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

DEPOSITION OF: NATHAN WADE

Tuesday, October 15, 2024

Washington, D.C.

The deposition in the above matter was held in room 2237, Rayburn House Office  
Building, commencing at 9:59 a.m.

1           Appearances:

2

3

4

5       For the COMMITTEE ON THE JUDICIARY:

6

7       [REDACTED] GENERAL COUNSEL

8       [REDACTED] CHIEF COUNSEL FOR OVERSIGHT

9       [REDACTED] SPECIAL COUNSEL

10      [REDACTED] DIGITAL ASSISTANT

11      [REDACTED] SPECIAL COUNSEL

12      [REDACTED] PROFESSIONAL STAFF MEMBER

13      [REDACTED] MINORITY CHIEF OVERSIGHT COUNSEL

14      [REDACTED] MINORITY STAFF ASSISTANT

15      [REDACTED] MINORITY INTERN

16

17      For the SUBCOMMITTEE ON CRIME AND

18      FEDERAL GOVERNMENT SURVEILLANCE:

19

20      [REDACTED] MINORITY DETAILEE

21

22

23      For THE WITNESS:

24      ROY BARNES

25      ANDREW EVANS

1 [REDACTED] Good morning. This is the deposition of Nathan Wade, former  
2 special prosecutor at the Fulton County District Attorney's Office. Chairman Jordan has  
3 requested this deposition as part of the committee's oversight of politically motivated  
4 prosecutions by State and local officials, as well as the Fulton County District Attorney's  
5 Office's receipt and use of Federal grant funds.

6 On September 20th, the chairman authorized the first deposition subpoena. And  
7 we sent that around via email to your counsel and then you directly on Saturday,  
8 September 21st. May have sent that to you after your counsel instructed us that he was  
9 not authorized to accept service.

10 There was then a back-and-forth with the Marshals Service trying to serve you the  
11 first subpoena. So we'll probably have questions about that. Ultimately, you were  
12 served on September 26th, which, in fact, was the morning of the subpoena. So you did  
13 not appear for the first deposition subpoena.

14 On October 2nd, the committee issued a new subpoena for you to appear at  
15 today's deposition, which is October 15th. We'll mark that as exhibit 1.

16 [Wade Exhibit No. 1  
17 was marked for identification.]

18 [REDACTED] I probably should have said this at the top. My name is [REDACTED]  
19 [REDACTED] I am a staffer with Chairman Jordan's staff, the House Judiciary Committee.

20 I'll have the other staffers here in the room introduce themselves, starting with my  
21 colleague, [REDACTED]

22 [REDACTED] [REDACTED] with the House Judiciary Committee.

23 [REDACTED] [REDACTED] with Ranking Member Nadler.

24 [REDACTED] [REDACTED] with Ranking Member Nadler.

25 [REDACTED] [REDACTED] with Ranking Member Nadler.

1 [REDACTED] [REDACTED] intern with the Democratic staff.

2 [REDACTED] [REDACTED] Chairman Jordan's staff.

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

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

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

6 [REDACTED] And just for the record, Mr. Wade, would you please state your  
7 name for the record.

8 The Witness. Nathan Wade.

9 [REDACTED] And you're joined here with two counsels. I'll have them introduce  
10 themselves.

11 Mr. Evans. Andrew Evans, counsel for Nathan Wade.

12 Mr. Barnes. Roy Barnes, counsel for Nathan Wade.

13 [REDACTED] I'll now go over the ground rules and guidelines that we will follow  
14 during today's deposition. The committee will conduct the deposition in accordance  
15 with the House regulation for the use of deposition authority, and we had sent that  
16 around both with the September 21st subpoena and the subpoena we served shortly  
17 after October 2nd.

18 This regulation is incorporated verbatim into the rules of the committee,  
19 specifically Rule 11. Our questioning will proceed in rounds. The majority staff will ask  
20 questions first for one hour; then the minority will have an opportunity to ask questions  
21 as well for an hour.

22 To the extent there are Members that join us, and if they have questions for you,  
23 they will be propounded during their respective side's rounds. So if a Republican  
24 Member comes in, that Member will use time that's allotted for us. If it's a Democratic  
25 Member, they will go during the Democrat round.

1           The clock will stop if the witness needs to confer with counsel, when counsel for  
2 the witness is speaking. And when members of the opposite side are speaking, we'll  
3 stop the clock. We will alternate back and forth, hour to hour, until there are no more  
4 questions and the deposition is over.

5           We ordinarily take a short break at the end of each hour. But if you'd like to take  
6 a break apart from that, please let us know. You can take a break really for any reason,  
7 if you need to get a granola bar or confer with counsel or use the facilities.  
8 Whatever -- whatever you need, you let us know. We'd like to make your experience  
9 here as comfortable as possible under these circumstances.

10           The Witness. Thank you.

11           ██████████ As you can see, there's an official House reporter taking down  
12 everything we say to make a written record. So that along those lines, we'll ask you to  
13 give verbal responses to questions. I'm sure you understand that. Is that correct?

14           The Witness. I do.

15           ██████████ So the reporter can take down a clear record, please try to speak  
16 clearly. And that's also good so the people at the end of the table can hear. From time  
17 to time, we've got to ask you to restate something if somebody didn't hear. And so,  
18 hopefully, you can bear with us on that front.

19           We want you to answer our questions in the most complete and truthful manner  
20 possible. If you do not understand one of our questions or need clarification about what  
21 we are seeking, please let us know. If you don't know the answer to a question or don't  
22 remember, please tell us what you do remember.

23           It's okay to tell us if you learned information from somebody else. Just indicate  
24 how you came to learn the information. If there are things that you do not know or  
25 can't remember, just say so, and inform us who, to the best of your knowledge, might be

1 able to provide a more complete answer for the committee.

2 By law, you are required to answer questions from Congress truthfully. You  
3 understand that?

4 The Witness. I do.

5 [REDACTED] This also applies to questions propounded by congressional staffers  
6 in a deposition setting like that. Do you understand that?

