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5 COMMITTEE ON THE JUDICIARY,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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12 DEPOSITION OF: JAY I. BRATT

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17 Wednesday, May 14, 2025

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19 Washington, D.C.

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22 The deposition in the above matter was held in room 2237 Rayburn House Office  
23 Building, commencing at 10:02 a.m.

24 Present: Representatives Jordan, Raskin, Moskowitz, and Biggs.

1     Appearances:

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3     For the COMMITTEE ON THE JUDICIARY:

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5     ██████████, DEPUTY DIGITAL DIRECTOR

6     ██████████, GENERAL COUNSEL

7     ██████████ COMMUNICATIONS DIRECTOR AND COUNSEL

8     ██████████, DEPUTY GENERAL COUNSEL

9     ██████████, DIGITAL DIRECTOR

10    ██████████, CHIEF COUNSEL FOR OVERSIGHT

11    ██████████ COUNSEL

12    ██████████, PROFESSIONAL STAFF MEMBER

13    ██████████, PROFESSIONAL STAFF MEMBER

14    ██████████, MINORITY CHIEF OVERSIGHT COUNSEL

15    ██████████, MINORITY SPECIAL COUNSEL

16    FOR INVESTIGATIONS AND SENIOR ADVISOR

17    ██████████, MINORITY GENERAL COUNSEL

18    ██████████, MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

19    ██████████, MINORITY OVERSIGHT COUNSEL

20    ██████████, MINORITY PROFESSIONAL STAFF MEMBER

21    AND LEGISLATIVE AIDE

22

23

24

25

1 For JAY BRATT:

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3 MICHAEL D. BOPP, ESQ.

4 DAVID BURNS, ESQ.

5 GIBSON DUNN

6 1050 CONNECTICUT AVENUE, NW

7 WASHINGTON, D.C. 20036-5306

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1 Mr. [REDACTED] Good morning. This is a deposition of Mr. Jay Bratt, former  
2 counselor to special counsel to Jack Smith and Justice Department official. Chairman  
3 Jordan has requested this deposition as part of the committee's oversight of the Biden  
4 administration's weaponization of the Justice Department and its misuse of federal law  
5 enforcement resources and in many cases for political purposes.

6 [Bratt Exhibit Nos. 1 and 2  
7 were marked for identification.]

8 Mr. [REDACTED] On April 23rd, 2025, the committee issued a subpoena for Mr. Bratt  
9 to appear at a deposition today. I will mark the April 23rd subpoena as exhibit 1, and  
10 exhibit 2 will be the committee's notice. We noticed this on May 7th.

11 And would the witness please state your name for the record.

12            The Witness.    Jay Bratt, b-r-a-t-t.

13 Mr. [REDACTED] Thank you. And you're joined here with personal counsel. I'll  
14 have them identify themselves.

15 Mr. Bopp. Yes. Michael Bopp with Gibson Dunn.

16 Mr. Burns. David Burns with Gibson Dunn.

17 Mr. [REDACTED] Good morning. My name is [REDACTED] I'm with Mr. Jordan's  
18 staff, the House Judiciary Committee. I'll have the rest of the staffers here in the room  
19 introduce themselves.

20 Ms. [REDACTED] [REDACTED] with Chairman Jordan's staff.

21 Chairman Jordan. Jim Jordan, Ohio 4.

22

23 Ms. [REDACTED] Ranking Member Raskin.

24 Ms. [REDACTED]. [REDACTED] Ranking Member Raskin.

25 Mr. [REDACTED], Ranking Member Raskin.

1 Ms. [REDACTED] [REDACTED] Ranking Member Raskin.

2 Mr. [REDACTED] [REDACTED] Ranking Member Raskin.

3 Ms. [REDACTED] [REDACTED], Chairman Jordan's staff.

4 Ms. [REDACTED] [REDACTED], Chairman Jordan's staff.

5 Ms. [REDACTED] [REDACTED], Chairman Jordan's staff.

6 Ms. [REDACTED] [REDACTED] Chairman Jordan's staff.

7 Mr. [REDACTED] [REDACTED] Jordan's staff.

8 Mr. [REDACTED] [REDACTED], Chairman Jordan's staff.

9 Mr. [REDACTED] [REDACTED] Jordan's staff.

10 Mr. [REDACTED]. I'll review the ground rules and guidelines that we'll follow today.

11 The committee will conduct today's deposition in accordance with the House regulation  
12 for the use of deposition authority. This regulation is incorporated -- this regulation has  
13 been presented to you on service of the subpoena.

14 Our questioning will proceed in rounds. The majority will ask questions first for  
15 one hour, and then the minority will have an opportunity to ask questions for an equal  
16 period of time if they choose. There will be -- we'll limit the questioning to just two  
17 staffers asking you questions, but to the extent members want to jump in, we're going to  
18 obviously afford them that ability, and we'll try to keep it to the Republican members if  
19 they're here will ask questions during the Republican round and Democrat members can  
20 ask questions during the minority round.

21 We'll keep the clock running. We'll go one hour at a time and we'll stop it if the  
22 witness needs to confer with counsel. And if we get into a discussion on the record  
23 about the procedure, we'll stop the clock. We ordinarily take a short break at the end of  
24 each hour, but if you'd like to take a break apart from that, just let us know, if you need to  
25 confer with counsel or for any other reason.

1           As you can see, there is an official court reporter taking down everything we say to  
2           make a written record. With that in mind, we ask that you give verbal responses to  
3           questions. Do you understand that?

4           The Witness. I do. I would say an oral response since verbal could also be  
5           written. Putting that aside, yes.

6           Mr. [REDACTED] Verbal can be written?

7           The Witness. Verbal just means using words.

8           Mr. [REDACTED] Okay. So the court reporter can take down a clear record, please  
9           try to speak clearly so the reporter can understand everything and the people at the end  
10          of the table can hear you. It's important that we do not talk over one another, interrupt  
11          each other, so we may have to go back if the court reporter needs assistance because we  
12          were doing that.

13          We want you to answer our questions in a complete and truthful manner. If do  
14          you not understand one of our questions or need clarification about what we are seeking,  
15          please let us know. If you do not know the answer to a question or do not remember,  
16          please tell us what you do remember. It's okay to tell us if you learned information from  
17          someone else. Just indicate how you came to know the information. If there are  
18          things that you do not know or cannot remember, just say so and please inform us who,  
19          to the best of your knowledge, might be able to provide a more complete answer to the  
20          question.

21          By law, you are required to answer questions from Congress truthfully. Do you  
22          understand that?

23          The Witness. I do.

24          Mr. [REDACTED] This also applies to questions posed by congressional staff in a  
25          deposition. Do you understand that?

1           The Witness. I do.

2           Mr. [REDACTED] Witnesses that knowingly provide false testimony could be subject  
3 to criminal prosecution for perjury or false statements. This includes, for example,  
4 stating that you do not recall something or you do not remember something when, in  
5 fact, you do recall it and you do remember it. Do you understand that?

6           The Witness. I do.

7           Mr. [REDACTED] Furthermore, you can't tell half truths or exclude information  
8 necessary to make statements accurate. You're required to provide all information that  
9 would make your response truthful. A deliberate failure to disclose information can  
10 constitute a false statement. Do you understand that?

11          The Witness. I do.

12          Mr. [REDACTED] Is there any reason you are unable to provide completely truthful  
13 answers to today's questions?

14          The Witness. There's no reason.

15          Mr. [REDACTED] Okay. The federal rules of evidence, the federal rules of criminal  
16 and civil procedure are not applicable for today's congressional deposition. Under the  
17 regulation, the witness's attorney may instruct our witness not to answer a question if it's  
18 for the purpose of preserving a privilege, a constitutionally-based privilege.

