed the canisters, right?

3 A. I did not give a warning.

4 Q. Okay. Your report does not say you gave a
5 warning. There was no warning whatsoever given?

6 MR. KHOJASTEH: Object to form. Asked and
7 answered.

8 THE WITNESS: My report says that because that
9 wasn't an emergent circumstance, that I didn't have
10 time nor the ability to give a warning because, as
11 I outlined in my use of force report, there were
12 many situations taking place there that both
13 prevented and precluded me from giving a warning
14 due, again, to the - - the violent situation, the
15 violent rioters, and a violent mob that was
16 actively assaulting Border Patrol agents with
17 things like objects thrown. What I -- what
18 appeared to be commercial grade fireworks, which
19 are extremely dangerous by the way. Individuals on
20 rooftops in an area, that intelligence for at least
21 a week and a half had said individuals on rooftops
22 are something that is a -- a very critical piece
23 for a law enforcement officer to look at. Due to
24 the fact there's bounties on law enforcement's
25 heads. And they will try to get on rooftops, and

perhaps conduct violence against law enforcement,
and many other factors including the boxing in of
law enforcement officers. A whole litany
that -- that we've already been over here. A whole
litany of -- of very violent and emergent
circumstances were taking place simultaneously,
which caused me to deploy those canisters in an
emergent situation as per the TRO. And that's why
that was done. And also, I'd like to add that
there were many warnings given by a multitude of
Border Patrol agents for this violent mob to get
back. To clear the streets so that law -- law
enforcement officers could move freely about to
conduct their lawful business. And that was not
heeded for several minutes.

BY MR. BOWMAN:

**Q. Looking again at Exhibit 23 to your deposition
from yesterday. You told us this is the violent mob of
rioters that you saw in front of you seconds before you
deployed the first of the two canisters; am I correct?**

A. Well, this is -- you know, I -- I can't tell
exactly what's happening from -- from a picture. This
is -- this -- this -- this picture here that you've
given me is -- this is a snapshot in time.
This doesn't depict -- this does -- that's my answer.

1 This does not depict everything, or even a minute part
2 of what's -- what was going on in this situation. There
3 was a violent crowd of individuals that was violently
4 attacking Border Patrol agents both in front, to the
5 side, and behind me in many other areas. So when you
6 show a picture like this, it does not depict anything
7 like what -- what I or my agents were faced with. So
8 definitely a violent crowd -- sorry, a violent crowd of
9 rioters in this situation.

10 Q. So the violence that you saw was to the left
11 of the image, to the right of the image, behind the
12 image, and all around the image, right?

13 A. It was all --

14 Q. Is that right?

15 A. Not the image, no. It was around me and --

16 Q. Around you and around what is depicted
17 in the --

18 A. Now, hold on a second.

19 MR. KHOJASTEH: Mr. Bowman. Mr. Bowman,
20 please don't interrupt him.

21 BY MR. BOWMAN:

22 Q. Around you and what is depicted in the image,
23 right?

24 A. No, sir. No, that's not right either.

25 Q. Not correct.

1 A. The violent --

2 **Q. Let me ask you this --**

3 MR. KHOJASTEH: Mr. Bowman --

4 MR. BOWMAN: He's answered the question.

5 THE WITNESS: No, I have not.

6 MR. KHOJASTEH: You -- you're not being
7 respectful, Mr. Bowman.

8 MR. BOWMAN: I'm not being respected. I don't
9 appreciate this.

10 MR. KHOJASTEH: No, no. No one's not
11 being -- if you have an -- we could go off the
12 record. You could tell me what the problem is. I
13 will talk to the witness about it. No one's trying
14 to disrespect you.

15 MR. BOWMAN: Okay.

16 MR. KHOJASTEH: So just let -- let's --

17 BY MR. BOWMAN:

18 **Q. So I just want an answer to my question. You**
19 **told me that's not correct. You've answered my**
20 **question. My question is: Does that picture depict**
21 **anything, any little tiny aspect of the mob of violent**
22 **rioters around you, behind you, to the side of you,**
23 **impeding you allegedly as you threw those canisters?**
24 **Does it depict even a tiny bit of it?**

25 A. It depicts -- it --

1 **Q. That's a yes or no. Does it or does it not?**

2 MR. KHOJASTEH: No. No. Mr. Bowman. Mr.
3 Bowman.

4 THE WITNESS: No. No.
5 BY MR. BOWMAN:

6 **Q. It does not. All right.**

7 A. No, I -- sir -- no --

8 MR. KHOJASTEH: Stop answering his question.
9 Stop answering. Mr. Bowman, you're -- I've asked
10 like three times now. You're badgering him and
11 you're not letting him answer the questions.
12 This is --

13 MR. BOWMAN: Stop.

14 MR. KHOJASTEH: No. Mr. Bowman.
15 With respect --

16 MR. BOWMAN: We're going to go to Judge Ellis
17 again. I'm not going to have this -- and not --
18 this is my last 90 minutes.

19 MR. KHOJASTEH: Explain -- no, I got it. So
20 I'm happy to go off the record so we don't waste
21 your time.

22 MR. BOWMAN: I don't want to go off the
23 record. I'm going to do your nonsense on the
24 record. He needs --

25 MR. KHOJASTEH: It's not --

MR. BOWMAN: -- to answer my question --

MR. KHOJASTEH: That not -- if he --

MR. BOWMAN: After he answers my question,
I'm going to ask him another question. You are not
going to get in the middle of this.

MR. KHOJASTEH: But you're not --

MR. BOWMAN: Stop it.

MR. KHOJASTEH: -- allowed -- you're not
allowed to -- if he's answering the question,
you're not allowed to start yelling at him and
saying it's a yes or no question. If he's
answering the question --

MR. BOWMAN: Nobody's yelling --

MR. KHOJASTEH: -- let him answer the
question.

MR. BOWMAN: -- at anybody.

MR. KHOJASTEH: He's -- the record --

MR. BOWMAN: He's not yelling and I'm not
yelling. Stop talking.

MR. KHOJASTEH: That --

MR. BOWMAN: Stop it.

MR. KHOJASTEH: Still rude. Still rude.

MR. BOWMAN: I'm not here to be polite. I'm
here to do my job and so are you.

MR. KHOJASTEH: Just could --

1 BY MR. BOWMAN:

2 Q. Your job involves not talking. Stop it right
3 now.

4 MR. KHOJASTEH: Mr. Bowman. I -- I --

5 BY MR. BOWMAN:

6 Q. So my question was, sir: Does that picture
7 show even a tiny bit of what was in front of you when
8 you decided to deploy the canister of tear gas? That is
9 a yes or no question. Can you answer it yes or no?

10 A. No, I cannot answer it yes or no.

11 Q. Okay. You cannot answer that yes or no?

12 A. Not yes or no, but I can answer it.

13 Q. Did you correctly tell me yesterday that that
14 particular picture showed the mob of violent rioters
15 before you? Did you testify truthfully on that subject
16 yesterday? That also is a yes or no question.

17 MR. KHOJASTEH: Object to form.

18 Mischaracterizes the testimony. You could answer
19 the question to the best of your ability.

20 THE WITNESS: I say that -- I say that this
21 picture does show a violent mob of rioters, and
22 many of the other -- some of the other aspects, not
23 all by any means, aspects that I talked about, such
24 as this individual here on the roof. And I don't
25 see the individual on the other roof with the

interlocking fields of fire there, but it does show
some aspects of --

BY MR. BOWMAN:

**Q. Some of what caused you to deploy that
canister?**

A. But not all.

**Q. Not all of it. Is there a photograph that you
can point me to or a camera image that you can point me
to that shows the remainder of all that mob violence
that caused you to deploy the canister?**

A. I don't know.

Q. Okay. Have you seen such a thing?

A. As such, a 360 view of everything that
happened all at the same time simultaneously?

Q. Have you seen --

A. No.

Q. -- such a thing?

A. It would -- there would have to be a hundred
cameras pointing completely around in a circle also
within, oh, I don't know a mile's radius, to capture
even a modicum of the threats that were -- that were
presented to Border Patrol agents. You know, again,
we're -- we're talking about --

Q. You know, Mr. Bovino --

A. I -- I'd like to -- this is important --

1 MR. KHOJASTEH: Please let him answer the
2 question.

3 THE WITNESS: -- this is important.

4 BY MR. BOWMAN:

5 Q. Mr. Bovino --

6 MR. KHOJASTEH: You're asking these questions

7 --

8 BY MR. BOWMAN:

9 Q. Mr. Bovino --

10 A. Yes, sir. Yes, sir.

11 MR. KHOJASTEH: -- you're asking these
12 questions. Let him answer.

13 BY MR. BOWMAN:

14 Q. Mr. Bovino --

15 A. Yes, sir.

16 Q. -- the question was: Have you seen such a
17 thing? That's the question. Your answer is either you
18 have or you haven't. And then we move on and I ask
19 another question. That's the way this game is played.
20 You have a lawyer who can ask you questions and then you
21 can make your speeches, but not in response to my
22 questions when you go off-topic. And I believe your
23 answer was, you have not seen any images that show all
24 that stuff that you have just described other than
25 Exhibit 23, which we have been looking at; is that

1 correct?

2 A. No. I said I couldn't remember.

3 Q. Couldn't remember.

4 A. I didn't say I hadn't seen. I said I couldn't
5 remember.

6 Q. Couldn't recall. Very good, sir. So you
7 fired this canister of tear gas because you and your
8 fellow officers were trapped in place, among other
9 things; is that correct?

10 A. No. I didn't fire it. I deployed it.

11 Q. Deployed it.

12 A. It's not something that's fired.

13 Q. With that correction, is it accurate, you
14 deployed the canister in part because you and your
15 fellow officers were trapped?

16 A. No, sir.

17 Q. Okay.

18 A. That's -- that's -- that's not --

19 Q. That's not a reason?

20 A. That's -- no, that's not --

21 MR. KHOJASTEH: Object to form. Lacks --
22 mischaracterizes testimony.

23 THE WITNESS: -- that's not what -- that's not
24 the reason I deployed it.

25 BY MR. BOWMAN:

1 Q. It's one of the reasons?

2 A. I didn't say that.

3 Q. I'm asking you: Isn't it one of the reasons?

4 A. No. That's -- there -- there are many reasons
5 I deployed it that have to be taken --

6 Q. I'm only asking you if that is one of the
7 reasons.

8 A. They have to be taken in compendium, as I've
9 said before.

10 Q. I appreciate that. And I am asking you, sir,
11 if that was one of the compendium of reasons that caused
12 you to fire the tear gas.

13 A. And -- and -- what was that again? That we
14 were what? The officers were what?

15 Q. That you were trapped, sir?

16 A. The -- we were prevented from leaving the
17 area.

18 Q. Prevented from leaving the area. All right.
19 So I want to play a piece of dialogue that is captured
20 on a body-worn camera. And I believe this is you
21 talking and one of your officers talking.

