

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

August 29, 2023

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary is continuing its oversight of the Biden Justice Department's commitment to impartial justice and its handling of a special counsel investigation against President Biden's chief opponent in the upcoming presidential election. According to recent reporting, Jay Bratt—a Department of Justice employee and top aide to Special Counsel Jack Smith—met with White House officials multiple times, just weeks before Mr. Smith indicted former President Donald Trump.¹ This new information raises serious concerns regarding the potential for a coordinated effort between the Department and the White House to investigate and prosecute President Biden's political opponents.

In September 2021, Mr. Bratt reportedly met with an advisor to the White House Chief of Staff.² Two months later, in November 2021, Mr. Bratt again went to the White House to meet with Administration officials.³ During this same period, President Trump's lawyers were negotiating with the National Archives about presidential records from his tenure in office.⁴ According to reporting, Mr. Bratt's 2021 White House meetings related to "national security."⁵ Subsequently, on March 31, 2023, just nine weeks prior to Mr. Smith's indictment of President Trump, Mr. Bratt met with the White House Counsel's Office Deputy Chief of Staff Caroline Saba and FBI Special Agent Danielle Ray for a "case-related interview."⁶

¹ Jon Levine, *Biden staffers met with special counsel Jack Smith aides before Trump indictment*, N.Y. POST (Aug. 26, 2023).

² *Id.*

³ *Id.*

⁴ See Ryan King, *Trump lawyer agreed National Archives should get records, email claims*, WASH. EXAMINER (Aug. 24, 2022); Josh Dawsey and Jacqueline Alemany, *Archives asked for records in 2021 after Trump lawyer agreed they should be returned, email says*, WASH. POST (Aug. 24, 2022).

⁵ Jon Levine, *Biden staffers met with special counsel Jack Smith aides before Trump indictment*, N.Y. POST (Aug. 26, 2023).

⁶ *Id.*

We have previously raised concerns about Mr. Bratt's involvement in this matter, which you have declined to address to date.⁷ Mr. Bratt is alleged to have improperly pressured a lawyer representing an employee of President Trump to induce the lawyer's client to cooperate with the Department's prosecution.⁸ Mr. Bratt allegedly commented to the lawyer that he did not think the lawyer was a "Trump guy" and that "he would do the right thing."⁹ Mr. Bratt referenced the lawyer's application for a judgeship on the D.C. Superior Court and implied that the application would be received more favorably if his client cooperated with the prosecution of President Trump.¹⁰

These facts reinforce the serious concern that Mr. Smith is not running an impartial and unprejudiced investigation and prosecution. The Committee has a significant interest in examining how the Department runs its Special Counsel investigations to inform potential legislative reforms concerning the Department's Special Counsel practices and operations. Accordingly, so that the Committee can fulfill its oversight obligations, please produce the following information:

1. All documents and communications referring or relating to any appointment, meeting, or other visit by Mr. Bratt to the White House or the Executive Office of the President; and
2. All documents and communications between the Executive Office of the President and the Department of Justice referring or relating to the investigation and/or prosecutions of Special Counsel Jack Smith.

Please provide this information as soon as possible but not later than 5:00 p.m. on September 12, 2023. Further, this letter serves as a formal request to preserve all existing and future records and materials related to Mr. Bratt's appointments, meetings, and visits to the White House or Executive Office of the President, and any documents or communications referring or relating to Mr. Bratt's White House visits. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

⁷ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Att'y Gen., U.S. Dep't of Justice (June 9, 2023).

⁸ See Ken Dilanian, *Lawyer for witness in Trump docs probe alleges prosecutorial misconduct*, NBC NEWS (Jun. 8, 2023).

⁹ Hugo Lowell, *Lawyer for Trump valet in Mar-a-Lago documents case alleges misconduct*, The Guardian (June 8, 2023).

¹⁰ *Id.*

The Honorable Merrick B. Garland

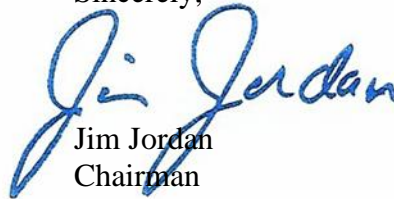
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The Committee on the Judiciary has jurisdiction to oversee the activities of the Justice Department pursuant to Rule X of the Rules of the House of Representatives.¹¹ Please ask your staff to contact Committee staff at (202) 225-6906 if you have any questions about this request.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan
Chairman

cc: The Honorable Jerrold Nadler, Ranking Member

¹¹ Rules of the U.S. House of Representatives, R. X, 118th Cong. (2023).