19          Finally, I'll make a note for the members and the staff here today that content of  
20 what we discuss is confidential under the House deposition regulation. Under the  
21 regulation, the chairman and ranking minority member will consult before the release of  
22 any testimony, transcripts, or any information such as that. For this reason, the marked  
23 exhibits that we will use today will remain with the court reporter even if it's something  
24 as simple as a public news article. We'll keep those exhibits, so we'd ask for your  
25 cooperation with that.

1           The court reporter will now swear the witness in.

2           [Witness sworn.]

3           Mr. [REDACTED] Before we start the questions, [REDACTED] do you have anything  
4 you'd like to --

5           Ms. [REDACTED] No. We want to thank the witness for joining us today. I also want  
6 to note that this deposition is being videotaped, and we do want to make a request on  
7 the record for access to that videotape in a timely fashion.

8           Mr. [REDACTED] All right. Mr. Bopp, do you have anything you'd like to say before  
9 we get going?

10          Mr. Bopp. Yeah, if you don't mind. We just have a short statement, if that's all  
11 right.

12          Mr. [REDACTED]. Of course.

13          Mr. Bopp. My colleague David Burns and I represent Mr. Jay Bratt. Mr. Bratt  
14 will today assert his fifth amendment rights because he has a well-founded concern that  
15 any substantive testimony he offers could be used against him in a criminal prosecution.

16          Mr. Bratt is a lifelong public servant who faithfully represented the United States  
17 as a law enforcement officer at the U.S. Department of Justice for more than three  
18 decades. He served under both Republican and Democratic administrations without  
19 regard to any party or political ideology. His career has been dedicated to keeping  
20 Americans safe from terrorists and espionage threats, securing the nation's borders,  
21 fighting violent crime in the District of Columbia, and upholding the rule of law.

22          We want to be very clear about one point. Mr. Bratt is not taking the fifth  
23 amendment today because he committed any crimes. To the contrary, as the Supreme  
24 Court has repeatedly acknowledged, one of the basic functions of the fifth amendment is  
25 to protect the innocent. The Supreme Court in *Slochower* has, quote, "condemned the



1 practice of imputing a sinister meaning to the exercise of a person's constitutional right  
2 under the fifth amendment.”

3 It further explained that, quote, “the privilege against self-incrimination would be  
4 reduced to a hollow mockery if its exercise could be taken as equivalent either to a  
5 confession of guilt or a conclusive presumption of perjury.”

6 Mr. Bratt is aware that the current administration has established a weaponization  
7 working group within the Department of Justice tasked with, among other things,  
8 examining the special counsel's office's investigation of President Trump, which Mr. Bratt  
9 helped lead. Mr. Bratt himself has been singled out by this committee and others in  
10 public statements alleging prosecutorial misconduct. Because of this highly charged  
11 climate, we have instructed Mr. Bratt to invoke his fifth amendment privilege against  
12 self-incrimination with regard to every question that could possibly evoke a response that  
13 could be used against him.

14 We note at the outset that it is not our responsibility to determine how any  
15 question posed to Mr. Bratt might relate to the committee's theory that, quote, “Special  
16 Counsel Jack Smith and his team orchestrated partisan and politically motivated  
17 prosecutions of President Donald J. Trump and his co-defendants.” Mr. Bratt has the  
18 right to assert his fifth amendment privilege, in response to any question whose answers  
19 according to the D.C. circuit could, quote, “furnish a link in the chain of evidence needed  
20 to prosecute,” end quote. The privilege is not limited to answers that would support a  
21 conviction.

22 I would note that Mr. Bratt, my colleague David Burns, and I are all former civil  
23 servants and we have great respect for this committee and your constitutional authority  
24 to conduct oversight. I was in your shoes for more than a decade conducting oversight  
25 and investigations in both the House and the Senate. I know the importance of using

1 such activity to inform the legislative process. We trust you also will respect Mr. Bratt's  
2 invocation of his rights under the Constitution.

3 Finally, and as I made clear to the committee staff, Mr. Bratt was willing to appear  
4 today voluntarily. It was solely the committee's decision to serve him with a subpoena.  
5 Thank you for giving us the opportunity to make these opening remarks.

6 Mr. [REDACTED] All right. It's 10:12. We'll go on the record.

7 EXAMINATION

8 BY [REDACTED]

9 Q Mr. Bratt, was the presidential records investigation of President Trump  
10 intended for the purpose of harming him politically?

11 A On advice of counsel, I respectfully assert my fifth amendment rights and  
12 decline to answer the question.

13 Q Was the Justice Department trying to weaken the President because he was  
14 the chief political rival of Joe Biden?

15 A Same answer. Same answer as my previous answer.

16 Q Was the point of the investigation to effect the outcome of the 2024  
17 presidential election?

18 A Same answer.

19 Q When did you first join the Justice Department?

20 A In June of 1990.

21 Q And during your tenure at the Justice Department, what positions did you  
22 hold?

23 A I began as a trial attorney in what was then called the office of consumer  
24 litigation in the civil division of the Department of Justice. Approximately eight years  
25 later I moved to the U.S. Attorney's Office for the District of Columbia where I was an

1 assistant United States Attorney. In 2008 I went to the National Security Division as  
2 chief of the litigation section in the office of intelligence, which is responsible for the  
3 Department of Justice's proceedings and handling of matters before the foreign  
4 intelligence surveillance court.

5 In 2009 I went on detail to be the deputy director under Matt Olson of the  
6 Guantanamo review task force. In 2010 I spent a year on detail as national security  
7 counselor to the director of Immigration and Customs Enforcement. In 2011 I returned  
8 to the D.C. U.S. Attorney's Office as an assistant United States Attorney and as deputy  
9 chief of the National Security Section. In 2015 I moved to the National Security Division  
10 of the Department of Justice as deputy chief for export control and sanctions in the  
11 National Security Division. Approximately a year later I became the principle deputy  
12 chief, and in February of 2018 I became the chief of the counterintelligence and export  
13 control section where I remained until I joined the special counsel's office.

14 Q Why did you decide to join the special counsel's office?

15 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
16 decline to answer the question.

17 Q When did you leave the Justice Department?

18 A My last day in the building was January 3rd, 2025. I think the pay period  
19 technically ended on January 4th, 2025.

20 Q Okay. And prior to -- on January 3rd, what was your position?

21 A I was counselor to the special counsel.

22 Q Were you also an official with the counterintelligence division?

23 A I was on detail from the National Security Division.

24 Q Okay. So you were no longer the director of the counterintelligence?

25 A I formally stepped down as chief of the counterintelligence and export

1 control section in August of 2024.

2 Q And that was to join the special counsel's team?

3 A No. It was to vacate that position so somebody else could fill it.

4 Q Okay. Pardon me if I just missed it, but when did you join the special  
5 counsel's team? What day?

6 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
7 decline to answer the question.

8 Q Okay. Did you know Jack Smith prior to joining the special counsel's team?

9 A Same answer as my previous answer.

10 Q All right. So you're taking the fifth amendment on whether you knew Jack  
11 Smith prior to --

12 A Correct.

13 Q Okay. Why did you decide to join the special counsel's team?

14 A Same answer.

15 Q You had a number of visits to the White House during the pendency of the  
16 investigation of President Trump. Can you tell us how many visits you had?

17 A Same answer.

18 Q So you're not willing to share even though, you know, some of these -- some  
19 of this information is publicly available?

20 A Same answer.

21 Q When you visited the White House, did you meet with the President,  
22 President Biden?

23 A Same answer.

24 Q Are you willing to provide any information about your White House visits?

25 A I continue to assert my fifth amendment privilege.

1 Q Okay. So you're not able to help us there. What can you tell us about  
2 your experience with a DOJ official by the name of J.P. Cooney?

3 A Same answer.

4 Q Okay. When did you first meet Mr. Cooney?

5 A Mr. Cooney and I overlapped in the D.C. U.S. Attorney's Office. I think I first  
6 became aware of Mr. Cooney when I returned to the office in 2011.