22 MR. BOWMAN: Val, can you identify this clip
23 for us for the record?

24 MS. BARAJAS: It's deploying the tear gas?

25 MR. BOWMAN: Huh?

MS. BARAJAS: Deploying the gas?

MR. BOWMAN: "Fucking gas," yes.

MS. BARAJAS: Yeah. Yeah. So this is REL
148.

MR. BOWMAN: Timestamp?

MS. BARAJAS: 11:04.

MR. BOWMAN: Okay.

MS. BARAJAS: It starts at 11:04-ish -- 11:04.

BY MR. BOWMAN:

**Q. Okay. So the video clip that we're about to
play is from the same body-worn camera that we have been
looking at, REL 148. The timestamp here is 11:04. And I
want you to listen to what's said.**

(Video recording played.)

(Video recording stopped.)

MR. BOWMAN: We don't -- that's the wrong one.

MR. KHOJASTEH: I know. We're fast forwarding
the video now.

MR. BOWMAN: Yeah. We're looking for the
correct content. Why don't we go off the record
and --

MS. BARAJAS: Yeah, it -- it's here. It's
here.

MR. KHOJASTEH: No, we're here. We're good.
We'll keep on the record. I understand why you

1 don't want to show him, but that's unbelievable.

2 MR. BOWMAN: We're going to move to another
3 exhibit. We're going to move to another exhibit.

4 MS. BARAJAS: Yeah. I'm going to find the
5 right stamp. This is not the video that was
6 clipped correctly, so --

7 MR. BOWMAN: Yeah. Okay. All right.
8 So we'll pass -- so we'll pass that question.

9 MR. KHOJASTEH: Just so I know, what was the
10 section you were just showing, 11:04 what?

11 MS. BARAJAS: 11:04.

12 MR. KHOJASTEH: Oh, what -- that -- so it
13 started at 11 and four minutes. No seconds number?
14 Or is that just the -- is that what it was?

15 MS. BARAJAS: That was just starting at 11:04.

16 MR. KHOJASTEH: All right. Thank you.

17 THE WITNESS: Yeah. It looked like it was
18 11:14 there when -- when it got fast forwarded. Is
19 that 11:14 as well? It looked like it went quite a
20 bit to the future. I thought I saw 11:14 as well.

21 MR. KHOJASTEH: And you were marking that
22 as -- that -- this is the same exhibit from
23 yesterday, Mr. Bowman?

24 MR. BOWMAN: That is the same body-worn camera
25 that we --

MR. KHOJASTEH: Okay.

MR. BOWMAN: -- were asking about just now.

BY MR. BOWMAN:

Q. So, Mr. Bovino, did you tell your agents at some point in this situation at Little Village, "If you need to deploy gas, deploy fucking gas." Did you say that?

A. I don't recall.

Q. When you said that, did an agent respond to you, "No. We're good. We're good. We're ready to move out whenever you are."

MR. KHOJASTEH: Object to form.

BY MR. BOWMAN:

Q. Was that the response that you received?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I don't recall.

BY MR. BOWMAN:

Q. Don't recall. Did any agent other than you deploy gas at Little Village on October 23rd?

A. Yes.

Q. So -- all right. I want to change subjects and talk with you again about a -- about your relationship with Secretary of the Department of Homeland Security, Kristi Noem. You told us in the

1 first session of your deposition that you take your
2 orders from Secretary Noem. And that was truthful
3 testimony, right?

4 A. I don't remember my exact words there.

5 Q. Well, let me see if I can help you.

6 A. Okay.

7 Q. This is on Page 65 of the transcript that was
8 taken of your deposition on October 30th. At Lines 13
9 to 18, I asked you this question: "Okay. Is it true
10 that you take direction with respect to the operation of
11 Midway Blitz from Secretary Noem?" Mr. Khojasteh,
12 "Object to form." And then you answered as follows, "I
13 take orders from Secretary Noem." Did I read that
14 correctly?

15 A. Yes.

16 Q. When you said that, was it true?

17 A. I do take orders from Secretary Noem.

18 Q. And we talked at the first session of your
19 deposition about a speech that Secretary Noem gave to
20 you and other federal agents at the Broadview ICE
21 facility one October 3rd, 2025. Do you remember our
22 discussion about that?

23 A. Somewhat.

24 Q. Somewhat. The -- I'm going to refresh your
25 recollection with some of your earlier testimony so that

1 we're talking about the same thing.

2 MR. KHOJASTEH: Do you have copies of the
3 transcript, Mr. Bowman?

4 MR. BOWMAN: Yes, I do.

5 MS. BARAJAS: Just give one to you.

6 MR. KHOJASTEH: We should enter this as an
7 exhibit, right?

8 MR. BOWMAN: It's up to you. You want --
9 yeah.

10 MR. KHOJASTEH: No. I mean, if you're going
11 to -- if you're referring to it and showing it to
12 him, I just feel like that's probably right way to
13 go.

14 MR. BOWMAN: Tell you what, we'll put a copy
15 in front of you so you can follow along with me and
16 we'll identify it as an exhibit. I'm going to
17 throw an exhibit sticker on there in a minute, sir,
18 so --

19 MR. KHOJASTEH: Thank you, Mr. Bowman.

20 MR. BOWMAN: You're welcome. This will be
21 Exhibit 25 for our record.

22 (Exhibit 25 was marked for
23 identification.)

24 THE VIDEOGRAPHER: Mr. Bowman, can you put
25 your mic back on?

1 MR. BOWMAN: Oh, it's right here.

2 THE VIDEOGRAPHER: Thank you.

3 BY MR. BOWMAN:

4 Q. I want you to turn with me to Page 192 of
5 Exhibit 25.

6 MR. KHOJASTEH: I advise the -- the witness to
7 review the scope -- the entirety of the deposition
8 discussions with Mr. Bowman.

9 MR. BOWMAN: We're not going to sit here and
10 review the entirety of the deposition.

11 MR. KHOJASTEH: No, no, I'm not -- of course
12 not.

13 BY MR. BOWMAN:

14 Q. So do you have Page --

15 MR. KHOJASTEH: I just meant about the section
16 you're asking about, Mr. Bowman. I just --

17 BY MR. BOWMAN:

18 Q. Do you have --

19 MR. KHOJASTEH: That's not what I meant.

20 BY MR. BOWMAN:

21 Q. Do you have do you have Page 192 in front of
22 you, sir?

23 A. Yes.

24 Q. I'm going to read beginning at Line 4 through
25 Line 17. I asked you this question, referring to

1 Secretary Noem's speech to you and the federal agents on
2 October 3rd. My question, "Okay. Do you agree with
3 what the secretary is saying here, that your mission as
4 commander of Operation Midway Blitz is to go hard
5 against people who are advocating for violence against
6 you, your officers, their families, and so forth in the
7 way they are talking, in the way that they are speaking,
8 in who they're affiliated with, and who they're funded
9 with, and who are talking about consequences for what
10 you are doing by protecting your country? Do you agree
11 with the secretary that that is part of your mission?"
12 Mr. Khojasteh objects, "Same objection." And then you
13 answer, "I agree that -- with the secretary that we're
14 going to hammer people that advocate for violence." Did
15 I correctly read that, sir?

16 A. Yes.

17 Q. And when you said you agree with Secretary
18 Noem that it is your job to hammer people that advocate
19 for violence, were you telling us the truth?

20 A. I -- what --

21 Q. That's a yes or no, sir. Were you telling is
22 the truth?

23 MR. KHOJASTEH: Let him answer the question,

24 Mr. Bowman. Let him answer the question.

25 BY MR. BOWMAN:

1 Q. Were you telling us the truth? That's the
2 question.

3 A. There --

4 Q. Can you answer that yes or no?

5 MR. KHOJASTEH: Mr. Bowman --

6 THE WITNESS: Not in yes or no, I can't.

7 BY MR. BOWMAN:

8 Q. Okay. So we'll skip that question.

9 MR. KHOJASTEH: Regarding -- Mr. Bowman --

10 BY MR. BOWMAN:

11 Q. Moving to the next point. You would agree
12 with me, would you not, that the woman you take orders
13 from, the Secretary of the Department of Homeland
14 Security, had everything right -- was right about
15 everything that she said on October 3rd at the Broadview
16 ICE facility? Would you agree with me about that?

17 MR. KHOJASTEH: Where is this, Mr. Bowman?

18 BY MR. BOWMAN:

19 Q. That's my question.

20 MR. KHOJASTEH: Is this on -- is this in the
21 transcript, Mr. Bowman?

22 MR. BOWMAN: I'm asking a question.

23 BY MR. BOWMAN:

24 Q. Do you agree with me that the secretary had
25 everything right when she gave that little speech in

front of the Broadview ICE facility on October 3rd?

MR. KHOJASTEH: Object to form. Lacks foundation. Vague as to "everything right," whatever she's referring to.

THE WITNESS: I agree that the secretary is correct in that we're going after individuals, as I said in my prior testimony, that threaten law enforcement officers, that actively threaten officers, and that perpetrate violence against Border Patrol agents, ICE officers, allied law enforcement officers, as we've seen time and again, and I believe that's what she is -- was referring to in the speech, that we'll arrest individuals that -- that threaten and perpetrate violence against law enforcement officers.

BY MR. BOWMAN:

Q. My question was: Did you agree with the things that Secretary Noem said in her speech? That calls for a yes or no if you can -- if you can manage it. If you can't, I'll ask you another question.

MR. KHOJASTEH: Object to form. Asked and answered.

THE WITNESS: I answered -- that -- that was my answer.

BY MR. BOWMAN:

1 Q. All right. I want to direct you to Page 187
2 of Exhibit 25, beginning at Line 14. Let me know when
3 you're there. We'll read it together.

4 A. Yes, I'm there.

5 Q. My question, "So do you remember when the
6 secretary came out to give everybody some encouragement
7 and to define the scope of the mission?" Your answer,
8 "I remember when the secretary came out." This is
9 referring to October 23rd at the Broadview ICE facility,
10 right?

11 A. Yes.

12 Q. And my next question, "And were you present
13 when she said the things that are recorded in that video
14 clip? You were present, correct?" Your answer is,
15 "Yes." And that video clip was a video clip that we had
16 played for you at the time, right? And you had it in
17 mind when you answered that question, yes?

18 A. I said yes.

19 Q. "And you agreed with them, referring to the
20 things that she said?" Is my next question. Your
21 answer, "In the video, did I agree with that? Question,
22 "Yes, what she said." Answer, "I said, yes, ma'am."
23 Question, "Did you agree with what she said?" Moving on
24 to the next page. Answer, "I agreed in the video."
25 Question, "And do you agree today?" Answer, "Yes."

1 Question, "Do you agree that, as part of your mission in
2 the Northern District of Illinois, it is necessary, it
3 is your mission, to go hard against those who are
4 advocating for violence?" And your answer was, "Yes."
5 Did I read that correctly?