7 The Witness. I do.

8 [REDACTED] Witnesses that knowingly provide false testimony could be subject  
9 to criminal prosecution for perjury. This includes, for example, stating that you don't  
10 recall something when, in fact, you do.

11 Do you understand that?

12 The Witness. I do.

13 [REDACTED] Furthermore, you can't tell half-truths or exclude information  
14 necessary to make statements accurate. You're required to provide all information that  
15 would make your response truthful. A deliberate failure to disclose information can  
16 constitute a false statement or perjury.

17 Do you understand that?

18 The Witness. I do.

19 [REDACTED] Is there any reason you're unable to provide us with truthful  
20 answers here today?

21 The Witness. No reason.

22 [REDACTED] Okay. The Federal Rules of Evidence, Federal Rules of Criminal or  
23 Civil Procedure are not applicable for today's deposition.

24 Under the House deposition regulation, a witness's attorney may not instruct the  
25 witness to refuse to answer a question except to preserve a constitutionally-based

1 privilege. And the House and the Senate, we don't ordinarily entertain common law  
2 privileges.

3 Finally, I will make a note for the staff here today that the content of what we  
4 discuss is confidential under the House deposition regulation. Under the rules, the  
5 chairman and the ranking minority member need to consult before the release of any  
6 testimony, transcripts, including portions thereof.

7 So this means it's a violation of the House and committee rules for us to disclose  
8 the content of the deposition prior to the ranking member and the chairman discussing it.  
9 For this reason, the marked exhibits that we will use today will remain with the court  
10 reporter so that they can go with the official transcript.

11 Before we begin the first round of questions, we will afford the minority and  
12 counsel for the witness and the witness an opportunity to offer any preliminary remarks.

13 Mr. Barnes. Well, before he makes preliminary remarks, the common law  
14 privileges do apply no matter what the rules say. You cannot force a witness to violate a  
15 professional standard of responsibility.

16 Mr. Evans. And there's a U.S. Supreme Court case on that. You guys are aware  
17 that the Mazars case in which John Roberts talks about -- that the common law privileges  
18 would still be applicable at a deposition setting. So we would still assert -- tell him to  
19 refuse to answer certain questions that we felt were covered by privilege.

20 [REDACTED] And to the extent you do, we certainly can get the chairman to make  
21 a ruling on that, and there are certain things we can do.

22 Mr. Barnes. You can do it. That's the reason they have judges. But a ruling by  
23 the chair would not be sufficient to overcome the instructions I'll give a witness on a  
24 privilege.

25 Mr. Evans. And I've read Rule 11 several times in the House rules, and the

1 constitutional objection will be the 10th Amendment, separation of powers. Everything  
2 that's not enumerated to the Federal Government is reserved for the State. So that's  
3 where our constitutional objection would lie, in addition to the other grounds.

4 [REDACTED] Okay. Well, I mean, I've never -- we've never dealt with an  
5 objection on that ground before.

6 But just so we're all clear, if you're not going to answer questions, there's nothing  
7 we can do to make a witness --

8 Mr. Barnes. Sure. I understand. But I don't want to mislead by -- after you  
9 make your statement saying -- you know, not tell you exactly what our position is.

10 [REDACTED] Fair enough. And so the way the process would work is we  
11 would -- we'd confer with the chairman, get a ruling, advise you of the ruling, give you an  
12 opportunity to answer the question after you've heard the chairman's ruling. And then  
13 from there, we could -- you know, the committee could proceed to a contempt  
14 proceeding.

15 Mr. Barnes. Sure. Which I'd be entitled to a jury trial in D.C. And so --

16 [REDACTED] Well, contempt in the House context.

17 Mr. Barnes. You can't enforce anything. Do you have a jail?

18 [REDACTED] We're not going to put anyone in jail over this. I mean, the House  
19 does have inherent contempt --

20 Mr. Barnes. The only power you have is by criminal contempt, and you're  
21 entitled to a jury trial on a criminal contempt. But we need not get --

22 [REDACTED] Well -- I mean, we do, under the rules, have a provision, you know,  
23 with a contempt citation. We can go to court on civil -- civil route or we can -- the  
24 House can proceed via a criminal contempt citation.

25 Mr. Barnes. Sure. Both of which are overseen by a Federal judge.



1           ██████████ Indeed. Indeed.

2           Mr. Barnes. Bound by the Federal Rules of Evidence.

3           ██████████ Indeed. We can -- you know, we can make a criminal referral --

4           Mr. Barnes. Sure.

5           ██████████ -- to the Justice Department or, in fact, we could end up just  
6 deciding to do nothing.

7           Mr. Barnes. You and I are not going to settle it, but I just wanted to make sure  
8 that I was candid with you and tell you what our position is.

9           ██████████ Fair enough.

10          Mr. Evans. And in the spirit of that, we've largely got categories of  
11 questions -- for example, biographical questions which you could ask him that he would  
12 be perfectly willing to answer. That's not a problem. Questions you mentioned, the  
13 service of the subpoena, again, not a problem. You can ask him everything like that.

14          But then there's other categories of questions, like conversations he may have had  
15 with certain House committees or something that we would cite privilege to based on  
16 attorney work product or confidentiality. So that's largely where we're going is that  
17 we've kind of put these into categories of things for the objections.

18          ██████████ Right. And so, I hope we can work through some of those because,  
19 to the extent there were communications with other House committees, if you're not  
20 going to provide content of those communications, we would hope that you would  
21 provide the date and the individuals involved because that certainly wouldn't be  
22 protected by the privilege.

23          Mr. Evans. Well, the -- I don't want to do anything to jeopardize the privilege.  
24 So I don't want to provide that, but there are public records of dates with meetings and  
25 stuff that you guys have the invoices submitted and stuff like that that gives you a lot of

1 the information that you're already asking for.