7 Q Okay. And he is a professional colleague of yours?

8 A We were in the U.S. Attorney's Office together.

9 Q Okay. Do you have a personal friendship with Mr. Cooney?

10 A On advice of counsel, I assert my fifth amendment privilege and decline to  
11 answer the question.

12 Q Okay. How about Thomas Windham? Did you have any professional  
13 experience with him?

14 A Same answer.

15 Q Before he joined the special counsel?

16 A Same answer.

17 Q But with Mr. Cooney, you -- it's not the same answer as knowing Mr.  
18 Cooney? It's the same answer as you're taking the fifth?

19 A Correct.

20 Q Okay. Did any actions by anyone on the special counsel's team have  
21 anything to do with political motivations, whether -- you know, not yourself here,  
22 because I understand your invocation of the fifth amendment, but did you witness  
23 anything by other members of the special counsel's team that was motivated by political  
24 considerations?

25 A On advice of counsel, I assert my fifth amendment privilege and decline to

1 answer.

2 Q Who is Stanley Woodward?

3 A Same answer.

4 Q Are you aware that Mr. Woodward is an attorney for one of President  
5 Trump's co-defendants, Mr. Waltine Nauta?

6 A Same answer.

7 Q Did you meet Mr. Woodward for the first time as a defense attorney in this  
8 case, or did you know him previously?

9 A Same answer.

10 Q Can you tell us why the raid on Mar-a-Lago to supposedly capture  
11 documents that President Trump was retaining was handled out of D.C. and not by the  
12 local U.S. Attorney's Office?

13 A Same answer.

14 Q Was the raid on Mar-a-Lago intended to capture political intelligence against  
15 the President to advantage President Biden?

16 A Same answer.

17 Q You indicated that you left the department on January 3rd, 2025, or January  
18 4th. Why did you decide to resign?

19 A I retired.

20 Q And why did you decide to retire?

21 A I was eligible for retirement.

22 Q Did you participate in the preparation of the special counsel's report on  
23 President Trump?

24 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
25 decline to answer.

1 Q Who is Steven D'Antuono?

2 A Same answer.

3 Q When did you first meet Mr. D'Antuono?

4 A When I was in the D.C. U.S. Attorney's Office, I had some interactions with  
5 Mr. D'Antuono who at the time was a squad supervisor at the FBI's Washington field  
6 office. This is -- the period I'm talking about is 2011, 2012.

7 Q Okay. So you've known him for over 10 years?

8 A I'd say that's correct.

9 Q Okay. In 2023 the committee conducted a transcribed interview of Mr.  
10 D'Antuono who during times relevant was the assistant director in charge of the FBI's  
11 Washington field office. Are you aware the committee conducted Mr. D'Antuono's  
12 transcribed interview?

13 A I'm familiar with the public record.

14 Q Okay. Did you read -- did you read the transcript?

15 A On advice of counsel, I assert my fifth amendment privilege and respectfully  
16 decline to answer.

17 Q Okay. Was there anything in his deposition or -- I'm sorry, transcribed  
18 interview transcript that was inaccurate?

19 A Same answer.

20 Q Mr. D'Antuono testified that FBI headquarters made the decision to assign  
21 the execution of the search warrant for the raid of Mar-a-Lago to the Washington field  
22 office despite the location of the search occurring in the FBI's Miami field office. What  
23 can you tell us about the decision there that the FBI made to have D.C. conduct the raid,  
24 not Miami?

25 A On advice of counsel, I respectfully assert my fifth amendment privilege and

1 decline to answer.

2 Q Mr. D'Antuono also testified that it was unusual that the United States  
3 attorney's office was not staffing the matter. Can you explain to us why that wasn't the  
4 case.

5 A Same answer.

6 Q And as we understand it, were you the lead prosecutor at this time?

7 A Same answer.

8 Q Is there anything that you can testify about the search or the raid of  
9 Mar-a-Lago?

10 A I assert my fifth amendment privilege.

11 Q Okay. So there's nothing that we can get into here about the search?

12 A The same answer.

13 [Bratt Exhibit No. 3  
14 was marked for identification.]

15 BY [REDACTED]

16 Q Okay. I'm going to mark as an exhibit a letter prepared or sent on June 7th,  
17 2023, to Judge Boasberg from Stan Brand and Stanley Woodward. Are you familiar with  
18 this letter?

19 A I see that it is on the public docket of the classified documents prosecution  
20 of the southern district of Florida.

21 Q So did you receive a copy of this letter when it was sent?

22 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
23 decline to answer.

24 Q In the third paragraph of this letter on page 1, Messrs. Brand and Woodward  
25 indicate that the meeting on August 24th, 2022 -- first of all, do you remember anything



1 about the August 24th, 2022, meeting?

2 A On advice of counsel I respectfully assert my fifth amendment privilege and  
3 decline to answer.

4 Q It states that it began with the department attorney Jay Bratt referencing a  
5 folder of materials in highlighting Mr. Woodward's professional background. Was this  
6 folder of materials, did you bring that to the meeting?

7 A Same answer.

8 Q Mr. Bratt remarked, according to the letter, that he was aware of the fact  
9 that Mr. Woodward had been recommended for a presidential nomination to the  
10 Superior Court of the District of Columbia. Did that occur?

11 A Same answer.

12 Q And how did you -- how did you know that Mr. Woodward had been  
13 recommended for the Superior Court of the District of Columbia?

14 A Same answer.

15 Q The first complete paragraph on page 2, Messrs. Brand and Woodward  
16 write, It was inappropriate for Mr. Bratt to mention the fact that Mr. Woodward had been  
17 recommended for a presidential nomination to the Superior Court of the District of  
18 Columbia. The only rational inference to be drawn from this reference, combined with  
19 the assertion that the government's case against Mr. Nauta was strong and that Mr.  
20 Woodward was not a so-called Trump attorney -- by the way, do you know where Mr.  
21 Woodward works now?

22 A Same answer.

23 Q Okay. Who would do the right thing is that somehow Mr. Woodward's  
24 potential nomination to the Superior Court would be implicated by Mr. Nauta's decision  
25 not to cooperate in the government's investigation. Is this a fair -- do you consider this a

1 fair statement by Messrs. Brand and Woodward?

2 A Same answer.

3 Q And did you have an opportunity to rebut this in the -- you know, before  
4 Judge Boasberg?

5 A Same answer.

6 Q We were advised that the Justice Department's Office of Professional  
7 Responsibility was looking into this matter. Did they ever interview you about this?

8 A Same answer.

9 Q In general, when evidence is seized as part of a raid or a search warrant, is it  
10 important to keep it in its original state to prevent spoliation?

11 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
12 decline to answer.

13 Q What can you -- what does the term spoliation mean?

14 A Same answer.

15 Q There was some litigation before Judge Cannon about the fact that the  
16 documents seized during the raid were not kept in their original state. They weren't  
17 kept in their original order. What can you tell us about that litigation?

18 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
19 decline to answer the question.

20 Q Outside of this specific investigation, can you tell us the Justice Department's  
21 procedures for maintaining the integrity of documents collected during the course of a  
22 search warrant.

23 A Same answer.

24 Q Did you have a role in recommending a gag order against the President?

25 A Same answer.

1 Q And do you know what the motivation was for the special counsel's office in  
2 recommending a gag order?

3 A Same answer.

4 Q What is your understanding of Justice Department policy about political  
5 donations for non-political career employees?

6 A Same answer.

7 Q But it's permissible for Justice Department employees, even if they're not  
8 political, to make political donations, correct?