6 A. Yes.

7 Q. Here comes another question. It calls for a
8 yes or no. If you can't answer it yes or no, I'm going
9 to move on. Did you testify truthfully in that passage
10 that we just read? Yes or no?

11 MR. KHOJASTEH: Answer it the best way you see
12 fit.

13 THE WITNESS: I answered that question with
14 the belief that Secretary Noem was talking about
15 threats and perpetrating violence against federal
16 officers, Border Patrol agents, and ICE officers,
17 and with that in mind, my testimony was truthful.

18 BY MR. BOWMAN:

19 Q. Okay. Does your job in Midway Blitz include
20 hammering people who advocate for violence?

21 A. I don't understand. Can you -- can you say
22 that again?

23 I didn't -- I didn't catch all that.

24 Q. Did your job in Midway Blitz incur -- include
25 hammering people and telling your officers to hammer

1 people who, "advocate for violence?"

2 A. My job in Midway Blitz can include arresting
3 individuals that perpetrate violence or threaten
4 violence against law enforcement officers, Border Patrol
5 agents, other civilians, or anyone else
6 that -- that -- that violence is threatened or
7 perpetrated against.

8 Q. Yes. You see violence threatened and you have
9 the -- and your job is to react and to hammer, right?

10 MR. KHOJASTEH: Object to form.

11 THE WITNESS: When violence is threatened,
12 that's a case by case decision --

13 BY MR. BOWMAN:

14 Q. Sure.

15 A. Based on the -- the -- the -- the context, the
16 -- what's happening in this situation. Again, each --
17 each situation is based on its own merits, based on what
18 the officer sees and that type of thing, but threatening
19 a law enforcement officer is -- is illegal.

20 Q. Okay. And advocating violence requires you to
21 respond by hammering, right?

22 A. I didn't --

23 MR. KHOJASTEH: Object to form.

24 THE WITNESS: I didn't say that.

25 BY MR. BOWMAN:

Q. I'm asking you: Is that true?

A. What -- say that again?

Q. Is it true that responding to advocacy of violence requires you to hammer?

A. If there's threatening language in there, or if they threaten law enforcement -- law enforcement officers or perpetrate violence, then it's possible those individuals could or might be arrested.

Q. Okay. So let me ask you to look with me at Page 192 to 193 of your transcript. Exhibit 25. Beginning again at Line 15, you said, "I agree that -- with the secretary that we're going to hammer people that advocate for violence." That's you talking, right?

MR. KHOJASTEH: Read the whole --

BY MR. BOWMAN:

Q. Last week.

MR. KHOJASTEH: -- question in response, Mr. Bovino.

BY MR. BOWMAN:

Q. That's you talking last week. Are you with me? Line 15 on Page 192.

A. Line 15 is me.

Q. Yes. What you said is you talking, and what you said is your truthful testimony, right?

A. Yes.

1 Q. Yes. Beginning at Line 19, here comes the
2 next question: "Okay. And is that -- and that's your
3 understanding of what your job is, right? To hammer
4 people that advocate for violence?"

5 Your answer --

6 MR. KHOJASTEH: Object to form.

7 BY MR. BOWMAN:

8 Q. -- "of what my job is, my." Next question.

9 MR. KHOJASTEH: Object to form. You've just -

10 -

11 BY MR. BOWMAN:

12 Q. Next question.

13 MR. KHOJASTEH: Object to form. You just
14 misread the question, Mr. Bowman.

15 MR. BOWMAN: I'll read it again.

16 MR. KHOJASTEH: Just read it the way it is.

17 BY MR. BOWMAN:

18 Q. Question, "And is that referring to your prior
19 answer, and that's your understanding of what your job
20 is, right?" Your answer, "Of what my job is, my,"
21 right? We're with -- are you with me so far?

22 A. I'm on Line 21.

23 Q. Line 21. Line 22 comes the next question,
24 "Yes, as commander of Operation Midway Blitz." Answer,
25 "Well, my job is a lot more than that." And when you

1 say "that," we're talking about hammering people that
2 advocate for violence, right?

3 MR. KHOJASTEH: Objected to form.

4 BY MR. BOWMAN:

5 Q. That's the context for these questions.

6 MR. KHOJASTEH: Object to form.

7 THE WITNESS: No.

8 MR. KHOJASTEH: Mischaracterizes the
9 testimony.

10 BY MR. BOWMAN:

11 Q. It's not? You had some different context in
12 mind? Were you confused by the questions?

13 MR. KHOJASTEH: Let's just ask one question at
14 a time. You asked --

15 BY MR. BOWMAN:

16 Q. Were you confused by the questions?

17 A. No.

18 Q. Okay. Next question, "Oh, it's more than
19 that, but it includes this, right?" You understood that
20 question, yes?

21 A. I understood that it was, as I said,
22 threatening law enforcement agents and/or perpetrating
23 violence. That's what this whole thing revolves around,
24 is threatening law enforcement officers and perpetrating
25 violence. That's what I believed you were asking me.

1 Q. Okay. So you had a private, secret
2 understanding of what that discussion was really about,
3 something other than what's in the transcript; is that
4 what you're telling us?

5 MR. KHOJASTEH: Object to form.

6 Mischaracterizes testimony. Mischaracterizes the
7 transcript. It's in there, the transcript. You're
8 just choosing not to read it, Mr. Bowman.

9 THE WITNESS: No, that's not correct.

10 BY MR. BOWMAN:

11 Q. In any event, if you look on the next page,
12 Line 1, your answer to the question that I just read is
13 "yes," is it not?

14 A. Where's this again now? 194? Question 1?

15 Q. 193, top of the page. You say "yes." 193,
16 top of the page, you say "yes."

17 A. It does say yes.

18 Q. Yes. And that was true, right? You're
19 saying, yes, that was true?

20 A. That -- yes, I'm saying that what's true is in
21 relation to the question you're -- that it was in
22 response to that my job is much more than that but does
23 include that threatening of Border Patrol agents, the
24 threatening of law enforcement officers and the
25 perpetration of violence, which is what we were all

1 talking about here.

2 Q. Okay. Well, actually, what we were talking
3 about, as reflected on Page 192 at Lines 15 through 18,
4 was hammering people who advocate for violence. That's
5 what the transcript says we were talking about --

6 MR. KHOJASTEH: Object --

7 BY MR. BOWMAN:

8 Q. -- isn't it?

9 MR. KHOJASTEH: Object to form. Argumentative.
10 He's explained what he understood the terms to
11 mean. Don't badger him.

12 THE WITNESS: I understood those terms to be
13 threatening law enforcement officers and
14 perpetrating violence against law enforcement
15 officers, and that's what I was responding to in
16 that section of this testimony.

17 BY MR. BOWMAN:

18 Q. Do you have Exhibit 23 in front of you? Let
19 me put it in front of you again. These people here
20 shown in Exhibit 23, they have their -- some of them
21 have their cell phones raised; do they not?

22 A. I see cell phones in there what appear to be
23 cell phones.

24 Q. And they are speaking in loud and angry tones,
25 aren't they?

1 A. This picture does not -- wouldn't depict to
2 that.

3 Q. Would not depict that. But you have a memory
4 of this event. You were there, right?

5 A. I was there.

6 Q. And you heard what they said?

7 A. I -- I did hear people talking.

8 Q. And people were saying not very pleasant
9 things to you, right?

10 A. Yes.

11 Q. They were directing expletives in your
12 direction; were they not?

13 A. Yes.

14 Q. They were insisting that they did not want you
15 in their neighborhood; were they not?

16 A. Some did.

17 Q. Some said, using -- throwing in an obscenity,
18 they said, "Get out of our neighborhood," right?

19 A. I -- I can't remember if they said that.

20 Q. Okay. Now they were definitely raising their
21 voices?

22 A. Some did.

23 Q. Some did. And you have said that these folks,
24 and the folks around them, were a mob, right?

25 A. Rioters and a violent mob.

1 Q. Rioters and a violent mob. These folks here
2 in Exhibit 23, among others, yes?

3 A. The individuals that were all around this
4 area, we're not just talking about this exhibit, but
5 what was happening, again, as I explained in --

6 Q. All --

7 MR. KHOJASTEH: Just let him answer.

8 THE WITNESS: As I explained, all around both
9 myself and those other Border Patrol agents, for a
10 -- a period of several blocks --

11 BY MR. BOWMAN:

12 Q. Does this picture show part of that violent
13 mob that you're describing?

14 A. Both forward --

15 Q. Does this picture show part of that violent
16 mob?

17 A. Say again? This picture shows --

18 Q. Does this picture show just a part of that
19 violent mob?

20 A. It does --

21 Q. Yes or no, if you can.

22 A. That's not a yes or no answer.

23 Q. Okay. Can't answer that yes or no. Do -- did
24 you consider these folks to be advocating for violence?

25 A. Which folks?

Q. Those folks, right there in Exhibit 23?

A. I -- I considered this violent mob to be at --
to at -- not advocating, but perpetrating violence at
that point.

**Q. Perpetrating violence as we see in Exhibit 23,
correct?**

MR. KHOJASTEH: Object to the form --

THE WITNESS: I didn't say that.

MR. KHOJASTEH: -- and mischaracterizing the
testimony.

BY MR. BOWMAN:

Q. And as --

MR. KHOJASTEH: Mr. Bowman, stop. This case
isn't going to be decided by got-you testimony.
Answer some -- ask substantive questions and get
serious answers. Conduct the examination with some
modicum of professionalism.

BY MR. BOWMAN:

**Q. And did you decide, adhering to the
secretary's instruction, to hammer those who advocate
for violence, that it would be a good idea to throw a
canister in their direction because they were advocating
for violence?**

MR. KHOJASTEH: Object to form. Argumentative.
Lacks foundation.

BY MR. BOWMAN:

Q. That calls for a yes or a no.

MR. KHOJASTEH: Answer the question the best way you see fit, Mr. Bovino.

THE WITNESS: Sure. In -- this situation, in which there was a violent mob assaulting Border Patrol agents, I deployed a less lethal. It was the least amount of force necessary that I knew to help control an emergent and potentially violent -- or I'm sorry, an emergent, violent, and potentially lethal situation. Again, there were many factors going on in -- in this scenario over a several block and mile radius that was contributing to -- that was contributing to my deployment of less lethal as the least amount of force necessary to safely allow anyone that wanted to -- to - - to conduct their First Amendment rights, while taking care of the widespread violent aspects of this violent mob, and also to mitigate severe threats that appeared to be descending upon this location because several members of this violent squad -- or violent -- violent mob had boxed in and prevented Border Patrol agents and law enforcement officers from leaving a location, which, in itself, is an extremely serious and emergent situation all of its

own.

BY MR. BOWMAN:

Q. Let me ask you this: Can you look me in the eye, Mr. Bovino, and answer the question that I just asked you with a yes or with a no?

MR. KHOJASTEH: He just answered the question. Object to form. Asked and answered.

THE WITNESS: I -- I just answered that. And that's certainly not a yes or no --

BY MR. BOWMAN:

Q. Not a --

A. That's certainly not -- not a yes or no. There's so many factors going on in there that -- that, you know, I could go on for minutes.