2 [REDACTED] Right. But just so we understand, I mean, if we're talking about a  
3 communication that's privileged, the fact that the communication occurred is not  
4 privilege. The fact that person A spoke to person B, you know, at the level of a privilege  
5 log, we certainly would believe we're entitled to that information.

6 Mr. Barnes. All right.

7 [REDACTED] Any other -- any additional opening remarks? I know there was  
8 some letters exchanged.

9 Do you have any interest in making those part of the record?

10 Mr. Barnes. They're going to be made part of the record. We've marked them.

11 [REDACTED] Can I make --

12 [REDACTED] Of course. Yeah.

13 [REDACTED] It will only take me two seconds. It's always good to be reminded that  
14 we don't have a jail in the House. So I just wanted to make a couple of notes for the  
15 record. First of all, thank the witness for joining us, especially I understand that you  
16 have a hurt ankle. So thank you for traveling up here with an injury, among other things.

17 The buzzer just went off, and I think everyone kind of perked up. That's just the  
18 House bell. There's proceedings on the House floor. So I -- I think they're probably done  
19 for the day.

20 And then I wanted to make a couple of notes. We continue to have concerns  
21 about the videotaping of these proceedings, primarily because there's not been copies  
22 provided to the Democratic staff or Members. I understand we are able to go view them  
23 in the majority's office suite, but that's not the same, especially with Members not here  
24 because of -- especially with Members not here because of the recess. And when we are  
25 provided with copies to have and hold, it's usually 24 hours before release, which

1 is not really enough time.

2 [REDACTED] That's not true. I mean, you get a week -- if we're going to release  
3 any video, we give it to you one week before we put it out.

4 [REDACTED] We've had a number of instances where we got them the day before.

5 [REDACTED] That's inaccurate.

6 [REDACTED] That's inaccurate.

7 [REDACTED] We can go back and check the record. I still would argue that a  
8 week is not --

9 [REDACTED] We've been careful with the video. I mean, the video, the  
10 agreement is --

11 [REDACTED] [REDACTED] I appreciate that you want to talk over me, but can I please  
12 finish my statements?

13 [REDACTED] I'm not trying to talk over you. I'm just trying to --

14 [REDACTED] But you literally are talking over me. So if I can finish my statement,  
15 and then I'll give you the time back. Sound good?

16 So we continue to have concerns with the video. We also continue to have  
17 concerns with the transcripts. I think there's been something like 135 depositions and  
18 transcribed interviews to date. The vast majority have not been released, including  
19 depositions and transcribed interviews dating to February, March, and April of 2023. So  
20 that's over a year ago at this point.

21 For the transcripts that have been released, a number of them have not  
22 included -- most of them, barring those that included the joint Oversight Committee have  
23 not included exhibits, which is -- the transcripts, in our minds, are not actually final if  
24 they're not including exhibits and if they don't include errata -- corrected errata,  
25 so -- thank you.

1 [REDACTED] As far as the transcripts go, you know, we release transcripts once a  
2 matter is concluded. I mean, you don't ordinarily put out transcripts during the middle  
3 of an investigation, but --

4 [REDACTED] I don't think that's accurate, though, because I think there have been  
5 transcripts released during impeachment.

6 [REDACTED] I said ordinarily. I said ordinarily. And we're more than -- we're  
7 more than willing to put out these transcripts. So if there's any particular ones you're  
8 interested in getting out --

9 [REDACTED] Among other -- so I would ask that this transcript, in particular, be  
10 released fairly expeditiously. I would also ask that I think the entire tech investigation,  
11 almost all of those transcripts have not been released yet.

12 [REDACTED] So --

13 [REDACTED] And I think that's something like 40-some transcribed interviews and  
14 depositions.

15 [REDACTED] I mean, I don't know the specific reasoning why the tech  
16 investigation transcripts haven't been released. But at the conclusion of that work, they  
17 certainly will. And then once a transcript is ready for release -- you know, a transcribed  
18 interview, the rules on secrecy don't apply. So the minority staff certainly has the ability  
19 to supplement a transcript release with the exhibits. I think it's largely just a logistics  
20 thing about loading these things on website.

21 [REDACTED] I hear you, but it does fall in the majority responsibility. It's not the  
22 responsibility of the minority.

23 But I appreciate the point that the rules don't apply to transcripts and, you're  
24 right, we actually probably could release them if we chose to do that. So far, we've not  
25 chosen to do that.

1 [REDACTED] Any additional remarks?

2 [REDACTED] No. Thanks.

3 Mr. Evans. Just to be clear, how soon do you think that the transcript for this  
4 deposition would be available to us?

5 [REDACTED] So we normally get the transcript pretty quickly. These reporters  
6 do an amazing job. They get it to us within -- usually -- usually within 2 days.

7 Mr. Evans. Okay.

8 [REDACTED] Oftentimes less than that.

9 Mr. Evans. Would that be something that I'd have a chance to review?

10 [REDACTED] Of course.

11 Mr. Evans. Okay.

12 [REDACTED] And so the way it works, once it comes in, you can review it. And,  
13 you know, if there's any errata that you want to flag --

14 Mr. Evans. Would you guys notify me when it's ready?

15 [REDACTED] Of course. Of course. Minority gets it at the same time. As  
16 soon as we get it, the minority staff gets it. Our clerks just send it right along to them at  
17 the very same time that our staffers get it.

18 And then as soon as everyone reviews it, we can put it out right away.

19 Mr. Evans. Okay.

20 [REDACTED] That's what we've done in other depositions where either the  
21 witness or the minority or we've -- the deposition transcripts are ready to go almost  
22 immediately.

23 Mr. Evans. Okay.

24 The Witness. So question, just point of clarification?

25 [REDACTED] Of course.

1           The Witness. Prior to the release of the transcript, my counsel will have the  
2 opportunity to review it before it's released?

3           ██████████ Of course.

4           The Witness. Now, tell me what "released" means? Where does it go?

5           ██████████ Normally we just -- we put it on our website.