9 A Same answer.

10 Q Do you have a history of making political donations?

11 A Same answer.

12 Q During the course of your career, did you make any political donations to the  
13 Democratic National Committee?

14 A Same answer.

15 Q Or any candidates for elected office?

16 A Same answer.

17 Q Is there any Justice Department policy regarding tracking the political  
18 donations of its employees that you're aware of?

19 A Same answer.

20 Q It's been reported in the press and also Mr. D'Antuono during his testimony  
21 that there was strong disagreements between the FBI and DOJ leading up to the  
22 execution of the search warrant at Mar-a-Lago that tempers were high, individuals,  
23 including yourself, raised their voice. Is that something you can help us understand  
24 anything about?

25 A On advice of counsel, I respectfully assert my fifth amendment privilege and

1 decline to answer.

2 Q If there were disagreements between the FBI and DOJ, do you remember  
3 what they were?

4 A Same answer.

5 Q On November 15th, 2022, President Trump announced his intention to run  
6 for reelection. Are you aware of that?

7 A I'm aware of whatever public reporting there is. I don't know the exact  
8 date.

9 Q Okay. Just three days later, on November 18th, the attorney general  
10 appointed Jack Smith as special counsel. Did you join the team right around that time?

11 A On advice of counsel, I respectfully assert my fifth amendment privilege and  
12 decline to answer.

13 Q And was that a coincidence that the special counsel's team was stood up just  
14 three days after President Trump announced his run for reelection?

15 A Same answer.

16 Mr. [REDACTED] Mr. Biggs, do you have any questions you'd like to ask?

17 Mr. Biggs. No.

18 Mr. [REDACTED]. I think we're ready to go off the record for this round. It is 10:36.

19 [Recess.]

20 Ms. [REDACTED] It is 10:43 in the morning.

21 EXAMINATION

22 BY [REDACTED]

23 Q Mr. Bratt, thank you again for joining us today. In the prior hour, you  
24 answered some biographical questions tracking your career, and you said that you were  
25 the chief of the counterintelligence and export control section, correct?

1 A In the National Security Division at the Department of Justice, correct.

2 Q And you able to tell us briefly for the record what that section does?

3 A During my tenure?

4 Q During your tenure.

5 A It had four portfolios, one of which has since been broken off, but it was  
6 responsible for enforcing the Espionage Act, which involves traditional espionage,  
7 unlawful retention of national defense information, and unlawful disclosures of national  
8 defense information, also economic espionage. It also had -- a deputy chief under me  
9 for each of these portfolios.

10 There was export control and sanctions, which I think is pretty self-explanatory,  
11 enforcing the export control and sanctions laws. There was foreign influence, which  
12 involved in part the administration of Foreign Agent Registration Act through the FARA  
13 unit, which was an administrative civil responsibility but also criminal prosecutions under  
14 FARA as well as other types of foreign malign influence generally using a statute known as  
15 18 USC section 951. And then the fourth portfolio, which has since been broken off and  
16 created into a separate section, was national security cyber which involved cyber  
17 intrusions and attacks that were sponsored by state actors.

18 [Bratt Exhibit No. 4

19 was marked for identification.]

20

BY [REDACTED]

21 Q Thank you. I want to introduce for the record as exhibit 4 an Axios article  
22 dated October 24th, 2022. It's entitled, The Top DOJ Prosecutor Taking on Trump. I  
23 just want to read a paragraph into the record. And this is -- this was printed off the  
24 internet, but on the second page as printed, the second full paragraph, bold faced, The  
25 Big Picture says, Lawyers who have worked with Bratt over the course of his decades-long

1 career emphasize his rare combination of litigation and leadership expertise at the  
2 intersection of national security, espionage, technology sanctions, foreign governments,  
3 free speech, and politics. Did I read that correctly?

4 A Yes.

5 Q And then the article continues on. On the third page as printed on to the  
6 fourth page to list a number of other cases that you prosecuted. I'm not going to ask  
7 you to confirm that you prosecuted these, but I want to note according to the article they  
8 include the prosecution of James Hitselberger who was charged with unauthorized  
9 retention of national defense information; represented the U.S. Government in the 2014  
10 parole hearing for Jonathan Pollard who was charged with spying -- convicted of spying  
11 for Israel; prosecuted Bryan Underwood, who was a security guard at the U.S. Consulate  
12 in China, in Guangzhou, China, who has pleaded guilty to trying to sell photos and  
13 information about the compound to Chinese officials; and Mr. Bratt also worked on the  
14 case against Stephen J. Kim who was a former State Department contractor who pleaded  
15 guilty in 2014 to leaking information from a highly classified report about North Korea to  
16 a Fox News reporter in 2009. Is that an accurate summary of what this article says?

17 A Yes.

18 [Bratt Exhibit No. 5  
19 was marked for identification.]

20 BY [REDACTED]

21 Q Okay. Thank you. We can move on. So I want to introduce next as  
22 exhibit 5 the superseding indictment in United States versus Trump, which is the  
23 Southern District of Florida case number 23-CR-80101, document number 85. And I'm  
24 not going to ask you questions about this, but I do want to read a couple paragraphs from  
25 the introductory portion into the record to make it clear why we're here -- ultimately why

1 we're here today, what we would like to ask you if you were able to answer questions.

2 Starting on paragraph 3, the indictment reads, The classified documents Trump  
3 stored in his boxes included information regarding defense and weapons capabilities of  
4 both the United States and foreign countries, United States nuclear programs, potential  
5 vulnerabilities of the United States and its allies to military attack and plans for possible  
6 retaliation in response to a foreign attack. The unauthorized disclosure of these  
7 classified documents could put at risk the national security of the United States, foreign  
8 relations, the safety of the United States military, and human sources and the continued  
9 viability of sensitive intelligence collection methods. And I'll pause there and I'll say if  
10 the minority was able to question, we would be very interested I think in learning more  
11 about the national security threat posed by those documents, and I think that's a much  
12 greater concern that Congress across the board should be concerned about. It's  
13 unfortunate that we're in this position today.

14 Then it continues on and describes in paragraph 6 Trump showing classified  
15 documents to others. This is at Mar-a-Lago. As follows, in July 2021 at Trump National  
16 Golf Club in Bedminster, New Jersey, during an audio recorded meeting with a writer, a  
17 publisher, and two members of his staff, none of whom possessed a security clearance,  
18 Trump showed and described a quote/unquote plan of attack that Trump said was  
19 prepared for him by the Department of Defense and a senior military official. Trump  
20 told the individuals that the plan was, quote, highly confidential, and, quote, secret.  
21 Trump also said, quote, as President, I could have declassified it and now I can't but, you  
22 know, this is still a secret.

23 Paragraph B reads, In August or September of 2021, at the Bedminster Club,  
24 Trump showed a representative of his political action committee who did not possess a  
25 security clearance a classified map related to a military operation and told the

1 representative that he should not be showing it to the representative and that the  
2 representative should not get too close.

3 And then the indictment continues on and says, On March 30th, 2022, a Federal  
4 Bureau of Investigation, FBI, opened a criminal investigation into the unlawful retention  
5 of classified documents at the Mar-a-Lago club. A federal grand jury investigation began  
6 the next month. The grand jury issued a subpoena requiring Trump to turn over all  
7 documents with classification markings. Trump endeavored to obstruct the FBI and  
8 grand jury investigations and conceal his continued retention of classified documents by  
9 among other things, A, suggesting that his attorney falsely represent to the FBI and grand  
10 jury that Trump did not have documents called for by the grand jury subpoena; B,  
11 directing defendant Waltine Nauta to move boxes of documents and to conceal them  
12 from Trump's attorney, the FBI, and the grand jury; C, suggesting that his attorney hide or  
13 destroy documents called for by the grand jury subpoena; D, providing to the FBI and  
14 grand jury just some of the documents called for by the grand jury subpoena while  
15 claiming that he was cooperating fully; E, causing a certification to be submitted to the FBI  
16 and grand jury falsely representing that all documents called for by the grand jury  
17 subpoena had been produced while knowing that, in fact, not all documents had been  
18 produced; and F, attempting to delete security camera footage at the Mar-a-Lago club to  
19 conceal information from the FBI and grand jury. Mr. Bratt, can you just confirm that I  
20 read that correctly for the record?