Q. You could indeed. And you can't tell me no in response to that question, can you? You can't look me in the eye and say no?

MR. KHOJASTEH: Mr. Bowman, you -- he's asked -- you've asked the question three or four times, three or different -- four different ways. He's answered each time. You don't like his answer, but he's asked. I'd suggest you move on.

THE WITNESS: And again, I can't answer that question yes or no because it's not a yes or no

question.

BY MR. BOWMAN:

Q. Very good. Thank you for the -- your testimony. I want to turn next to the situation that you were involved in, in the Broadview ICE facility. You have testified that at the Broadview ICE facility, this just as at Little Village, you encountered many violent rioters and assaultive subjects, right?

A. I -- I can't remember the exact testimony. What -- what I don't know what you're referring to.

Q. Why don't we look at Page 214, pages -- Lines 3 to 8 of Exhibit 25?

A. Is that on the one you gave me here?

Q. Same one.

A. All right. 214?

Q. 214. Were you asked this question and did you give this answer, beginning at Line 3? "Okay. There were occasions when you were present at the ICE facility at the Broadview location, leading federal agents as they responded to protestors, correct?" Your answer, "I've been at the Broadview facility and responded to violent rioters and assaulted subjects." Did you give that answer to that question?

A. Yes.

Q. And does that help you remember that you have

1 testified that, at the Broadview ICE facility, just like
2 in Little Village, you were confronted by violent
3 rioters and assaultive subjects?

4 MR. KHOJASTEH: Object to form.

5 Mischaracterizes his testimony. Lacks foundation.

6 THE WITNESS: Yeah. I didn't say in here that
7 Broadview --

8 BY MR. BOWMAN:

9 Q. I asked you a question.

10 A. Well, no, but it didn't do that. You --
11 you're asking me if I testified with Broadview and
12 Little Village, there's no co-joined testimony here.

13 Q. Correct.

14 A. I -- I didn't say that here.

15 Q. I am asking you a new question.

16 A. Well, you said this --

17 Q. The question is: Is it true that at the
18 Broadview ICE facility, just like in Little Village, you
19 were confronted with violent protestors and assaultive
20 subjects?

21 A. Both situations were different and judged on
22 the merits of each situation. Each situation is
23 different. They -- those were not the same situation or
24 a situation that I would consider -- that I would
25 consider the same as each situation with violent

1 protestors and violent mobs should be taken on its own
2 merits.

3 Q. Two separate, violent mobs, very different.
4 But both of them, you'd be happy to characterize as
5 violent mobs, right?

6 A. I said violent rioters and assaultive
7 subjects.

8 Q. You just talked about violent mobs. And that
9 was the basis for the question I asked you. Can you
10 answer my question?

11 A. And what was that again?

12 Q. You won't find the answer in the transcript.
13 I'm asking you a new question.

14 A. Yeah. And what was your question?

15 MR. KHOJASTEH: Just ask the question.

16 BY MR. BOWMAN:

17 Q. The question is --

18 A. Trying to get your question.

19 Q. -- both at Broadview and at Little Village,
20 though the situation was different, you confronted
21 people that you would characterize as being part of a
22 violent mob, right?

23 A. Yes.

24 Q. Yes. There wasn't anybody you encountered at
25 Broadview who you can remember who wasn't a violent

individual or a -- an assaultive subject, right?

MR. KHOJASTEH: Object to form.

Mischaracterizes testimony.

THE WITNESS: I -- I did encounter violent individuals at the Broadview facility.

BY MR. BOWMAN:

Q. You encountered individuals who were shouting, right?

A. There were individuals shouting, yes.

Q. You encountered individuals who were using epithets?

A. Yes.

Q. Along the lines of get the F out of here, right?

A. I can't remember exactly what they said. It's possible they said that.

Q. Along those lines, right?

A. Yes.

Q. Making the point that they did not appreciate your presence in the Northern District of Illinois and the way you were conducting immigration enforcement. That's what they were communicating, right?

A. Yes. I can't remember the exact communication they had, but -- yep.

1 Q. So would you say that those people, those
2 violent and assaultive individuals who were making those
3 points were advocating for violence?

4 MR. KHOJASTEH: Object to form. Lacks
5 foundation. Mischaracterizes the testimony. Go
6 ahead.

7 THE WITNESS: I did not characterize
8 individuals exercising their First Amendment right
9 to free speech, right to assembly, you know? In --
10 in the Border Patrol, whether it's training or my
11 30 years of experience, one thing I've noted
12 whether it's Broadview or Little Village, both
13 days, or anywhere's else in the Chicago or Los
14 Angeles areas, anywhere in those areas that we are
15 confronted by -- by protestors that are exercising
16 their First Amendment speech to -- to -- to speak
17 and -- and -- and the symbol, we recognize, and I
18 recognize that right as important to the
19 Constitution, as an important belief that
20 I -- that I hold both -- both personally and
21 professionally.

22 So I did not characterize everyone there at the
23 Broadview facility as a violent mob or protest --
24 or a violent rioter. There were individuals there,
25 as you say, that were exercising their right to

1 free speech and they did, and were allowed to
2 exercise their right to free speech because I did
3 swear an oath to uphold and defend that First
4 Amendment to the Constitution as well as all
5 amendments to the Constitution.

6 BY MR. BOWMAN:

7 Q. So you did. And --

8 A. Yes, I did --

9 Q. -- let me ask you an example.

10 A. -- I did uphold that, yes.

11 Q. Let's talk about a concrete example. A fellow
12 by the name of Scott Blackburn. He's a fellow who you
13 encountered at the Broadview ICE facility, right?

14 MR. KHOJASTEH: Object to form. Lacks
15 foundation.

16 THE WITNESS: I -- I don't recall anybody.

17 BY MR. BOWMAN:

18 Q. Do you recall looking at a video last time of
19 an older guy with shaggy white hair who made comments to
20 you that had some obscenities thrown in but conveyed the
21 point that he didn't appreciate what you were doing and
22 you should be ashamed of yourself? You remember that
23 guy?

24 MR. KHOJASTEH: Object to form. Lacks
25 foundation.

THE WITNESS: I -- I recall a video you showed.

BY MR. BOWMAN:

Q. Yes. Do you remember him saying words to that effect?

A. I don't remember what -- what -- what words he said.

Q. You remember, he said words?

A. He talked.

Q. He talked. And do you remember you tackled him?

A. No, that's not what I remember. What I remember was, that individual was not following lawful law enforcement directions. He was allowed to exercise his First Amendment rights and certainly had the right to do that. A right that I would die for. But he was not exercising First Amendment rights. When I tackled him, he was failing my instructions, which were to go in the opposite direction, towards the street so I could clear a -- so that I could conduct a lawful, safe law enforcement mission. He did the opposite of that and physically impeded, obstructed, and pushed against me, which can be considered 18 U.S.C. 111, assault on a federal officer, did exactly what I asked him, after several admonishments to do so, to clear the area. That

individual would not clear the area, and so he was removed from the area.

Q. All right. So let's look at the video again.

And my question for you will be: Does this video show the narrative that you have just provided for us, okay? So that's my question. Let's watch the video.

(Video recording played.)

BY MR. BOWMAN:

Q. All right. So my question is -- yes or no is all I need for an answer. Maybe you can't answer it yes or no. My question is: Does that video depict the narrative that you just described for us with respect to Mr. Blackburn?

MR. KHOJASTEH: Object to form. Asked and -- answer the question any way you see fit.

THE WITNESS: That -- that video depicts exactly what I told you. That individual was obstructing --

BY MR. BOWMAN:

Q. That's it. You've answered it.

A. -- not following directions.

Q. I asked you --

MR. KHOJASTEH: Don't interrupt him, Mr. --
Mr. Bowman --

BY MR. BOWMAN:

1 Q. Does the video depict what you described --

2 MR. KHOJASTEH: Mr. Bowman, this -- Mr.

3 Bowman, he's a public --

4 BY MR. BOWMAN:

5 Q. -- and you have answered the question. I'm
6 going to
7 ask you --

8 MR. KHOJASTEH: Mr. Bowman, he's a public

9 servant, and he --

10 BY MR. BOWMAN:

11 Q. I am going to ask you a new question.

12 MR. KHOJASTEH: You know, the record's going
13 to reflect all of this, the lack of respect you
14 have.

15 MR. BOWMAN: Indeed, it will reflect
16 everything, so you can just stand down and rest
17 comfortable that this video will reflect
18 everything.

19 MR. KHOJASTEH: This is how you want to -- you
20 -- honestly, this is how you want to proceed with a
21 public servant, Mr. Bowman?

22 MR. BOWMAN: Stop talking. Stop talking.

23 MR. KHOJASTEH: Just stop interrupting him.

24 BY MR. BOWMAN:

25 Q. My next --

MR. KHOJASTEH: Just stop interrupting him.

Just stop interrupting him. You got it?

BY MR. BOWMAN:

Q. My next question for you, sir, is: Whether in -- you remember, as we were watching that video the last time, we also talked about a fellow by the name of Juan Munoz, who is wearing a light blue shirt that has two white stripes on it. You remember seeing him in the video then, and as you watched it again just now?

A. I saw someone in a blue shirt. I was not -- not -- not looking at that.

Q. Okay. Do you need to see the video again to focus on the fellow in the blue shirt?

A. Yes.

Q. Okay. Let's play it again.

THE VIDEOGRAPHER: Was it Juan Munoz?

MR. BOWMAN: Same one.

MR. FUTTERMAN: Do you want to identify that for the record?

MR. BOWMAN: That's a good idea. This video is -- has an exhibit number. Do we know what it is?

Okay. This is Exhibit number 8. It was marked at the October 30th session of Mr. Bovino's deposition. We'll play it for you again.

(Video recording played.)

BY MR. BOWMAN:

Q. All right, sir. You watched it again. You focused your attention on that man with the cell phone in the light blue shirt and the two white stripes, correct?

A. I saw that.

Q. You saw that. Let's call him Juan Munoz, because that's his name. So Mr. Munoz happens to be an elected official in the village of Oak Park. Would that surprise you?

A. I -- I don't know.

Q. Did you notice, as you watched the video, that Mr. Munoz was holding a cell phone, right?

A. I didn't know what he was holding.

Q. Did you notice that he was videotaping with a cell phone the officers who were standing in front of him engaging in their interactions with the folks that you refer to as the violent mob of assaultive individuals?

MR. KHOJASTEH: Object to form.

Mischaracterizes testimony. Lacks foundation.

THE WITNESS: Yeah, I didn't know if she was videotaping or what he was doing. I didn't notice.