6           The Witness. All right.

7           ██████████ Now, if there's anything in the transcript you don't want released,  
8 you can tell us that you would seek a redaction, and we would consider that request.  
9 Sometimes we're able to honor it; sometimes we're not.

10           If it's personal information, we ordinarily honor that type of thing. Like, if there's  
11 specific addresses or that type of thing, we would ordinarily honor that type of request.

12           ██████████ There was one transcript that was released to Fox News before the  
13 minority released it -- or before the minority received it. So we do ask that you take  
14 precautions here that this transcript is not produced to any news outlets before the  
15 minority has --

16           ██████████ Well, I don't know how that happens. That has nothing --

17           ██████████ It did happen once. I'm just asking you to take particular  
18 precautions that it doesn't happen here. Thank you.

19           ██████████ I can't say -- I don't know which one you're talking about, but --

20           ██████████ It was one of the impeachment transcripts. I believe it was one of  
21 the U.S. attorneys.

22           ██████████ Okay. I mean, you know, these transcripts in the impeachment  
23 proceedings were done before two or three committees, and so I don't --

24           ██████████ I'm sorry. It was one of the U.S. attorneys were interviewed solely  
25 by the Judiciary Committee, ██████████ if you recall. Actually, I think it was Scott Brady.

1           ██████████ Okay. Anyway, that's neither here nor there.

2           Do you have any more questions, or do you have an opening statement you'd like  
3 to offer?

4           The Witness. I do.

5           Good morning. My name is Nathan Wade. I'm a licensed attorney in good  
6 standing in the State of Georgia.

7           I am here after voluntarily accepting service of a subpoena from the House of  
8 Representatives of Congress of the United States of America. I am here of my own  
9 volition, having paid for my own flight tickets and hotel room in an effort to respond to  
10 any legal relevant inquiry.

11           Please note all arrangements were made per agreement for my voluntary  
12 testimony to take place back in July, but this committee changed that date for its own  
13 convenience.

14           You are aware I served as special assistant district attorney in the case of the State  
15 of Georgia versus Donald Trump, et al., Indictment Number 23 SC 188947 in the Fulton  
16 County Superior Court.

17           Prior to accepting the appointment as a special assistant district attorney for the  
18 Office of the District Attorney of Fulton County, I served as a prosecutor several times  
19 during my career; first as an assistant solicitor general in Cobb County, Georgia, then as a  
20 special assistant attorney general for the State of Georgia.

21           I began my private practice in 2000 where I served as a criminal defense attorney  
22 representing hundreds of individuals in State and Federal courts charged with felony and  
23 misdemeanor offenses. I've tried many felony cases representing clients in serious  
24 matters, including but not limited, to capital offenses, murder, rape, armed robbery,  
25 aggravated assault, and drug trafficking. Many of these cases garnered media attention.

1 I've served as a civil attorney in private practice representing individuals,  
2 businesses, and corporations alike with no attention given to partisan politics. I've  
3 previously been retained to represent a Republican sheriff. I've served as legal counsel  
4 to the Cobb County branch of the NAACP.

5 In 2010, I began serving as a municipal court judge in several cities in the State of  
6 Georgia, and was proud to have become the first African American to do so in the city of  
7 Marietta, Georgia. I was invited to assist in the training of newly appointed municipal  
8 court judges and did so with great pleasure.

9 I have received dozens of accolades and statewide recognitions over the course of  
10 my legal career.

11 My team and I investigated the issues in the election interference case for more  
12 than 2 years. This case was not politically motivated. Rather, it was an independent  
13 investigation based upon facts, interviews, evidence, and the rule of law. I had no  
14 mandate other than to honestly seek the truth. I was never directed, ordered, asked,  
15 coerced, or pressured to bring any charges against anyone.

16 I took my oath as a special prosecutor with a solemn pride and responsibility. I  
17 did not violate that oath and did nothing to compromise the integrity of the Fulton  
18 County indictment alleging interference in the 2020 presidential election.

19 No one at the White House, the White House counsel's office, the Department of  
20 Justice, or the January 6th committee directed, ordered, asked, coerced, or pressured me  
21 or any member of my investigative team to seek or not to seek an indictment against  
22 anyone.

23 Due to the lack of cooperation from witnesses and government officials, the  
24 Fulton County District Attorney requested permission from the Fulton County Superior  
25 Court judges to impanel a special grand jury to investigate the complaints surrounding the



1 2020 election. This special purpose grand jury returned an exhaustive report  
2 recommending indictments on a host of individuals, many of which were not named in  
3 the pending charging document.

4 Following this recommendation, a Fulton County grand jury returned an  
5 indictment against all individuals named in 23 SC 188947, respectively. Several  
6 defendants moved to disqualify the District Attorney of Fulton County and myself from  
7 the prosecution of this case. The trial court held a hearing, during which I testified and  
8 was cross-examined for hours by defense lawyers. In March of this year, the motion to  
9 disqualify was denied.

10 In its distasteful dicta, the court opined that either I resign or the district  
11 attorney's office resign from the prosecution of the election interference case.  
12 Consequently, I voluntarily submitted my resignation immediately.

13 Since that date, I have had minimum contact with the Office of the District  
14 Attorney of Fulton County and have had no access to documents left there.

15 On May 9th, 2024, I received a letter from this committee on the judiciary  
16 requesting that I produce six categories of documents. I voluntarily complied with that  
17 request by producing all documents that I possessed. I had nothing responsive to  
18 categories of documents relating to notes, memoranda, or communications between the  
19 Fulton County District Attorney's Office and any other agency.

20 The committee's stated purpose in requesting those documents and in seeking my  
21 appearance to date is that the committee is, quote, "considering potential legislative  
22 reforms establishing clear guidelines outlining the permissible use of Federal grant funds  
23 under 34 U.S.C. Section 10261, et seq., and 12291, et seq., creating penalties for  
24 unlawfully misusing Federal grant funds under Title 34 of the United States Code,  
25 constructing stringent automatic audit requirements for department grants, managers, or

1 modifying eligibility requirements pertaining to grant recipients that misuse Federal  
2 funds," close quote.