21 A I believe you read it correctly.

22 Q Again, these are issues of significant importance -- they should be issues of  
23 significant importance to Congress, and this is what we should be investigating today. I  
24 note that Special Counsel Smith did conduct a multi-year long investigation, and to date  
25 Congress has not been provided with the section of the report that addresses his findings.



1 [Bratt Exhibit No. 6  
2 was marked for identification.]

3 BY [REDACTED]

4 I want to introduce as exhibit 6 a March 15th, 2025, ABC News article entitled  
5 Final Report into Trump's Handling of Classified Documents Should Never Be Released:  
6 DOJ. And at the bottom of the first page of this article as printed, it reads, DOJ lawyers  
7 and attorneys representing Trump's former co-defendants argued that Judge Cannon  
8 should under no circumstances release the volume of special counsel Jack Smith's final  
9 report about the President's alleged retention of classified documents. In other words,  
10 Special Counsel Smith may well have had more to say about the indictment and the  
11 allegations that I just read out loud, but the Trump administration and Trump DOJ have  
12 made it abundantly clear that they will take whatever steps are necessary to make sure  
13 this is kept from the American public. Thank you. We can move on from this.

14 I now want to turn -- there were a number of questions asked to you in the prior  
15 hour about different allegations concerning you personally and concerning the conduct of  
16 the investigation. You were not able to answer those today, but I do -- we have public  
17 record -- public record documents and also testimony from Mr. D'Antuono who testified  
18 before the committee in June of 2023 that address each of the allegations that were  
19 raised, so I want to make sure that record's clear on that point, and I'm going to go  
20 through those kind of at them here.

21 So first, in the prior hour, you were asked about visits to the White House and  
22 about potential meetings with Biden White House officials. I want to introduce as  
23 exhibit 7

24 [Bratt Exhibit No. 7  
25 was marked for identification.]

1 BY [REDACTED]:

2 Q An August 29th, 2023, Washington Post article entitled Why a DOJ Lawyer  
3 Questioned a Trump Case Witness at the White House, and I'm going to read a few key  
4 paragraphs into the record.

5 On the first page, the third paragraph reads, The interview of a career White  
6 House staffer who had worked for both the Trump and Biden administrations was a  
7 standard part of the investigation, according to two people familiar with the meeting who  
8 spoke on the condition of anonymity because they were not authorized to discuss the  
9 criminal probe. The session focused on events that occurred during the Trump  
10 administration, and according to one of the two people was about the handling of boxes  
11 while Trump was President. And then on the second page as printed, the fourth  
12 paragraph reads, Legal experts said prosecutors typically interview government workers  
13 about cases involving their work at their offices, including if those offices are on the White  
14 House grounds. Mr. Bratt, did I read those paragraphs correctly?

15 A You appear to have done so.

16 Q Okay. I think this article certainly provides evidence that the meeting was a  
17 standard operating procedure, to the extent those meetings occurred and there was  
18 nothing out of the ordinary with respect to that.

19 And then finally, with respect to the -- there were two other meetings that were  
20 raised in letters I think from Mr. Jordan and sent earlier this year, meetings that took  
21 place in 2021. The seventh paragraph on the second page of that article explains the  
22 New York Post citing visitor log also reported that Bratt had meetings at the White House  
23 at least twice in 2021. Those visits were before the Justice Department's criminal probe  
24 began and were related to other matters Bratt dealt with as a Justice Department  
25 prosecutor working on national security cases, a person familiar with the matter said.

1 Did I read that correctly?

2 A You appear to have done so.

3 Q Thank you. Moving on, there were some questions raised about the  
4 execution of the search warrant at Mar-a-Lago, and I want to introduce into the record  
5 testimony from Steven D'Antuono.

6 [Bratt Exhibit Nos. 8, 9, 10, and 11  
7 were marked for identification.]

8 BY [REDACTED]

9 Q Steven D'Antuono was the assistant director in charge of the Washington  
10 field office. He has since retired from that position, but he was assistant director in  
11 charge of the Washington field office during the execution of that search warrant, and  
12 there were a number of claims made about his testimony that our position is these were  
13 not accurate, so we're going to introduce the testimony into the record.

14 First, the execution of the search warrant was described as a raid in the earlier  
15 hour. Mr. D'Antuono stated clearly that this was not a raid. It was a lawfully executed  
16 search warrant. That's on -- we're introducing pages 15 to 16 of the Steve D'Antuono  
17 testimony. That is at line 2 on page 16. Mr. D'Antuono said clearly, I would not call it a  
18 raid. It is a -- it was a search.

19 Second, there was an assertion that it was somehow unusual or wrong for the FBI  
20 Washington field office rather than the Miami field office to execute the search warrant.  
21 Mr. D'Antuono, however, was adamant that it was not out of the ordinary for the  
22 Washington field office to take the lead, given its expertise in public corruption matters.

23 I'm going to introduce pages 17 to 19 of the D'Antuono transcript. On line 12 of  
24 page 17, Mr. D'Antuono says, I didn't think it was out of the ordinary that WFO, which is  
25 the Washington field office, would be the originating -- the OO for that, the office of

1 origin, right? And then he continues on in the answer section at the bottom, says so  
2 Washington field office has a lot of expertise and knowledge in working public corruption  
3 cases, right? I served in the Washington field office working public corruption cases.  
4 We have a large, you know, presence, you know, where I pride ourselves on being the  
5 public corruption experts, right? Also, it's corruption, but it's also national security,  
6 right? So being a large field office, second largest, and having the presence of a lot of  
7 nation state actors here and the counterintelligence program that we have at the  
8 Washington field office in dealing with classified documents, us, New York are probably  
9 the two experts in that, right? And it continues on. So that's a lot of the experience of  
10 why we do it. Is there a venue? Yes, absolutely, there's a venue in D.C.

11 Moving on, there was a claim that Steve D'Antuono said it was unusual to have  
12 the DOJ's National Security Division rather than U.S. Attorney's Office take the lead.  
13 D'Antuono later admitted, however, that it was not unusual for DOJ to take the lead on  
14 cases involving classified documents, that it was not against policy or procedure for them  
15 to do so, and that in any event, Attorney General Garland personally signed off on all  
16 decisions in this case, which he would have done whether the National Security Division  
17 or a U.S. Attorney's Office was handling the case. And we will introduce Steve  
18 D'Antuono's transcript at pages 77 to 78. I'm not going to read this into the record  
19 because it jumps around a bit.

20 And then finally, there were some claims made about whether DOJ should have  
21 sought consent before seeking a warrant to search Mar-a-Lago. Mr. D'Antuono told us,  
22 however, that he believed prosecutors chose to pursue a search warrant because of,  
23 quote -- actually, sorry, let's introduce this into the record. This is from Mr. D'Antuono's  
24 transcript at pages 30 to 33. And at the bottom of page 31, Mr. D'Antuono was asked,  
25 Why did they want the date they wanted versus what the experts recommended? And

1 Mr. D'Antuono responded, I don't -- I think -- again, it's speculation. There was a large  
2 concern about the documents being lost, destroyed, going someplace else, right? So in  
3 any search like that, you know, when you're dealing with stuff, whatever you're trying to  
4 find, you have a fear of, like, losing out on that evidence, right, or securing that evidence.  
5 So there's a big fear in DOJ about documents being leaked out or getting into the wrong  
6 hands, right? And I understand that, right? These are classified documents. We  
7 don't know what they're going to find, but we surmise that they were classified  
8 documents based on what we got in the initial 15 boxes and then 37 or 38 that were  
9 handed to us in June. We believed that there were going to be more down there. We  
10 didn't believe that the security of those documents in that storage room would suffice to  
11 secure classified documents, right? So there was that overall concern by DOJ, and that  
12 was their concern, right? I firmly believe that was their concern in their rush to get the  
13 documents.