BY MR. BOWMAN:

1 Q. Did you notice that he was tackled to the
2 ground?

3 A. I did not notice that, no.

4 Q. Didn't see that on the video? All right. Do
5 you recall that you snatched Mr. Munoz's cell phone from
6 him?

7 A. I don't recall that.

8 Q. Do you remember that Mr. Munoz was detained?

9 A. I don't -- I didn't detain him. I don't know.

10 Q. Detained for eight hours. Did you know that?

11 A. I didn't know.

12 Q. There were no charges that could be brought
13 against Mr. Munoz because he hadn't done anything wrong.
14 Do you concede that --

15 MR. KHOJASTEH: Object to form.

16 BY MR. BOWMAN:

17 Q. -- watching that video?

18 MR. KHOJASTEH: Object to form. Lacks
19 foundation. Argumentative.

20 THE WITNESS: I don't concede that, no.

21 BY MR. BOWMAN:

22 Q. Do you think he did something wrong in that
23 video that we just looked at?

24 A. I -- I didn't arrest --

25 Q. That's not my question.

A. Mr. Munoz, so I wouldn't --

Q. Whether you arrested him or not --

MR. KHOJASTEH: You should let him --

BY MR. BOWMAN:

Q. -- do you think he did something wrong in that video?

MR. KHOJASTEH: You should let him answer the question,

Mr. Bowman.

BY MR. BOWMAN:

Q. Do you think --

MR. KHOJASTEH: Be a person.

BY MR. BOWMAN:

Q. Do you --

MR. KHOJASTEH: Act like a person, please.

BY MR. BOWMAN:

Q. Do you think he did something wrong in that video?

A. I don't know what -- what -- if he did something wrong or not.

Q. Okay. Well, how about whether he did something wrong or not, can we agree that what's shown in the video does not depict him doing anything wrong?

A. I don't agree with that, no.

Q. Okay.

1 A. That would be each individual officer's
2 assessment, and I did not arrest that individual, so
3 whatever another officer or individual saw, heard, felt,
4 which -- I believe that is not the entire video. It's
5 just a snapshot that starts at a certain period of time.
6 There could be more circumstances there that -- that I
7 don't know about because I didn't arrest him.

8 Q. Okay. Would it surprise you to learn that the
9 interaction between you and Scott Blackburn and the
10 events involving Mr. Munoz that are captured on the
11 video that's marked for identification as Exhibit 8
12 occurred shortly after Secretary Noem admonished you and
13 your fellow officers to go hard and hammer those who
14 advocate for violence?

15 MR. KHOJASTEH: Object to form. Lacks
16 foundation.

17 THE WITNESS: I'm neither surprised nor not
18 surprised.

19 BY MR. BOWMAN:

20 Q. All right. You don't deny it? It was the
21 same day, right after the secretary gave her speech;
22 isn't that true?

23 MR. KHOJASTEH: Object to form. Lacks
24 foundation.

25 THE WITNESS: Those events took place on that

day.

MR. BOWMAN: All right. Off the record.

THE VIDEOGRAPHER: Okay. One moment. All right. Going off the record. The time is 11:16.

(A recess was taken.)

THE VIDEOGRAPHER: Okay. We're back on the record, and the time is 11:37.

BY MR. BOWMAN:

Q. Mr. Bovino, I want to talk with you next about another comment that you have made. You said on October 30 that, from what you have seen, all of the uses of force by yourself and the men under your command have been more than exemplary, your words. Do you still stand by that?

A. Yes.

Q. So when you tackled Scott Blackburn, as shown in the video marked for identification as Exhibit 8, that use of force on your part was more than exemplary?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: As we talked earlier, that was not a use -- a reportable use of force.

BY MR. BOWMAN:

Q. Not a use of force?

A. I placed him in -- under arrest. I didn't

tackle him.

Q. Got you.

A. I placed him under arrest.

Q. Got you. When your men tackled Juan Munoz in your presence on October 3, as shown in that same video, that use of force was more than exemplary?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I haven't re -- there was no use of force reportable --

BY MR. BOWMAN:

Q. No use of force?

A. There -- there was no use of force reportable, to my knowledge, in that situation.

Q. You have looked at the video? We just looked at it right now, right?

A. Yes.

Q. Okay. When your men deployed CS gas in the Old Irving Park neighborhood and exposed children on their way to a holiday party to CS gas, that use of force was more than exemplary, sir?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I've not -- I was not at the Irving Park neighborhood -- neighborhood that day,

and did not witness any event that you may be describing.

BY MR. BOWMAN:

Q. I think we -- I asked you this before, but let me ask you again. Have you taken any steps since your conversation with Judge Ellis about that event on October 28 -- since October 28, when you talked to the judge, have you undertaken any investigation of that deployment of CS Gas in Old Irving Park to ascertain whether it was or was not more than exemplary?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I reviewed documents, as I said, to look at deployment of less lethal devices that included that date, and I found all deployments of less lethal and uses of force to be more than exemplary.

BY MR. BOWMAN:

Q. All right. So if the answer to my question is that use of force there in Old Irving Park that you talked with Judge Ellis about was more than exemplary?

A. In reviewing documents, I found that -- that to be a more than exemplary use of force by our agents to keep themselves safe from assaultive subjects, and I did find no evidence that any children were in the

vicinity there.

Q. Okay. Assaultive subjects and violent rioters in Old Irving Park that morning, that Saturday morning, is that what you saw?

MR. KHOJASTEH: Object to form.

THE WITNESS: I said assaultive subjects.

BY MR. BOWMAN:

Q. Violent rioters, did you see that, too?

A. I didn't -- I didn't -- I didn't -- I wasn't there.

Q. Okay. How about in the video that you reviewed, did you see violent rioters in Old Irving Park?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I don't remember a -- a video.

BY MR. BOWMAN:

Q. Okay. I thought you just said you looked at one.

MR. KHOJASTEH: Object to form.

Mischaracterizes his testimony.

THE WITNESS: Yeah. I didn't say that. I said I looked at reports.

BY MR. BOWMAN:

Q. All right. Having looked at the reports, did

1 you see any evidence that your men were confronted by
2 violent rioters in Old Irving Park?

3 A. Yes.

4 Q. You did? All of the uses -- you -- you --
5 you've been at the Broadway ICE facility on several
6 occasions since you've arrived in Chicago for Operation
7 Midway Blitz, right?

8 MR. KHOJASTEH: Object to form. Lacks
9 foundation.

10 BY MR. BOWMAN:

11 Q. Sorry. I'll restate the question.

12 You have been at the Broadview ICE facility in
13 Broadview, Illinois on a number of occasions since you
14 arrived in Chicago for Operation Midway Blitz; have you
15 not?

16 A. I have been to that location, yes. Many
17 times.

18 Q. And you have seen uses of force?

19 A. Yes.

20 Q. You've seen PepperBalls being discharged at
21 protestors?

22 MR. KHOJASTEH: Object to form. Lacks
23 foundation.

24 THE WITNESS: I don't remember specific
25 PepperBalls being launched at demonstrators or

1 protestors or whatever the word is that you just
2 used.

3 BY MR. BOWMAN:

4 Q. If I was to substitute the word violent mobs
5 and assaultive individuals, would you acknowledge then
6 that you've seen PepperBalls discharged at folks at the
7 Broadview ICE facility?

8 A. I have seen less lethal devices discharged at
9 violent rioters and/or assaultive individuals.

10 Q. You have seen CS gas deployed at protestors at
11 the Broadview ICE facility; have you not?

12 MR. KHOJASTEH: Object to form.

13 THE WITNESS: No.

14 BY MR. BOWMAN:

15 Q. If I were to substitute the words violent --
16 violent mobs and assaultive individuals, would you
17 acknowledge that you have seen CS gas deployed at the
18 Broadview ICE facility?

19 A. I would say that I've seen CS gas deployed at
20 violent rioters and assaultive subjects.

21 Q. Correct. And you have, as well, observed as
22 your men have deployed physical force against protestors
23 at the Broadview ICE facility; have you not?

24 MR. KHOJASTEH: Object to form.

25 THE WITNESS: I've not seen our men or women

1 deploy force against protestors.

2 BY MR. BOWMAN:

3 Q. Have you seen your men and women deploy force
4 against individuals like Scott Blackburn and Juan Munoz,
5 who you would characterize as violent individuals and
6 assaultive individuals?

7 MR. KHOJASTEH: Object to form. Lacks
8 foundation. Mischaracterizes his testimony.

9 THE WITNESS: There has been -- those
10 individuals were taken into custody as they
11 impeded, obstructed, and/or assaulted federal
12 agents and/or law enforcement officers at the
13 Broadview -- at or near the Broadview facility.

14 BY MR. BOWMAN:

15 Q. And have you reached the conclusion that all
16 of the tear
17 gas -- sorry, all of the CS gas that you saw deployed at
18 the Broadview ICE facility, all of the less lethal
19 munitions that you saw deployed at the Broadview ICE
20 facility, all of the shoving and the takedowns that you
21 saw your men and women engage in at the Broadview ICE
22 facility, all of that was more than exemplary? Have you
23 reached that conclusion?

24 A. I believe that all uses of force that I've
25 seen and all arrests that I've seen have been more than

1 exemplary.

2 Q. Are you aware that on Halloween your men and
3 women continued their immigration enforcement here in
4 Chicago and elsewhere in the Northern District of
5 Illinois?

6 A. Border Patrol, CBP, and allied law enforcement
7 officers conducted Title 8 Immigration enforcement on
8 Halloween.

9 Q. Were you aware -- I mean, you were aware that
10 Judge Ellis had implored you to stand down on Halloween.
11 You were aware of that, right?

12 MR. KHOJASTEH: Object to form.

13 Mischaracterizes the Court's directive, badly. Go
14 ahead, and you can answer the question if you want,
15 Mr. Bovino.

16 THE WITNESS: I don't believe those were the
17 words of Judge Ellis.

18 BY MR. BOWMAN:

19 Q. Did you get a message that she thought it
20 would be a good idea for you not to engage in
21 immigration enforcement in the Chicago area on Halloween
22 because there would be children out celebrating on that
23 particular day?

24 MR. KHOJASTEH: I'm going to object to form.

25 I'm going to instruct the witness not to answer to

the extent that doing so would disclose
communications he had with Counsel.

THE WITNESS: I am not going to answer that on
-- on advice of Counsel.

BY MR. BOWMAN:

Q. Not going to answer that? Okay.

Did you learn that Governor Pritzker, the
governor of our State of Illinois, had extended the
message publicly that he hoped that, in the State of
Illinois, there would be no Title 8 Immigration
enforcement in the character and manner that you conduct
such enforcement on Halloween?

MR. KHOJASTEH: I'm going to object to form. I
have no idea whether these communications occurred
or not. But to the extent that you learned that
from communication with Counsel, I'm going to
instruct you not to answer.

THE WITNESS: On advice of Counsel, I'm not
going to answer that.

BY MR. BOWMAN:

Q. Not going to answer that question?

Did you consider at any point that it might be
a good idea, on Halloween of all days, not to conduct
Title 8 Immigration enforcement here in the Northern
District of Illinois, in light of what Judge Ellis had

1 said to you in open court and other information
2 regarding the views of Illinois public officials that
3 had come to your attention?