3 The committee has also, quote, "considered legislation broadening the existing  
4 statutory right of removal of certain criminal cases from State court to Federal court as a  
5 remedy against politicized prosecutions by popularly elected State or local prosecutors,"  
6 close quote.

7 I am here to cooperate, and I welcome all legal and relevant inquiries related to  
8 your defined scope. Contrary to any fabricated story that I somehow evaded service of  
9 process, I voluntarily reached out to the U.S. Marshals office and suggested a meeting  
10 place and time immediately upon being made aware, through false inflammatory media  
11 reports, of Congress' attempts to serve me.

12 You are aware that I am bound by the Georgia Rules of Professional Conduct and  
13 Responsibility, and must at all times, maintain in confidence all information gained in the  
14 attorney-client relationship.

15 Now, I have been served with the following letter which I will serve -- which will  
16 serve as guardrails directing my responses as it relates to certain topics, and I'll read this  
17 letter to you and provide this as an exhibit.

18  That will be Exhibit 2, I guess.

19 [Wade Exhibit No. 2  
20 was marked for identification.]

21 The Witness. This is a letter sent to myself from the Office of the Fulton County  
22 District Attorney, Atlanta Judicial Circuit. And it reads, "Dear Mr. Wade, I write to you in  
23 my official capacity as district attorney of Fulton County and on behalf of my office  
24 regarding a recent subpoena you received from the House Judiciary Committee related to  
25 your employment as a special counsel to the Office of the Fulton County District Attorney.

1           As you know, you were contracted by the office and investigated attempts to  
2 interfere with the 2020 presidential election in the State of Georgia. This investigation  
3 led to the indictment of several individuals under Georgia's RICO law, and prosecution of  
4 these charges is ongoing.

5           I write to remind you of your continuing obligation not to disclose any confidential  
6 information related to ongoing criminal matters on which you worked while you were a  
7 special counsel district attorney, including information that is protected from disclosure  
8 by grand jury secrecy rules or applicable legal privileges held by the office.

9           To that end, this letter should serve as formal notice that the Fulton County  
10 District Attorney is asserting all applicable legal protections and privileges over the  
11 information you obtained as a result of as special counsel to this office.

12           As the special counsel of our investigation into unlawful interference in the 2020  
13 presidential election, you have knowledge of highly sensitive and confidential  
14 information, the disclosure of which could interfere with an ongoing criminal prosecution.  
15 This includes knowledge of key evidence, confidential attorney communications, legal  
16 theories and analysis, prosecutorial recommendations and deliberations, as well as  
17 knowledge of the source, procedures, and techniques employed in this investigation.

18           Given this, I am concerned that questions posed to you by the committee could  
19 implicate several significant established privileges and confidentiality interests. This  
20 includes, quote, 'preservation of the secrecy of grand jury proceedings,' close quote,  
21 which is, quote, 'a well-recognized principle in Georgia,' close quote, as well as in the  
22 Federal legal system.

23           Attempts by the committee to solicit information from you about evidence in the  
24 election interference case would run afoul of this fundamental principle. In addition,  
25 questions about the substance of your work in the case would also seek information that

1 is protected by the deliberative process, privilege, attorney-client privilege, and work  
2 product privilege, among others.

3 As Chief Justice John Roberts recently noted, it has, quote, 'long been  
4 understood,' close quote, that recipients of legislative subpoenas retain common law and  
5 constitutional privileges with regard to such information. It is the responsibility of the  
6 Fulton County District Attorney's Office and its employees to protect secret grand jury or  
7 privileged information, and specifically to protect confidential or sensitive information  
8 related to ongoing criminal matters.

9 As a former contracted prosecutor with this office, this remains your responsibility  
10 as well. As you are undoubtedly aware, the sharing of nonpublic privileged information  
11 violates Georgia professional ethics rules, including special rules applicable to  
12 prosecutors.

13 After withdrawal from a representation, attorneys are still required to refrain from  
14 disclosing confidential information. Such disclosure can prejudice defendants, victims,  
15 or witnesses, or affect the overall integrity of the proceedings.

16 Since the committee's demand for your testimony would require you to divulge  
17 confidential and privileged information, we previously asked the committee to withdraw  
18 its demand to interview you, or if the committee was unwilling to do so, to work with the  
19 Fulton County DA's Office on a compromise agreement that would protect our privileges  
20 and maintain the integrity of ongoing proceedings. To date, the committee has refused  
21 our request.

22 The Fulton County District Attorney will continue to seek an agreement with the  
23 committee, including by allowing counsel representing the office to attend your  
24 deposition and assert applicable privileges and protections as warranted. However, in  
25 the absence of such agreement, I am directing you as a former special counsel district

1 attorney for the Fulton County District Attorney's Office to refrain from answering any of  
2 the committee's questions related to your role in the office's investigation of attempts to  
3 disrupt the 2020 presidential election in the State of Georgia.

4 It is incumbent upon you and your counsel to guard against the unauthorized  
5 disclosure of confidential information by invoking all applicable legal protections and  
6 privileges outlined in this letter. I also understand that the committee has expressed  
7 interest in questioning you about the office's, quote, 'receipt and use of Federal grant  
8 funds,' close quote.

9 I do not believe that you possess any personal knowledge on this subject, as you  
10 were not funded by any grant, nor consulted on any grant matters. Thus, this office has  
11 no objection to you providing any relevant information to the committee in which you  
12 have firsthand knowledge, provided that your answers do not interfere with any ongoing  
13 litigation or implicate confidential or privileged information.

14 By allowing you to share relevant personal knowledge regarding receipt and use of  
15 Federal funds, the office does not waive any privileges or interests in protecting  
16 confidential information in your possession, as it is believed you have no firsthand  
17 knowledge regarding this topic.