14 For the record, if you were not invoking your fifth amendment right today, this is  
15 one of the issues that minority would -- that the minority would want to explore in some  
16 detail, this concern about documents being lost or destroyed.

17 To move on away from D'Antuono testimony, there were -- in the prior hour,  
18 there were allegations raised regarding alleged misconduct that Mr. Woodward raised  
19 with Judge Boasberg, and I think the question was asked earlier whether the special  
20 counsel had an opportunity to rebut those claims, and I want to introduce as exhibit 12 a  
21 filing.

22 [Bratt Exhibit No. 12  
23 was marked for identification.]

24 Ms. [REDACTED] This is in the United States V. Trump. It's Southern District of  
25 Florida, case number 23-CR-80101, and it's document 115. This is a report filed by the

1 special counsel in response to these allegations. And turn to page 8 to 9.

2 Mr. Bopp. Which page?

3 BY [REDACTED]

4 Q The bottom of page 8. We're going to start midway through that large  
5 paragraph. And this was a -- I should note the procedure on here on this was a little  
6 confusing, because there was the allegations about the misconduct played out in D.C.  
7 District Court and then this filing was made in the Southern District of Florida I believe in  
8 response to a request from Judge Cannon, and this is summarizing a motion that was  
9 made. What I'm about to read summarizes a motion that was made in the D.C. District  
10 Court.

11 It reads about halfway through, The allegations, referring to the allegations made  
12 by Mr. Woodward, told an implausible if not ludicrous tale in which a career prosecutor  
13 who had served the department with distinction for more than 30 years concocted a plan  
14 to threaten an attorney by insinuating that unless his client agreed to cooperate, the  
15 prosecutor would contact the White House and attempt to scuttle the attorney's  
16 nomination to D.C. Superior Court, which contact alone would violate department  
17 policy -- would itself violate department policy.

18 The disclosure motion opposition, that's the filing in the D.C. District Court, also  
19 emphasized the doubly suspect timing of the Woodward allegations. Number one,  
20 although the underlying meeting had occurred on August 24th, 2022, and Woodward had  
21 not identified a concern with or complaint about that meeting during multiple  
22 subsequent meetings and communications with government prosecutors, no one  
23 asserted any related claim until nine months later when counsel for Trump, and that's  
24 emphasized, not Woodward, did so. And two, that claim came shortly after Trump and  
25 Nauta learned that they were targets of the grand jury investigation and shortly before

1 Trump's attorneys were scheduled to meet with the Department of Justice and the  
2 special counsel's office to urge the government not to proceed with the case.

3 There's some citations, and it says indeed, when Woodward mentioned this  
4 allegation for the first time in a court filing, he specifically tied it to a request to delay his  
5 client's indictment. Mr. Bratt, did I read this correctly?

6 A You appear to have done so.

7 Q Thank you. And finally, this is the last point we have to make.

8 [Bratt Exhibit No. 13  
9 was marked for identification.]

10 BY [REDACTED]

11 Q There was an allegation made in the earlier hour about documents that  
12 might have been manipulated or moved around, and I want to introduce exhibit 13,  
13 which is document number 522 from the United States versus Trump case. This was  
14 filed in response to defendant Walt Nauta's motion to extend the deadline for him to  
15 provide notices and disclosures pursuant to the Classified Information Procedures Act.

16 On pages 6 to 8 of this filing, it describes what actually happened with respect to  
17 the documents. I'm just going to summarize rather than read the paragraphs, but it  
18 appears that while the FBI was processing the documents that it seized from Mar-a-Lago,  
19 it removed documents with classified markings and replaced them with classified cover  
20 sheets. There's so many documents, though, that agents ran out of cover sheets, and so  
21 they had to substitute handwritten notes on blank sheets in place of cover sheets.  
22 When those documents were brought to the Washington field office, the FBI created an  
23 index to correlate the documents for classification markings to codes and labeled the  
24 classified cover sheets in the boxes with the codes for the seized documents.

25 In addition, the handwritten sheets -- the handwritten sheets were replaced with

1 the official classified cover sheets, and it appears that when they were replaced some  
2 official sheets were placed in the boxes but maybe not in the exact spot where the  
3 handwritten sheet was placed. And some smaller items like index cards and stationery  
4 might have shifted around when the boxes were moved from Florida to Washington.

5 On page 7, the government details exactly all the steps it took to ensure that the  
6 material was -- that all of the material in each individual box was the same material that  
7 was in the box when it was seized. For example, the FBI had an -- made sure that they  
8 had agents present when an outside vendor scanned the documents and ensured that  
9 the boxes were kept separate from each other during this process. The boxes were only  
10 open for review and they were -- and the FBI only allowed the inventory of teams to work  
11 on a single box at a time. In other words, the FBI took extensive steps to ensure that the  
12 evidence was preserved in as close condition as possible to the time when it was seized.  
13 I think this hardly amounts to manipulation of evidence.

14 And thank you. And with that -- with that we can go off the record. Thank you.

15 [Recess.]



1 [11:13 a.m.]

2 Mr. [REDACTED] Back on the record. It's 11:13.

3 [Bratt Exhibit No. 14

4 was marked for identification.]

5 BY [REDACTED]

6 Q I've marked as exhibit 14 a September 3rd, 2024, NBC News article. Do you  
7 have that in front of you?

8 A Yes.

9 Q On page 2 of that article, third paragraph, it states: "For months,  
10 prosecutors from the DOJ's national security division and the leaders of the FBI's  
11 Washington field office had disagreed over an ongoing criminal probe. Tension and  
12 debate between prosecutors and agents during an investigation are routine, and often  
13 welcomed."

14 Is this your recollection of things?

15 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
16 decline to answer.

17 Q Did I read the article correctly?

18 A You appear to have read it correctly.

19 Q Okay.

20 A subsequent paragraph on the same page states: "Career officials from the FBI  
21 Washington field office eventually took an unusual step. They privately questioned a  
22 career DOJ prosecutor's political donations to Democrats and what they saw as an  
23 aggressive stance" -- excuse me -- "saw as his aggressive stance toward Trump."

24 Do you know if the DOJ prosecutor referenced here refers to you?

25 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and

1 decline to answer.

2 Q Did I read that correctly?

3 A You appear to have read it correctly.

4 Q Okay.

5 Flipping to page 4 of that article, second paragraph, a former senior FBI official is  
6 quoted as: "'We all thought this posed a risk to us both professionally and  
7 personally...We are trying to make the best decisions we can with all the emotions  
8 swirling."

9 Do you recall any emotions that were swirling regarding the preparation for the  
10 search of Mar-a-Lago?

11 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
12 decline to answer.

13 Q The article also states: "The intense pressure also fueled distrust. Several  
14 FBI agents in the Washington field office were concerned about the aggressive tactics and  
15 political donations of Jay Bratt, one of the Justice Department prosecutors."

16 Did I read that correctly?

17 A You appear to have read it correctly.

18 Q And do you recall anyone at the FBI raising concern about aggressive tactics?

19 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
20 decline to answer.

21 Q On page 9 of that article it states: "On June 3, Bratt and two FBI agents had  
22 visited Mar-a-Lago and met in person with Trump's lawyers. The former president's  
23 attorneys handed over another 38 documents that contained classification markings and  
24 gave them a signed certification stating that 'any and all' documents responsive to the  
25 subpoena had been provided."

1 Do you remember that meeting?

2 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
3 decline to answer.

4 Q The article states: "Trump himself greeted Bratt and the FBI agents and  
5 promised to cooperate, saying he was 'an open book.'"

