

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

September 7, 2023

Mr. Jack Smith
Special Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Smith:

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. Last year, Jay Bratt—one of your senior prosecutors and top aides—allegedly improperly pressured Stanley Woodward, a lawyer representing a defendant indicted by you, by implying that the Administration would look more favorably on Mr. Woodward's candidacy for a judgeship if Mr. Woodward's client cooperated with the Office of the Special Counsel.¹ This attempt to inappropriately coerce Mr. Woodward raises serious concerns about the abusive tactics of the Office of the Special Counsel and the Department's commitment to its mission to uphold the rule of law and ensure impartial justice.

In November 2022, when your prosecutors were trying to secure the cooperation of Walt Nauta—who is alleged to have “move[d] boxes of documents” at Mar-a-Lago²—prosecutors, including Mr. Bratt, summoned Mr. Woodward to a meeting at the Department's headquarters for “an urgent matter that they were reluctant to discuss over the phone.”³ When Mr. Woodward arrived, Mr. Bratt threatened him that Mr. Nauta should cooperate “because he had given potentially conflicting testimony that could result in a false statement.”⁴ Mr. Bratt commented that he did not take Mr. Woodward as a “Trump guy” and indicated that he was confident that Mr. Woodward “would do the right thing.”⁵ Mr. Bratt referenced Mr. Woodward's pending

¹ See Ken Dilanian, *Lawyer for witness in Trump docs probe alleges prosecutorial misconduct*, NBC NEWS (Jun. 8, 2023).

² *Id.*

³ Hugo Lowell, *Lawyer for Trump valet in Mar-a-Lago documents case alleges misconduct*, THE GUARDIAN (June 8, 2023).

⁴ *Id.*

⁵ *Id.*

application for a judgeship on the D.C. superior court, implying that the Biden Administration would perceive Mr. Woodward's application more favorably if Mr. Nauta was a cooperating witness for the Special Counsel against President Trump.⁶ Mr. Woodward subsequently informed the Justice Department that they "would have no further communications" unless the Justice Department charged Mr. Nauta or brokered an immunity deal.⁷

After Mr. Woodward declined to give in to Mr. Bratt's intimidation and coercion, Mr. Bratt once again sought to induce Mr. Nauta's cooperation by attacking Mr. Woodward's representation. On August 2, 2023, Mr. Bratt filed a motion in Mr. Nauta's case raising alleged conflicts of interests presented by Mr. Woodward's representation of two other witnesses "who could be called to testify at a trial in the case involving classified documents at Mar-a-Lago."⁸ He further suggested that the court should "procure independent counsel" to be present at the hearing "to advise Mr. Woodward's clients regarding the potential conflicts."⁹ Mr. Woodward's reply brief stated that Mr. Bratt's intimidation threats were merely "an attempt to diminish the Court's authority over the proceedings in this case and to undermine attorney-client relationships without any basis specific to the facts of such representation."¹⁰

The Department's mission is to ensure impartial justice by upholding the rule of law, requiring all Department employees—including Mr. Bratt—to maintain the highest standards of ethical conduct. Mr. Bratt's attempt to bully Mr. Nauta in cooperating, first by extorting his attorney and then by alleging a conflict of interest that precludes his attorney from the case, seriously calls into question your team and your ability to remain impartial and uphold the Department's mission.

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. Woodward to the Justice Department, including the Office of the Special Counsel, concerning the representation of Mr. Nauta;
2. All documents and communications between or among the Office of the Special Counsel, the Office of the Attorney General, or the Office of the Deputy Attorney General referring or relating to Mr. Woodward and his representation of individuals involved in the matters before you; and

⁶ *Id.*

⁷ *Id.*

⁸ Glenn Thrush, et al., 'Divided Loyalties' May Afflict Lawyer in Mar-a-Lago Case, Prosecutors Say, N.Y. TIMES (Aug 2, 2023).

⁹ Mot. for *Garcia* Hearing at 1–2, United States v. Donald J. Trump et al., No. 23-80101 (S.D. Fl. filed Aug. 2, 2023), ECF No. 97.

¹⁰ Opp. to Mot. For *Garcia* Hearing at 8, United States v. Donald J. Trump et al., No. 23-80101 (S.D. Fl. filed Aug. 18, 2023), ECF No. 126.

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3. All documents and communications referring or relating to Mr. Woodward's application to fill a vacancy on the Superior Court of the District of Columbia.

Please provide this material as soon as possible but no later than 5:00 p.m. on September 21, 2023.

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,



Jim Jordan
Chairman

cc: The Honorable Jerrold Nadler, Ranking Member

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