4 MR. KHOJASTEH: Same objection. Same
5 instruction.

6 BY MR. BOWMAN:

7 Q. You're not going to answer that question?

8 A. I'm not going to answer that on advice of
9 Counsel.

10 Q. All right. Are you aware that in the City of
11 Evanston on October 31, Halloween day, one of your men
12 pointed a firearm at a person?

13 MR. KHOJASTEH: Object to form. Lacks
14 foundation.

15 THE WITNESS: I understand that a Border
16 Patrol agent was being assaulted and pointed a
17 weapon at an assaultive subject that was impeding
18 and assaulting a federal agent.

19 MR. BOWMAN: All right. So we have a video
20 that we're going to mark for identification as
21 Exhibit 26 to your deposition.

22 (Exhibit 26 was marked for
23 identification.)

24 BY MR. BOWMAN:

25 Q. This is a video that shows events occurring in

1 the vicinity of Oakton and Asbury in the City of
2 Evanston on October 31.

3 (Exhibit 26 was played for the record.)

4 BY MR. BOWMAN:

5 Q. So we've listened to and watched a video that
6 consumes, I believe, two hours and -- sorry, two minutes
7 and 41 seconds of time. And in the course of that
8 video, language is used, right?

9 A. Yes.

10 Q. It -- there is a woman who appears to be
11 dominating the airwaves, and she's saying that she
12 dislikes what your agents are doing, right, in
13 substance?

14 A. Yes.

15 Q. Yes. And using colorful language to make that
16 point, to put it mildly, right?

17 A. Foul language, yes.

18 Q. Foul language. She is also expressing that
19 your agents should leave, right?

20 A. She said that.

21 Q. And, again, she uses sometimes colorful
22 language to make that point, right?

23 A. Yes, foul language.

24 Q. Now, you saw in the video an agent wearing
25 sunglasses with a beard, who is depicted drawing his

sidearm and pointing it at a person, right?

A. No. I can't see that from -- from the video there.

Q. Did you see your agent draw a gun?

A. I did.

Q. Did you see your agent point a gun?

A. Yes.

Q. You do not have the ability to say that the person at whom your agent pointed his sidearm was an assaultive individual, do you?

A. I can't see that -- that person or persons from that video. It doesn't give the -- the context there.

Q. All right. Would it surprise you to learn that the individual at whom your agent was pointing his sidearm was a person by the name of David Brooks, who was holding his cell phone and filming your officer as your officer engaged in enforcement of the immigration laws as you folks see it?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I didn't see anyone in the -- in the video.

BY MR. BOWMAN:

Q. Right. And certainly, you're not in a

1 position -- perhaps I asked you this already. Forgive
2 me if I'm repeating myself. You're in no position to
3 describe any assaultive behavior that justified that
4 drawing of the weapon, right?

5 A. I couldn't see anything that was out of that
6 film's range there, so I couldn't describe that
7 assaultive behavior.

8 Q. Does the fact that your officer drew a weapon
9 in a residential area, just as a general matter, strike
10 you as something that you should be concerned about?

11 MR. KHOJASTEH: Object to form. Lacks
12 foundation.

13 THE WITNESS: I'm concerned that when our
14 agents are surrounded and there are felonies in
15 progress taking place, which is what was happening
16 there, whether it was an individual that had
17 assaulted our agents by obstructing them and rear
18 ending the agents or an individual -- well, that's
19 18 U.S.C. 111 - - or an individual that tried to
20 aid and abet the escape of that individual from a
21 government vehicle that's 18 U.S.C., I believe
22 751(a) aiding and abetting, which is a felony, a
23 felony in progress.

24 Simultaneously, while another subject came in,
25 tried to kick an agent, and then grabbed that

1 agent's testicles and violently assaulted an agent.
2 So it does concern me, yes, sir, that there's that
3 much violence in that short of period of time by
4 that many people against a very few Border Patrol
5 agents,
6 as -- as -- as I see that, especially in light of
7 things like the Graham factors and things like
8 that, that talk about the number of individuals,
9 the number of suspects facing police officers, the
10 nature of the crime, the overall situation, the
11 direness of a situation, that does definitely
12 concern me because I see this type of violence
13 towards law enforcement officers, not just Border
14 Patrol agents, but all -- all law enforcement
15 officers on a daily basis.

16 And that does definitely -- definitely concern
17 me, all the while that we are protecting someone's
18 First Amendment rights, to utilize, as you say,
19 colorful languages, I say foul language, as we
20 protect that individual's rights to perpetrate that
21 type of foul language as that type of a difficult
22 and dangerous situation is taking place.

23 BY MR. BOWMAN:

24 Q. Do you characterize the Evanston residents
25 that you see on the videotape we just watched as a

1 **violent mob?**

2 MR. KHOJASTEH: Object to form.

3 THE WITNESS: You said the Evanston residence?

4 I don't see --

5 BY MR. BOWMAN:

6 **Q. The Evanston residents that you see on the**
7 **video that you just looked at, do you characterize those**
8 **folks as a violent mob?**

9 MR. KHOJASTEH: Object to form.

10 THE WITNESS: Sir -- oh.

11 MR. KHOJASTEH: Lacks foundation.

12 THE WITNESS: I -- I don't understand. There's
13 not a residence there. That was a street and
14 violent assaultive individuals in the street, but I
15 didn't see a residence there. I saw a -- street.

16 BY MR. BOWMAN:

17 **Q. Okay. About how about --**

18 A. -- a -- a street.

19 **Q. How about this? Do you characterize the**
20 **people who you saw in that video as a violent mob?**

21 A. I characterize many of those individuals there
22 through their actions and what they did to agents as
23 assaultive sub -- assaultive subjects.

24 **Q. Okay. So they're not a violent mob, but these**
25 **are assaultive subjects, gathered around the agents in**

1 the City of Evanston on Halloween morning; is that
2 right?

3 MR. KHOJASTEH: Object to form. Lacks
4 foundation. Vague.

5 THE WITNESS: No, sir. I wouldn't
6 characterize it as gathering around agents. They
7 were -- they weren't gathering around agents. I
8 would more characterize that as forming a perimeter
9 or some type of an action-oriented perimeter around
10 agents that led -- that led to violence -- that had
11 the potential to lead for violence -- to violence.

12 BY MR. BOWMAN:

13 Q. It -- it -- it led one officer to point his
14 gun, right?

15 A. One officer pointed his weapon.

16 Q. Right.

17 A. But I can't see what he was pointing. I can't
18 see --

19 Q. Did you --

20 A. -- that specific threat.

21 Q. Did you see the portion of the video where
22 your agent repeatedly hits a young man in his face as
23 the officer is pinning him to the ground? Did you see
24 that? And that's just a yes or no, for now.

25 MR. KHOJASTEH: Object to form. Lacks

foundation.

THE WITNESS: I saw an agent -- an agent
strike a suspect.

BY MR. BOWMAN:

**Q. Okay. Did you believe -- do you believe that
that agent striking that suspect as shown in that video
was a more than exemplary use of force?**

MR. KHOJASTEH: Object to form. Lacks
foundation. Calls for speculation.

THE WITNESS: I believe, based on my knowledge
of those facts, that that was a more than exemplary
use of force. That individual had both assaulted
our agent and then grabbed that agent's testicles
when that happened, so yes.

MR. BOWMAN: I don't seem to have that tweet
about Evanston. Do you have a copy of that? I
don't think it's there.

THE VIDEOGRAPHER: Can you put your mic back
on?

MR. KHOJASTEH: Oh, yeah. Sorry.

MR. BOWMAN: Wait a second. I think I may -
it's not there. Yeah. Let's go off the record for
just a minute.

THE VIDEOGRAPHER: Okay. We're off the
record, and the time is 12:00.

(A recess was taken.)

THE VIDEGRAPHER: We're back on the record,
and the time is 12:02.

MR. BOWMAN: Mr. Bovino, we had a little gap
in our paper exhibits. So the document that I will
mark for identification as Exhibit 27 is one page.

(Exhibit 27 was marked for
identification.)

BY MR. BOWMAN:

Q. It is a screenshot of a tweet, and I'm going
to show it to you on the computer screen, which I'm
placing in front of you. We'll substitute in a hard
copy paper exhibit in due course.

So my question initially, sir, is we -- we
talked briefly about your Twitter account, and you told
us that the account is -- is not -- you -- you don't
write the -- the tweets on your account, somebody else
does it?

A. No. I said that I don't know how to post on
the account. They post -- generally somebody posts onto
the account.

Q. Okay. So you author the -- the statement and
give that to somebody who knows how to put it up on the
-- on the social media screen, and it's -- it's your
words even though you're not the person most of the

time?

A. At -- at times, or I'll oversee the -- the words if they are written.

Q. This particular tweet of yours that I want to talk with you about is a -- a short one. You say, "Well said, Andrew" -- and I'm going to just take the exhibit so I can read this accurately. You say, "Well said, Andrew. They are learning the hard way, little by little." Those -- whether you posted it or not, those are your words, right?

A. I did, yes.

Q. Okay. I'm handing you a paper copy of the exhibit, so you can -- we can all have it in front of us. The tweet that you are responding to, is it -- is a -- a tweet authored by somebody named Andrew, right?

A. Yes.

Q. And the subject of the tweet is a still image of your agent with his firearm drawn, pointing his gun at David Brooks in that -- on holiday -- on Halloween morning, right?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: Not to me it was not -- that was not the subject of the tweet -- of my tweet. My -- the subject of my tweet was Andrew Branca, his --

1 his words.

2 BY MR. BOWMAN:

3 Q. Right. Mr. Branca, in turn is responding to
4 somebody who has posted the image of your agent, right?

5 A. I believe -- I don't -- I -- I -- I'm not
6 going to speculate who he was talking to because I don't
7 know.

8 Q. Well, what he says is, "These officers had
9 just been attacked moments before with a 3,000-pound
10 lethal weapon and were immediately being surrounded and
11 closed in on by an angry threatening mob." Those are
12 the people that we saw in the video that we just looked
13 at together, right?

14 A. Yes.

15 Q. The members -- Mr. Branca show goes on and
16 says, "The members of a mob are never unarmed because
17 the mob is the weapon," right?

18 A. He said that.

19 Q. He said that. And you responded to that,
20 right?

21 A. I -- I responded, yes.

22 Q. And you said, "Well said, Andrew. They are
23 learning the hard way, little by little." Those are
24 your words, right?

25 A. Yes.

1 Q. And your point is that when a mob, as you
2 characterize the people in that video, gets in the
3 vicinity of your officers, they become a weapon, right?

4 MR. KHOJASTEH: Object to form.

5 Mischaracterizes the testimony.

6 THE WITNESS: I didn't say that.

7 BY MR. BOWMAN:

8 Q. You said that to say that is "well said"?

9 MR. KHOJASTEH: Object to form.

10 Mischaracterizes the document.

11 THE WITNESS: I didn't -- I didn't say that.

12 BY MR. BOWMAN:

13 Q. Did you say "The Andrew Branca Show" when he
14 said, "The members of a mob are never unarmed because
15 the mob is the weapon", that Mr. Branca's Show had
16 spoken truth?