6 Did I read that correctly?

7 A You appear to have read it correctly.

8 Q And do you recall President Trump stating that?

9 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
10 decline to answer.

11 [Bratt Exhibit No. 15

12 was marked for identification.]

13 Q I'm going to mark exhibit 15, which is an October 3rd, 2023, Washington  
14 Post article.

15 The third paragraph of this article states: "Jack Smith, circa the early 2010s, was  
16 entrusted by the Department of Justice with its pursuit of wayward public officials. He  
17 had a habit of visiting prosecutors at the scattered U.S. attorney's offices around the  
18 country. Often, they would tell him the same thing: 'Aw,' they'd say, 'we don't have a  
19 corruption problem here, Jack.'

20 "At a 2011 legal conference, in a rare public instance when he revealed something  
21 about what goes on in his head, Smith suggested that he was sure they were wrong. He  
22 would tell them so: 'You definitely have a corruption problem.'

23 "He was there to nudge. To prod. To 'drum up business,' said one former  
24 colleague, who, like many interviewed for this article, spoke on the condition of  
25 anonymity to discuss internal DOJ activities."

1 Did I read that correctly?

2 A You appear to have read it correctly.

3 Q Did you tell us earlier today how long you had known Mr. Smith before he  
4 joined the special counsel's team?

5 A I did not answer that question.

6 Q Okay. Had you read this article before today?

7 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
8 decline to answer.

9 [Bratt Exhibit No. 16  
10 was marked for identification.]

11 BY [REDACTED]:

12 Q I'm going to mark exhibit 16, which is an August 26th, 2023, New York Post  
13 article. The headline of this is "Biden staffers met with Special Counsel Jack Smith's  
14 aides before Trump indictment."

15 And it reads: "The White House counsel's office met with a top aide to Special  
16 Counsel Jack Smith just weeks before he brought charges against President Trump for  
17 allegedly mishandling classified documents -- raising serious concerns about coordinated  
18 legal efforts aimed at President Biden's likely opponent in 2024.

19 "Jay Bratt, who joined the special counsel's team in November 2022, shortly after  
20 it was formed, took a meeting in the White House on March 31, 2023, with Caroline Saba,  
21 deputy chief of staff for the White House counsel's office, White House visitor logs show.

22 "They were joined in the 10 a.m. meeting by Danielle Ray, an FBI agent in the  
23 Washington field office."

24 Did I read that correctly?

25 A You appear to have read it correctly.

1 Q And do you remember that meeting?

2 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
3 decline to answer.

4 Q Is there anything about that meeting that you can tell us about?

5 A Same answer.

6 [Bratt Exhibit No. 17  
7 was marked for identification.]

8 BY MR. [REDACTED]:

9 Q I'd like to mark exhibit 17, which is a March 1st, 2023, Washington Post  
10 article. I want to refer to page 3 of the article.

11 The first paragraph reads: "While the FBI tends to have great discretion in the  
12 day-to-day conduct of investigations, it is up to prosecutors to decide whether to file  
13 criminal charges -- and, like the prosecutors, the director of the FBI ultimately reports to  
14 the attorney general.

15 "The Mar-a-Lago case was unusual not just for its focus on a former President, but  
16 in the way it was closely monitored at every step by senior Justice Department officials.  
17 Garland said he 'personally approved' the search of Trump's property."

18 Did I read that correctly?

19 A You appear to have read it correctly.

20 Q Before the search of President Trump's property, did you have any  
21 communications with the Attorney General?

22 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
23 decline to answer.

24 Q And can you tell us which senior Justice Department officials were involved  
25 in evaluating and ultimately approving the raid?

1 A Same answer.

2 Q Can you tell us about the origin of the classified documents case?

3 A Same answer.

4 Q It was referred to the Justice Department from the National Archives. Is  
5 that correct?

6 A Same answer.

7 Q On page 5 of that article there is a heading that reads: "A rift within the  
8 FBI."

9 It states: "Against that backdrop, Bratt and other senior national security  
10 prosecutors, including Assistant Attorney General Matt Olsen and George Toscas, a top  
11 counterintelligence official, met about a week before the August 8 raid with FBI agents on  
12 their turf, inside an FBI conference room.

13 "The prosecutors brought with them a draft search warrant and argued that the  
14 FBI had no other choice but to search Mar-a-Lago as soon as practically possible,  
15 according to people with knowledge of the meeting."

16 Do you remember anything about that incident?

17 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
18 decline to answer.

19 Q Who is Matt Olsen?

20 A Matt Olsen was previously the Assistant Attorney General for the National  
21 Security Division. He's held other positions within the Department of Justice and the  
22 government, and he's been in the private sector.

23 Q Okay. And did you know Mr. Olsen prior to him becoming the Assistant  
24 Attorney General?

25 A I've known him since my time in the D.C. U.S. Attorney's Office.

1 Q Okay. How about George Toscas?

2 A Mr. Toscas was, until recently, a Deputy Assistant Attorney General in the  
3 National Security Division. He'd been there in that position for many years.

4 Q The fourth paragraph underneath the headline "A rift within the FBI" states:  
5 "D'Antuono said he would agree to lead such a raid only if he were ordered to, according  
6 to two of the people. The two other people said D'Antuono did not refuse to do the  
7 search but argued that it should be a consensual search agreed to by Trump's legal team.  
8 He repeatedly urged that the FBI instead seek to persuade Corcoran to agree to a  
9 consensual search of the property, said all four of the people."

10 What was the thinking in not proceeding with a consensual search?

11 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
12 decline to answer.

13 Q The next paragraph states: "Tempers ran high in the meeting. Bratt  
14 raised his voice at times and stressed to the FBI agents that the time for trusting Trump  
15 and his lawyer was over, some of the people said."

16 Did I read that correctly?

17 A You appear to have read it correctly.

18 Q And do you remember raising your voice in this context?

19 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
20 decline to answer.

21 Q And then I'd like to draw your attention to the penultimate page of this news  
22 article, the paragraph beginning "Meanwhile."

23 "Meanwhile, in late October, amid news reports that Trump was looking to soon  
24 announce another bid for the presidency, Garland told aides he was seriously  
25 contemplating appointing a special counsel to take over the investigation, as well as a

1 separate criminal probe looking at Trump and his allies' effort to overturn the results of  
2 the 2020 election -- a rare procedure designed to ensure public faith in fair  
3 investigations."

4 Did I read that correctly?

5 A You appear to have read it correctly.

6 Q Now, during your time with the special counsel's office, did you work only on  
7 the documents case, or did you work on both the documents case and the January 6th  
8 part of it?

9 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
10 decline to answer.

11 Q Were you involved in any communications with the Attorney General or DOJ  
12 officials about the formation of the special counsel's team in conjunction with President  
13 Trump announcing that he was going to run for reelection?

14 A Same answer.

15 Mr. [REDACTED] Let's briefly go off the record.

16 [Discussion off the record.]

17 Ms. [REDACTED] It's 11:34. We can go back on the record.

18 BY [REDACTED]

19 Q Mr. Bratt, I want to return to the article -- I'm not sure what exhibit number  
20 it was. It's the Washington Post article by Manuel Roig-Franzia dated October 3rd, 2023.  
21 It's entitled: "What's it like to be prosecuted by Jack Smith?"

22 Do you have that in front of you?

23 A I do.

24 Q Do you see in the upper left-hand corner what section of the newspaper this  
25 was published in?



1           A    The word "Style" is the darkest of the words.   So I would infer from that  
2   that it was in the Style section, but I wouldn't know for a fact.

3           Q    So it appears on the face of this article that this was a Style section article  
4   and not part of the main news section of The Washington Post, correct?