18 Finally, I wish to remind you that the importance of the Fulton County District  
19 Attorney's Office ongoing prosecution. The criminal efforts to undermine Georgia's  
20 2020 presidential election not only shook the foundations of our State's democracy, but  
21 also endangered public servants and election workers who were brave enough to stand  
22 up for the rule of law.

23 As long as I am district attorney, I will continue to do everything in my power to  
24 protect the integrity of this criminal investigation and all others in which my office leads.  
25 My legal duty to protect the secrecy and integrity of all criminal investigations has been

1 bestowed upon both you and I by Federal, State, and local law. I have no interest in  
2 waiving this legal responsibility on behalf of this office. I am confident that you will do  
3 the same.

4 Yours in service, Fani T. Willis, District Attorney, Atlanta Judicial Circuit."

5 [REDACTED] We'll mark that as exhibit 3.

6 [Wade Exhibit No. 3

7 was marked for identification.]

8 [REDACTED] What was the date of that?

9 [REDACTED] What exhibit --

10 [REDACTED] Well, exhibit 2 is his opening statement.

11 [REDACTED] Okay.

12 [REDACTED] So exhibit 3 is the letter.

13 [REDACTED] Do you have a copy?

14 [REDACTED] I didn't get a copy. I don't know if Mr. Wade brought copies.

15 [REDACTED] He did read it into the record. That's fine.

16 [REDACTED] So we're going to mark exhibit 4 would the October 11th letter to  
17 Chairman Jordan from the district attorney.

18 [Wade Exhibit No. 4

19 was marked for identification.]

20 [REDACTED] We're going to mark as exhibit 5 an undated letter to [REDACTED]  
21 from the Governor on behalf of the district attorney. Do you have a date to that,  
22 Governor?

23 Mr. Barnes. No, I don't.

24 [Wade Exhibit No. 5

25 was marked for identification.]

1 [REDACTED] And then exhibit 6 is a September 30th letter from the governor to  
2 the chairman.

3 [REDACTED] I can represent that we received exhibit 5 via email on September  
4 20th, a couple days after you all did. We did receive it.

5 [REDACTED] So exhibit 6 is the letter where the governor urges the chairman to  
6 seek anger management training.

7 [Wade Exhibit No. 6  
8 was marked for identification.]

9 Mr. Barnes. Hope he has done so.

10 [REDACTED] So we want to make sure that's --

11 [REDACTED] That's dated September 30th.

12 [REDACTED] Yeah. And I identified that. All right. I think we're getting ready  
13 to go. The court reporter will now swear the witness in.

14 The Reporter. Do you solemnly declare and affirm under penalty of perjury that  
15 the testimony you are about to give will be the truth, the whole truth and nothing but the  
16 truth?

17 [REDACTED] The clock now reads 10:35. [REDACTED] from the majority staff will  
18 begin an hour of questions.

19 EXAMINATION

20 BY [REDACTED]

21 Q Good morning, Mr. Wade. I want to start off by talking a bit about your  
22 professional background.

23 How many years have you been a practicing attorney in Georgia?

24 A Since 1999.

25 Q And you are still licensed to practice in Georgia. Is that correct?

1 A That is correct.

2 Q Is that the only jurisdiction you are currently barred in?

3 A Yes, ma'am.

4 Q And so it's been about 25 years. Can you provide an overview of the  
5 previous positions that you've held?

6 A Okay. Let me refer back to my statement here. I served as a prosecutor  
7 several times during my career, first as an assistant solicitor general in Cobb County,  
8 Georgia; then as a special assistant attorney general in the State of Georgia.

9 I began my private practice in 2000, where I served as a criminal defense attorney,  
10 representing hundreds of individuals in State and Federal courts charged with felony and  
11 misdemeanor cases. I have tried many felony cases representing clients in serious  
12 matters, including but not limited to, capital offenses, murder, rape, armed robbery,  
13 aggravated assault, and drug trafficking.

14 I have served as a civil attorney in private practice representing individuals,  
15 businesses, and corporations alike. I have previously been retained to represent a  
16 Republican sheriff. I served as legal counsel to the Cobb County branch of the NAACP.

17 I began serving as municipal court judge in several cities in the State of Georgia  
18 and was proud to have become the first African American to do so in the city of Marietta,  
19 Georgia.

20 Q You said in 2000, you started your private practice. Would that be the Law  
21 Offices of Nathan J. Wade?

22 A Yes, ma'am.

23 Q And do you still practice under that moniker, under that name?

24 A I do.

25 Q So you said your practice is focused on criminal offenses, but you've also



1 worked on the civil side. Is that correct?

2 A It's not focused on criminal defense. But I've done them both, yes, ma'am.

3 Q If you had to characterize a primary focus for your years of practice, what  
4 would that be?

5 A Today, more civil.

6 Q More civil. Was it, in the past, more criminal?

7 A In the past, it has been, yes.

8 Q And are you currently just practicing under the Law Offices of Nathan J.  
9 Wade?

10 A Yes, ma'am.

11 Q Are you employed by any other private law firms?

12 A No, ma'am.

13 Mr. Evans. I know where this is going. I think he's going to need clarification on  
14 what that means.

15 BY [REDACTED]

16 Q Do you provide services to any other private law firms?

17 A Am I co-counsel at times with cases, with other law firms? Absolutely.

18 Q Are you currently under a contract with any other private law firms?

19 A No, ma'am.

20 Q Are you in any sort of joint partnership with any other law firms?

21 A No, ma'am.

22 Mr. Evans. We're talking about right now?

23 [REDACTED] Correct, sir.

24 Mr. Evans. Okay.

25 BY [REDACTED]

1 Q Are you contracted to provide any services to any government entities?

2 A Currently, no, ma'am.

3 Q When was the last time that you were contacted with a government entity  
4 to provide services?

5 A As special prosecutor in Fulton County.

6 Q And prior to your appointment as special prosecutor for Fulton County, had  
7 you been contracted with any other government entity to provide services?