17 A. I indicated that he made good points.

18 Q. And you said, "They are learning the hard way,
19 little by little," right?

20 A. I did say that.

21 Q. And when you said, "They are learning the hard
22 way little by little," you meant those folks, those
23 angry mobs that are surrounding us in and around the
24 City of Chicago, those folks are learning the hard way
25 that they should not be there, and they should not be

1 saying what they're saying, and they should not be
2 gathering in the way that they are, right?

3 MR. KHOJASTEH: Object to form. Lacks
4 foundation. Mischaracterizes a document.
5 Mischaracterizes a testimony.

6 THE WITNESS: I did not say that.

7 BY MR. BOWMAN:

8 Q. Did you mean that?

9 A. What I meant -- what I was saying here is that
10 the they are those assaultive -- assaultive suspects who
11 assault federal officers, police officers, and
12 potentially even other members of the public, it's those
13 individuals that assault, impede, obstruct, delay,
14 commit felonies in progress, grab testicles, and all the
15 things that we've seen in that video that you showed me
16 and otherwise, that they learn the hard way, meaning
17 there are consequences for assaulting a federal officer,
18 18 U.S.C. 111, or aiding/abetting the escape of a
19 prisoner, which is a felony, that's 18 U.S.C., as I
20 said, I believe 751(a). And they learn hard way little
21 by little, meaning when they're arrested and charged
22 with crimes, they learn -- little by little, they learn
23 that there are consequences for those assaultive and
24 violent actions that took place.

25 Q. Right. Now --

MR. KHOJASTEH: Can we just get a time check?

THE REPORTER: One hour and 31 minutes.

MR. KHOJASTEH: All right. We're done. I have -- I have a few questions, but if -- I think we're done.

MR. BOWMAN: If you ask questions, you will open the door to redirect.

MR. KHOJASTEH: Understood. To the extent it's tethered to my questions, right? Not, like, anything-you-want questions.

CROSS-EXAMINATION

BY MR. KHOJASTEH:

Q. Mr. Bovino --

A. Yes, sir.

Q. -- I'm just going to ask you a few questions. That -- first starting with Exhibit 26, which was the video that Mr. Bowman showed you a moment ago, where he -- as he described the woman that was using the colorful language and taping you -- taping your agents, do you remember that?

A. Yes. The one here just at -- in Evanston there.

Q. Right. Did you observe anything in that video whereby your agents used force in any manner against the woman who was using, as you had said, the foul language

1 directed towards them?

2 A. I did not. Did not notice any -- any type of
3 use of force towards that woman or any other individuals
4 exercising their First Amendment rights.

5 Q. Okay. Thank you. In terms -- do you remember
6 there was a video earlier today -- I think it was
7 Exhibit 15, this is REL 148. They started at minute --
8 I guess it was hour 11, minute 4. They showed it kind
9 of start and stop through 11 -- hour 11 minute 14, and
10 then they took it down. It was images from Little
11 Village. Do you remember that?

12 A. I do remember that, sir.

13 Q. Okay. And how do you -- what do you remember
14 about the nature of the images you were -- you -- that
15 the -- that were depicted in the video?

16 A. What I saw there, and I remember that well
17 because that's very indicative of what was happening, it
18 was a -- it was what was happening real time when a
19 Border Patrol van full -- full of detainees that was
20 trying to get into the area was surrounded. We were
21 trying to get to that -- that beleaguered van, and we
22 were met with a very, very violent and angry mob of
23 individuals that did not want to allow us to, at that
24 point, rescue those beleaguered agents that were
25 surrounded by a very -- a very threatening and violent

1 mob.

2 Q. So what about the -- you -- you've said
3 repeatedly today and during the testimony the last few
4 days, you referred to threatening, you referred to --
5 and you've drawn distinctions between protesters and
6 assaultive subjects.

7 What about that -- that -- the individuals
8 depicted in that video leads you to conclude that they
9 were -- they -- that leads you to describe them as a mob
10 or as threatening? What about their conduct?

11 MR. BOWMAN: Object to the form of the
12 question.

13 THE WITNESS: Sure. That -- those individuals
14 were advancing on Border Patrol agents. They were
15 advancing on Border Patrol agents while behind and
16 -- and amongst them there was a van that was
17 obviously beleaguered. And then those individuals
18 conducted activities, like slashing tires with
19 knives. In other words, bringing weapons out. The
20 same thing that I was worried about when we talked
21 about that -- that less lethal deployment. They
22 were bringing weapons out, smashing car windows,
23 throwing rocks, becoming ever more angry and
24 violent. It was not a -- this was formed -- this
25 was several minutes after I had deployed that --

the -- that less lethal, and they were becoming even more aggressive, violent, and trying to surround agents over and above the van they had already surrounded.

And one more thing is I had noticed they had utilized a white van and some other vehicles to block a key intersection, a route of egress out of the area, and I watched that happen, which was indicative of a threatening violent mob that was starting to amass against Border Patrol agents.

BY MR. KHOJASTEH:

Q. And that -- and that mob that you're refer -- I'm going to refer you to, and I don't remember the exhibit number, but this was a photo that Mr. Bowman -- I guess it's Exhibit 23 -- Mr. Bowman showed you today.

To what extent, if at all, was the -- the -- the -- the -- were the -- the nature of the individ -- the -- the mob that you're referring to from the video that Mr. Bowman showed you, where in this -- where relative to what's depicted in this photo in Exhibit 23, would that mob or those individuals have been amassed?

A. Sure. And most of these individuals after deployment of -- of less lethal move down the street. So I'm going

1 to draw an arrow there. There's another intersection
2 down here, sir. This intersection is where that van was
3 surrounded, and they called for help on the radio. So
4 as we move down towards that intersection, all of these
5 individuals, plus the individuals already at the
6 intersection coalesced into one -- one -- one large --
7 one large mob of individuals that -- that, as I said,
8 were getting threatening and doing things, like slashing
9 tires, throwing rocks through vehicle windows, and that
10 type of thing. So it was about another block down here
11 at this next intersection. We call that the plaza.
12 That -- that's what that was referred to as the plaza.

13 Q. Okay. And just taking one last -- one step
14 back. And you could set -- put that aside. You've
15 drawn distinction today in your answers to -- answers to
16 Mr. Bowman's questions between protestors and what you
17 would describe as assaultive subjects, violent rioters,
18 or a mob. Could you just educate the Court as to what
19 you understand protestors to mean? And secondarily what
20 you would then -- well,
21 just -- let's just start with, what do you understand
22 protestors to mean in -- when you're drawing that
23 distinction?

24 A. Yes, sir. I would think a protestor is an
25 individual that is exercising their constitutional

rights to speak. To speak their opinion, to speak their mind in a peaceful fashion, in a fashion in accordance with law's rules and with the Constitution. In other words, somebody voicing an opinion that could be both sides of the issue.

We get protestors on both sides of the issue. Sometimes they protest against, say a Title 8 immigration enforcement mission, tell us they don't like it, we shouldn't be there, we need to go home. Use very foul language, oftentimes. And then there's also protestors on the other side of the issue that say, hey, you should be there. We're glad you're here. Continue to be here. So I look at those as peaceful individuals exercising their right to, one, be there and, two, to speak their mind. It's freedom of assembly, freedom of speech.

Q. And so let's then turn to -- oh -- like -- do you understand this, when you were -- today, were using the phrases assaultive subjects or violent mob or violent rioters, do you understand those three phrases to mean the same thing? Are you referring to them kind of synonymously?

A. I am, sir. Yes, sir.

Q. Okay. So what do you understand those phrases to mean generally?

A. Sure. Those phrases, to me, mean an

individual that wishes to perpetrate violence or threats or some overt violent action towards another individual. In this case, it would be us in law enforcement. That could be anything from striking an agent, removing a mask from an agent. I'm drawing from things that I see every day on the streets or that my agents see every day on the streets. Removing masks, kicking agents, grabbing agents' groins, assisting and abetting prisoners from escaping, shooting fireworks, knifing and slashing tires with weapons, throwing rocks through windows of vehicles to hurt agents and/or detainees. It's the whole -- it's a whole myriad of violent actions that I see against law -- law enforcement officers conducting a lawful law enforcement mission.

Q. How, if at all, does refusing to -- how, if at all, does refusing an -- a direction from an ICE agent impact your view of whether a peaceful protestor is then in turn becoming an assaultive subject or mob or violent rioter?

Like, what -- what, if any, impact does a peaceful protester's refusal to follow an order from a law enforcement -- law enforcement officer impact your view of whether they're properly exercising their First Amendment rights?

MR. BOWMAN: Object to the form of the

question. Lack of foundation.

THE WITNESS: Yes, sir. When someone refuses a lawful order from a law enforcement officer, especially in the situations that we've described, that's, in my view, in my opinion as a career law enforcement officer, a -- that's an indicatory element that that individual is, potentially, on that road to not following instructions, potentially obstructing, and it's something that's going to cause me to take a -- potentially take a -- a closer look at that individual, because not following instructions is certainly one indication of someone that -- that's -- that's already ready to that break the law, be where they're not supposed to be, and/or, more importantly, obstruct and/or impede that law enforcement mission.

BY MR. KHOJASTEH:

Q. Right. And just can you give me an example of what you would consider a lawful order? That -- look -- that -- that you're describing that would impede a law enforcement mission?

A. Sure.

MR. BOWMAN: Objection. Form and foundation.

BY MR. KHOJASTEH:

Q. You can go ahead.

1 A. Sure. For instance, we could go back to the -
2 - the --
3 the -- the violent crowd that we just looked at at the
4 plaza there in the -- the -- the -- the picture that --
5 that -- that we looked at. Asking someone to clear the
6 road, clear the roadway so we can depart the area, which
7 is what we were trying to do in that situation, and then
8 those individuals saying, no, I'm not going to depart
9 the area. Let's trap them in here. Let's -- let's get
10 them trapped in here and then calling for other people
11 to come in and say trap us or calling for vehicles to
12 block our exits. Things like - - it is that type of
13 language that I believe that we're -- that we're talking
14 about here, that certainly does raise my suspicion and
15 certainly amps up
16 the -- the level of threat by their language and then
17 resulting actions, if there's resulting actions, that
18 would that -- that -- that would concern me.

19 A vast gulf of difference between those
20 individuals doing that and an individual exercising
21 their First Amendment rights by telling me they hate me
22 or they want me to get out of the area or F you. A vast
23 gulf of difference there.

24 MR. KHOJASTEH: All right. Thank you, Mr.

25 Bovino. I have no further questions. I'll turn it

over to Mr. Bowman to -- for any, I guess,
redirect, re -- re-redirect.

REDIRECT EXAMINATION

BY MR. BOWMAN:

Q. So Mr. Bovino, one question. Looking again at
Exhibit 23 -- and I -- I'd really appreciate it if you
could do me a solid and just answer my questions.