5           A    I really wouldn't know.

6           Q    Okay.   I want to turn to what was marked as exhibit 14.   This is a  
7   September 3rd, 2024, NBC News article.   And I'll start with the section that was read out  
8   loud on page 4 regarding political donations.

9           Mr. Bratt, where were you in 1993 and 1994?   What was your position?

10          A    I was a trial attorney in the Office of Consumer Litigation in the Civil Division.

11          Q    And that was your first position at DOJ, correct?

12          A    Correct.

13          Q    I want to read into the record the paragraph three -- the last three  
14   paragraphs at the bottom.

15                It says: "DOJ officials flatly dismissed any claim that Bratt was biased against the  
16   former President.   They said that Bratt pursued all cases aggressively, noting that he had  
17   a long history of investigating the handling of classified documents by Democrats,  
18   including Hillary Clinton.

19                "In the Trump case, they added, Bratt had tried for months to seek a resolution  
20   with the former President that would not involve a search of Mar-a-Lago.

21                "A senior DOJ official with knowledge of Bratt's work said in an interview that he  
22   had never seen him show political bias.

23                "'It would be hard for me to overstate how much I disagree with that  
24   characterization,' said the official, who asked not to be named. 'He is one of the finest  
25   career prosecutors I've worked with.   I've never seen a hint of bias,'" end quote.

1 Did I read that correctly?

2 A You appear to have read it correctly.

3 Q Okay. And is it true that you prosecuted cases against Democrats for  
4 handling classified information?

5 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
6 decline to answer.

7 Q Moving on. There was some language read into the record on page 9 of  
8 this article, and that's the paragraph -- the second paragraph on this page, noting that:  
9 "On June 3, Bratt and two FBI agents had visited Mar-a-Lago and met in person with  
10 Trump's lawyers. The former President's attorneys handed over another 38 documents  
11 that contained classification markings and gave them a signed certification stating that  
12 'any and all' documents responsive to the subpoena had been provided."

13 Did I read that correctly?

14 A You appear to have read it correctly.

15 Q Now, Mr. Bratt, the concern here wasn't the 38 documents that were  
16 handed over, though, correct, it's that there were additional documents that were not  
17 handed over?

18 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
19 decline to answer.

20 Q And the concern was also that documents had been moved out of one of the  
21 rooms in Mar-a-Lago, correct?

22 A Same answer.

23 Q I understand that you're not able to answer today, but I'm going to read the  
24 article as it continues on.

25 It says: "Trump himself had greeted Bratt and the FBI agents and promised to

1 cooperate, saying he was 'an open book.' After Bratt and the FBI agents left Mar-a-Lago,  
2 they received a tip that prompted them to subpoena surveillance camera footage from  
3 Mar-a-Lago."

4 Is it accurate that you subpoenaed surveillance camera footage from Mar-a-Lago?

5 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
6 decline to answer.

7 Q The article continues: "What it showed stunned many of them. The day  
8 before Bratt and the FBI agents arrived, employees had moved dozens of boxes of  
9 documents out of a storage room. Whoever had told them to move the boxes could be  
10 charged with obstructing a federal investigation."

11 Did I read that correctly?

12 A You appear to have read it correctly.

13 Q And is it true that moving documents out of a storage room under these  
14 circumstances could potentially constitute obstruction of a Federal investigation?

15 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
16 decline to answer.

17 Q And the article continues: "The surveillance videos prompted two senior  
18 FBI officials, who initially opposed the FBI search of Mar-a-Lago, to support one."

19 Did I read that correctly?

20 A You appear to have read it correctly.

21 Q And is it accurate that it was the surveillance video footage that prompted  
22 senior leaders of the FBI to change their position and to support a search?

23 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
24 decline to answer.

25 Q Okay. Turning to -- I don't know what exhibit this was. I'm sorry. It's

1 the March 1st, 2023, Washington Post article entitled "Showdown before the raid: FBI  
2 agents and prosecutors argued over Trump."

3 There was language read out from page 5 under "A rift with the FBI," and the  
4 section is recounting a meeting about a week before the August 8th execution of the  
5 search warrant on Mar-a-Lago.

6 And the fifth paragraph down under that section that was read out loud in the  
7 prior hour said: "Tempers ran high in the meeting. Bratt raised his voice at times and  
8 stressed to the FBI agents that the time for trusting Trump and his lawyer was over, some  
9 of the people said. He reminded them of the new footage suggesting Trump or his aides  
10 could be concealing classified records at the Florida club."

11 Did I read that correctly?

12 A You appear to have read it correctly.

13 Q Okay. And the time for trusting Trump and his lawyer was over because  
14 the surveillance video showed that Trump hadn't accurately made representations to you  
15 when he met with you at Mar-a-Lago, correct, when he handed over the 38 boxes?

16 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
17 decline to answer.

18 Q And it's actually that interaction with him, combined with the surveillance  
19 video, that led the Justice Department to seek the search warrant, correct?

20 A Same answer.

21 Q Okay.

22 There was a New York Post article introduced -- and, again, I don't have the exhibit  
23 number on this, but it's the August 26th, 2023, New York Post article entitled "Biden  
24 staffers met with Special Counsel Jack Smith's aides before Trump indictment."

25 I just want to note that we previously introduced exhibit 7 into the record, which

1 is a Washington Post article discussing those meetings, and that article was actually  
2 responding to this New York Post article. We discussed that in the prior hour. I'm not  
3 going to go through it again. But that explained that the meeting with Ms. Saba was in  
4 regards to an interview of a witness.

5 Is that correct, that that meeting was in order to interview a witness at the White  
6 House?

7 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
8 decline to answer.

9 Q And is it also correct that it's standard operating procedure to interview  
10 witnesses -- government witnesses -- at their place of employment?

11 A Same answer.

12 Q And is it also true that -- there are two other meetings from 2021 that are  
13 referenced in this article. Is it true that those 2021 meetings at the White House were  
14 unrelated to the classified documents investigation?

15 A Same answer.

16 Q Finally, there were some comments made about the timing of the  
17 appointment of the special counsel in this case. Do you remember those questions from  
18 the prior hour?

19 A I do.

20 Q Okay.

21 [Bratt Exhibit No. 18  
22 was marked for identification.]

23 BY [REDACTED]

24 Q I want to introduce as exhibit 18 Attorney General Garland's remarks  
25 appointing the special counsel. These are dated November 18th, 2022.

1 Have you seen these before?

2 A On advice of counsel, I assert my Fifth Amendment privilege and respectfully  
3 decline to answer.

4 Q I just want to read what Attorney General Garland said when he appointed  
5 Special Counsel Smith, because I think there was the insinuation made in the earlier hour  
6 that it was because -- that there was something untoward with Attorney General Garland  
7 appointing a special counsel after Donald Trump had announced his run for President.

8 In fact, what Attorney General Garland said, this is on the second paragraph on  
9 this first page: "'Based on recent developments, including the former President's  
10 announcement that he is a candidate for President in the next election, and the sitting  
11 President's stated intention to be a candidate as well, I have concluded that it is in the  
12 public interest to appoint a special counsel,' said Attorney General Garland.

13 "'Such an appointment underscores the Department's commitment to both  
14 independence and accountability in particularly sensitive matters. It also allows  
15 prosecutors and agents to continue their work expeditiously and to make decisions  
16 indisputably guided only by the facts and the law.'"

17 Did I read that correctly?

18 A You appear to have read it correctly.

19 Q So at least on the face of these remarks, Attorney General Garland  
20 appointed a special prosecutor -- or special counsel, excuse me -- to prosecute this matter  
21 in order to maintain the independence of the special counsel investigation, correct?

22 A On advice of counsel, I respectfully assert my Fifth Amendment privilege and  
23 decline to answer.

24 Ms. [REDACTED] Thank you.

25 We can go off the record.

1 [Whereupon, at 11:44 a.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

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

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Witness Name

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Date