8 A Yes, ma'am.

9 Q And which ones were those?

10 A Let's see. As I noted in the opening remarks, the Cobb County Sheriff.

11 Q Uh-huh.

12 A The city of Marietta as a municipal judge; the city of Roswell as a municipal  
13 judge; the city of Austell as a municipal judge.

14 Q I want to talk with you -- you spoke in your opening statement about the  
15 various correspondence that you and your counsel have had with the committee.

16 And so we first requested your transcribed interview on May 9th, 2024, via letter.  
17 Did you receive the May 9th letter?

18 A Repeat the question, ma'am.

19 Q So the committee first requested your voluntary testimony via transcribed  
20 interview in a May 9th, 2024, letter. Did you receive that letter?

21 Mr. Evans. Is that marked as one of the exhibits?

22 [REDACTED] It is not marked as one of the exhibits. In exhibit number 1, which  
23 was the subpoena, it includes two cover letters, first the October 2nd one, and then the  
24 second one is dated September 21st.

25 Mr. Evans. Okay.

1

BY [REDACTED]

2

Q And I can read from the September 21st letter. The second sentence says,

3

"As part of our oversight, on May 9th, 2024, the committee requested that you appear for

4

a voluntary" -- "for a transcribed interview relating to your work for the FCDAO."

5

I'm just asking if you remember receiving the May 9th letter.

6

A I don't recall receiving -- I do recall receiving a series of letters. I don't

7

recall the dates, nor the contents of those letters.

8

Q And when did you first seek to schedule your transcribed interview, if you

9

can remember?

10

A I don't recall. That was a communication between my attorney and

11

whomever he was communicating with.

12

Q And so originally your transcribed interview was scheduled for late June.

13

As you said in your opening statement, the committee needed to reschedule that.

14

In communications with your counsel, he informed the committee -- and I can

15

read from the September 21st letter again.

16

Mr. Evans. Sorry. We're bouncing back and forth a little letter, the May letter,

17

the September letter. This one is the September letter?

18

[REDACTED] This is the September 21st, 2024, cover letter. It's part of exhibit

19

number 1.

20

Mr. Evans. Okay.

21

BY [REDACTED]

22

Q So the first sentence in the second paragraph of the September 21st, 2024,

23

letter reads, "After two months of communications following our May 9th letter between

24

your counsel and committee staff, your counsel informed the committee on July 19th,

25

2024, that you agree to appear voluntarily for a transcribed interview on September 18,

1 2024."

2 Do you remember being informed that you would be at a transcribed interview on  
3 September 18th, 2024?

4 A Vaguely.

5 Q Had you made any travel arrangements to come here for the September  
6 18th transcribed interview?

7 A Yes.

8 Q And you ultimately did not appear on September 18th, 2024, before the  
9 committee. Is that correct?

10 A I want to make certain that I'm answering as it relates to the proper letter.  
11 There were so many letters back and forth that I don't want to mislead you.

12 So let me be clear. The preparation to come for the July time frame, that was  
13 agreed upon. I did prepare to do that.

14 Q Uh-huh.

15 A I believe that was the question you just asked me, right?

16 Q I asked about your September 18th transcribed interview, the reschedule of  
17 transcribed interview for September 18th. Did you make any travel arrangements for  
18 that transcribed interview?

19 A For September the 18th?

20 Q That's correct.

21 A No.

22 Q And you ultimately did not attend the transcribed interview on September  
23 18th. Is that correct?

24 A Is that the -- is that the subpoena that I was given on the date?

25 Q No, sir. If you look at the September 21st, 2024, letter which is part of

1 exhibit number 1 -- I believe it's page 3 of exhibit number 1 --

2 A I don't have a September --

3 Q This one.

4 A That says October 2nd.

5 Q So here's the September 21st, 2024, letter. I'm specifically looking at the  
6 second paragraph. It starts, "After 2 months of communications following our May 9  
7 letter between your counsel and committee staff, your counsel informed the committee  
8 on July 19th, 2024, that you agreed to appear voluntarily for a transcribed interview on  
9 September 18th, 2024. In the week preceding the scheduled interview, the committee  
10 contacted your counsel twice via email and did not receive a response.

11 Instead, on September 13, just 5 days before your scheduled interview, your  
12 counsel informed the committee that due to an unsolicited letter from Roy Barnes,  
13 counsel to Fulton County District Attorney Fani Willis, you would postpone your  
14 appearance. Notably, your counsel offered the committee no alternative date for your  
15 testimony.

16 Finally, on September 17th, your counsel confirmed that you would not appear for  
17 your scheduled interview based on concerns raised by the Barnes letter."

18 So in reading that, I go back to the question of, did you appear for your September  
19 18th transcribed interview?

20 A Well, based upon what you just read, it sounds like I was not -- that there  
21 were ongoing communications and negotiations, and I wasn't required to appear.

22 Q And so based upon your failure to appear on September 18th, the  
23 transcribed interview, the committee then moved to compulsory process via a subpoena.

24 When did you first learn the committee was issuing you a subpoena for your  
25 testimony?

1           A     I had -- I had played in a community basketball league and  
2 fractured -- hairline fractured my ankle.   Because of that, I was in and out of ortho  
3 surgery centers.

4           I was, obviously, prescription medicating because of the pain and the swelling in  
5 my right ankle.   And to date, it is -- it is still swollen.   So at times I may have to elevate  
6 it to keep the swelling down.

7           But I took a few days to take care of my fractured ankle and to prepare for an  
8 upcoming mediation and arbitration.   When I was able to deal with the pain without the  
9 assistance of the prescription pain medication and came to, I turned on my cell phone  
10 and prepared to go and exercise down in my exercise room.   And when I did that,  
11 messages started to ring through.