Do you see anybody in Exhibit 23 who you might
characterize as a person exercising their First
Amendment rights to record what you're doing or express
their opposition to what you're doing?

MR. KHOJASTEH: Object to form. If you can
tell.

BY MR. BOWMAN:

Q. It just calls for a yes or no.

A. I can't -- I can't answer that based on -- on
just the picture. There's much more happening here than
this snapshot in time will tell.

Q. Okay. I understand.

A. So much more happening.

Q. I get it.

A. And I'm trying to work with you there.

Q. You can't -- you can't answer it. I get it.

Okay.

MR. KHOJASTEH: Well, he did answer it.

1 BY MR. BOWMAN:

2 Q. Do you see anybody in this photograph who you
3 would acknowledge might, just possibly, might be
4 exercising their lawful First Amendment right to record
5 your activities and to express their disagreement with
6 what you're doing?

7 MR. KHOJASTEH: Object to form and --

8 BY MR. BOWMAN:

9 Q. Again, I'm just looking for a yes, if you can,
10 or you can't say, or no.

11 MR. KHOJASTEH: Object to form. Asked and
12 answered.

13 THE WITNESS: I'm -- I'm unable to -- to
14 answer that based on this one snapshot in time with
15 what's happening all around the area simultaneously
16 up to and including a half a mile away with -- with
17 -- with other threatening -- very threatening and
18 concerning things taking place, as well as
19 assaults, that may or may not be captured by this
20 photo.

21 BY MR. BOWMAN:

22 Q. Okay. Let me hand you again what was marked
23 for identification as Exhibit 22 to your deposition
24 yesterday. This is an aerial photograph. And you
25 testified yesterday that it appears to depict you

1 deploying the canister. See, we see the canister, which
2 is circled, and we see yourself.

3 In Exhibit 22 --

4 MR. KHOJASTEH: Same objection as yesterday
5 regarding the timestamp.

6 MR. BOWMAN: I have not finished the question.

7 MR. KHOJASTEH: It's in the use of this.

8 MR. BOWMAN: So I'm going to have to start
9 over.

10 MR. KHOJASTEH: Go ahead.

11 BY MR. BOWMAN:

12 Q. The document that is in front of you is a
13 couple of photographs. It was marked for identification
14 yesterday as Exhibit 22. It has two red circles. They
15 appear to be around you and around a canister of CS gas
16 that you have deployed.

17 You testified yesterday that that appeared to
18 show that event, correct?

19 MR. KHOJASTEH: Object to form. Same
20 objection as yesterday regarding the timestamp and
21 the representations being made concerning it.

22 THE WITNESS: Yeah. I can't tell exactly
23 which time this is.

24 BY MR. BOWMAN:

25 Q. Sure. I understand that.

1 A. So I don't -- I don't know what -- what time
2 that is.

3 Q. But I -- I think you said yesterday it seems
4 to depict you deploying the canister?

5 A. A canister.

6 Q. A canister. Yes, you agree?

7 MR. KHOJASTEH: I think he agreed with your
8 representation yesterday, Mr. Bowman.

9 MR. BOWMAN: I am so interested in the
10 witness' testimony, not yours.

11 MR. KHOJASTEH: I'm interested in you not
12 mischaracterizing the testimony and trying to trick
13 someone, but go for it.

14 MR. BOWMAN: I really would appreciate it if
15 you'd stop it. It's just beyond unacceptable.

16 MR. KHOJASTEH: So was yelling at someone,
17 putting your hand up like a 5-year-old, and saying
18 stop repeatedly and interrupting me all day, which
19 everyone in the room, including the record,
20 reflects. You ask any -- take a poll in this room
21 of who's -- who's acted professionally during the
22 course of this deposition, it'll be a --

23 MR. BOWMAN: Can you stop yourself?

24 MR. KHOJASTEH: -- landslide.

25 MR. BOWMAN: Can you stop yourself? Please.

1 BY MR. BOWMAN:

2 Q. Here comes the question again. Can you
3 confirm that yesterday, you indicated that it appeared
4 to be you deploying a munition, as represented in that
5 exhibit?

6 MR. KHOJASTEH: Same objection.

7 THE WITNESS: It appears so.

8 BY MR. BOWMAN:

9 Q. So you see the -- in Exhibit 22, you see in
10 front of you, the people amongst whom your munition can
11 be expected to land, given the direction in which you
12 have deployed it, correct?

13 MR. KHOJASTEH: Object to form. Foundation.

14 THE WITNESS: I don't know what's happening
15 with the munition, whether it's static, moving. I
16 -- I can't tell from the picture.

17 BY MR. BOWMAN:

18 Q. You can't tell. Do you see anyone in this
19 photograph who is more representative of the violent mob
20 that you have testified about than the group of
21 individuals depicted in Exhibit 23 that we were talking
22 about a minute ago?

23 MR. KHOJASTEH: Same objection. Lacks
24 foundation. Mischaracterizes the testimony
25 regarding Exhibit 23.

THE WITNESS: There are individuals that I would characterize as assaultive or a violent mob in this photo.

BY MR. BOWMAN:

Q. Okay. Where are they?

A. I don't know which individuals they are because I can't tell from the photo. But this -- this smoke here was the first canister that I deployed. I deployed it over here and several -- or it looked to me like one, two, or possibly three people had kicked that canister back at Border -- back at Border Patrol agents, which is why the smoke is right here.

And one of the reasons why I deployed the second canister is because there was active assaults on federal officers with this canister, in which we did make an arrest for.

Q. Does Exhibit 22 depict the active assaults on federal officers?

A. It -- there's nothing active here because it's a still shot in time.

Q. Understood. Does it show in -- in -- in a moment in time a person assaulting a federal officer?

A. It shows me deploying a canister.

Q. We got that. My question was different.

Does it show anywhere in Exhibit 22, this

1 **business of someone assaulting an officer?**

2 A. I'm unable to -- to tell because it's a
3 snapshot in time, and I can't make that judgment from
4 that -- that photograph.

5 Q. All right. You said in your testimony that
6 you have been confronted over the course of your work in
7 Operation Midway Blitz, both by protesters who oppose
8 your presence here, as well as by protestors coming out
9 to support your work, because you testified to that?

10 MR. KHOJASTEH: Object to form.

11 Mischaracterizes testimony.

12 THE WITNESS: I can't remember my exact words.

13 BY MR. BOWMAN:

14 Q. Well, did you testify to that point generally
15 speaking, that you have interacted with protesters who
16 favor your activities, as well as persons exercising
17 their First Amendment right in opposing your activities?

18 MR. KHOJASTEH: Object to form. Vague as to
19 "activities." Lacks foundation. Mischaracterizes
20 testimony.

21 THE WITNESS: I didn't say that I'd interacted
22 with anyone. I said that there were those types of
23 protestors.

24 BY MR. BOWMAN:

25 Q. Okay. And have your officers, under your

1 command, actually interacted with persons exercising
2 their First Amendment rights to support what you're
3 doing?

4 MR. KHOJASTEH: Object to --

5 BY MR. BOWMAN:

6 Q. Saying, bravo, well done, glad you're here --

7 MR. KHOJASTEH: Object to --

8 BY MR. BOWMAN:

9 Q. -- words to that effect?

10 MR. KHOJASTEH: Object to form. Vague as to
11 whether you're referring to activities related to
12 Operation Midway Blitz.

13 MR. BOWMAN: Yes, it has to do with Midway
14 Blitz. That's what we're here about.

15 MR. KHOJASTEH: I know. I'm just -- I'm
16 helping you. Object to form.

17 THE WITNESS: I don't know if they have or
18 not. I wasn't with the officers all the time, so I
19 couldn't tell you if they said that.

20 BY MR. BOWMAN:

21 Q. How about you? Well, I'm not talking about
22 those exact words. Expressing those sentiments, either
23 with those words or words to that effect?

24 A. Sentiments, again, what type of sentiments? I
25 -- I don't know.

1 Q. The sentiment of supporting your position
2 here, the work that Midway Blitz is doing?

3 A. There have been protestors that -- that
4 supported our position here and opposed it.

5 Q. Right.

6 A. Yes.

7 Q. So I want you to focus on those, you know, who
8 have supported your position here. And my question for
9 you is, can you identify any occasion on which you or
10 any member of your enforcement team, any federal agent
11 under your command, has engaged in any force, deployment
12 of munitions, deployment of PepperBalls, tackling, any
13 of these activities that we have been talking about,
14 against those First Amendment protestors who have come
15 to support your work?

16 MR. KHOJASTEH: Hold on. Object to form.
17 Lacks foundation. Are you asking him whether they
18 -- he deployed --

19 MR. BOWMAN: You can stop.

20 MR. KHOJASTEH: I'm -- you're -- you're
21 missing a point in your logic. I would just look
22 at the question again. You're missing something in
23 your question.

24 MR. BOWMAN: You are unbelievable. Stop what
25 you're doing.

MR. KHOJASTEH: Okay.

THE WITNESS: I don't understand the question.
Could you reformulate the question?

BY MR. BOWMAN:

Q. All right. Here it comes --

A. Or ask it again.

Q. Here it comes again. As your team, your officers, or yourself, if it's the case, have encountered during Midway Blitz, protestors, folks exercising their First Amendment rights to support your activities, have you or any person operating under your command deployed any of the kinds of force that we have been talking about in your deposition so far, such as deployment of munitions, use of PepperBalls, tackling, shoving, any force, pulling guns on them, has that happened in relation to those protestors that I've identified in this question?

A. I'm not aware of any use of force against anyone exercising their First Amendment rights.

MR. BOWMAN: All right. Thank you.

MR. KHOJASTEH: No further questions here.

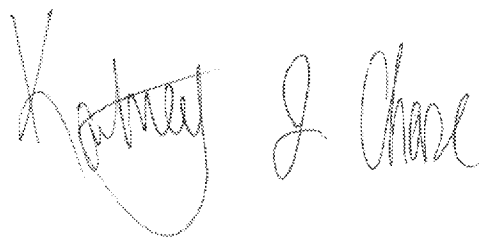
THE VIDEOGRAPHER: All right. With that,
we'll go off the record. The time is 12:32.

(Deposition concluded at 12:32 p.m. CT)

1 CERTIFICATE OF DIGITAL REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Stipulation page hereof, by me
7 after first being duly sworn to testify the truth, the
8 whole truth, and nothing but the truth; and that the
9 said matter was recorded digitally by me and then
10 reduced to typewritten form under my direction, and
11 constitutes a true record of the transcript as taken,
12 all to the best of my skill and ability. I certify that
13 I am not a relative or employee of either counsel and
14 that I am in no way interested financially, directly or
15 indirectly, in this action.

16
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22 KORTNEY CHASE

23 DIGITAL REPORTER/NOTARY

24 MY COMMISSION EXPIRES: 09/24/2029

25 SUBMITTED ON: 11/04/2025

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