12           And one of the messages was from a U.S. marshal identifying himself and leaving a  
13 phone number.   I called that gentleman back.   And at this point it's 4:00 a.m. because I  
14 rise at 4:00 a.m. to do my exercise regimen.   He answered the phone.   And I said to  
15 him, I understand that apparently I am missing.   I've seen reports that no one can find  
16 Nathan Wade.   I'm here.   Who is looking for me?

17           The marshal then said to me, Sir, that is ridiculous.   We know that you're not  
18 trying to hide or evade service.   And I said, What service?   And he said, I have  
19 something here to serve upon you from Congress.

20           And I said, I tell you what, I can meet you now, or we can designate a time and a  
21 place.   And he said, No problem.   He said, But that subpoena was for today.   He said, I  
22 don't think I'll need to serve that upon you, but let me get some clarification and I'll call  
23 you back.

24           We hung up the phone.   Approximately 8:30 or 9:00 a.m., he called me back, and  
25 he said, Mr. Wade, I'll need to go ahead and leave those papers with you.   Where are

1 you going to be and what time would you be there? I said, I'll tell you, I'll meet you at  
2 my office.

3 I hadn't been to my office in quite some time, over a week I hadn't been there.  
4 I'll be there, and I'll meet you, and you can give me what you need to give me. He said,  
5 Thank you. We hung up the phone.

6 Maybe 45 minutes to an hour later he walks through the door, shook my hand,  
7 handed me the documents and walked away.

8 Q And was your attorney authorized to accept service of a subpoena on your  
9 behalf from the committee?

10 A I hadn't spoken to my attorney at that point.

11 Q But previously -- previous to the subpoena?

12 A Nope. We had no conversation about him accepting anything on my  
13 behalf.

14 Q So you said that you had never spoken to your attorney about accepting  
15 service on your behalf. Is that correct?

16 A We had no conversation about him accepting service of any kind on my  
17 behalf.

18 Q On September 21st, as [REDACTED] noted in his opening remarks, he emailed  
19 you a copy of the subpoena.

20 Did you receive that email?

21 A Who emailed me?

22 Q [REDACTED]

23 A I don't know. I don't recall receiving an email. But if he said he sent it, I'm  
24 sure that he did. He seems to be an honest man.

25 Q Are you aware that on that same day prior to sending you that subpoena,

1 [REDACTED] also attempted to send the subpoena to your attorney? Were you aware of  
2 that?

3 A No.

4 Q So did you have any communications with your attorney on September 20th  
5 when the subpoena was authorized? Not looking for content of discussion, just yes or  
6 no, sir.

7 A Do I have contact with my attorney? Constantly.

8 Mr. Evans. I mean, that goes to conversations that we've had. I would tell him  
9 not to answer that question.

10 [REDACTED] We're just looking for whether a conversation occurred; not the  
11 content of the conversation. Just a yes or no.

12 Mr. Evans. Conversations that he has with me are privileged. So I'm going to  
13 tell him not to answer that.

14 BY [REDACTED]

15 Q So did you have a conversation with your attorney ever about the subpoena?

16 [REDACTED] That's content.

17 Mr. Evans. Yeah. Hang on. Don't answer yet. Did we ever have a  
18 conversation about the subpoena? Yeah. I mean, I'm going to instruct my client not to  
19 answer.

20 BY [REDACTED]

21 Q Did you have any conversations with your attorney on September 20th?

22 Mr. Evans. Same objection.

23 BY [REDACTED]

24 Q On September 21st? Just looking for a yes or no; not about the content of  
25 the discussion.



1 Mr. Evans. Same objection.

2 BY [REDACTED]

3 Q On the 23rd?

4 Mr. Evans. Same objection.

5 BY [REDACTED]

6 Q So on September 23rd, that was the first time that the marshals attempted  
7 to serve you in person.

8 Were you aware that they attempted to serve you in person on September 23rd?

9 A I think I just shared with you an experience where I voluntarily reached out  
10 to the marshals, and they served me in person.

11 Q So your testimony is that you turned your phone off because you had  
12 fractured your ankle. Is that correct, sir?

13 A No, ma'am. My testimony was I turned my phone off to prepare for an  
14 arbitration and mediation that was upcoming, along with nurse my ankle back to health.

15 So I sort of -- when I get into trial mode, when I'm preparing for trial, I shut the  
16 world off. My job is to handle my client's business, and I don't want any outside  
17 interference. So I had no contact with anyone during the course of that preparation.

18 Q So what date did you turn your phone off?

19 A I turned it off -- the exact date, I can't recall. I'd give it to you if I could. I  
20 can't recall the exact date.

21 Q So did the phone -- if we requested your phone records for September 20th  
22 to September 26th, will we find that your phone was off, you had no communications via  
23 your cell phone?

24 A I don't know what date it was when I shut it off. But during the course of  
25 that period, you will find no communications because the phone was off.

1 Q And so what happened first, the phone being turned off or you hurting your  
2 ankle?

3 A The ankle injury occurred first.

4 Q Okay. And so between that time, you said that you turned your phone on  
5 then at 4:00 a.m. on September 26th, and that's when you received the messages from  
6 the marshals. Is that correct, or do I have the timeline mixed up?

7 A I don't recall -- I do recall the marshal saying to me, This subpoena that I am  
8 to serve you is for today's date. So whatever that date was, that's the date I turned my  
9 phone on and returned that phone call.

10 Q So on the second attempt to serve the subpoena in person on September  
11 24th, the marshals spoke to a work crew that was doing some landscaping work at your  
12 house.

13 Are you aware of those conversations that occurred?

14 Mr. Evans. You're referring to the second. What's the first attempt?

15 [REDACTED] So the marshals made several attempts to serve Mr. Wade the  
16 subpoena.

17 Mr. Evans. In person?

18 [REDACTED] In person, that's correct.

19 Mr. Evans. When was the first attempt?

20 [REDACTED] The first attempt was on the 23rd, which is that Monday.

21 Mr. Evans. And then the second attempt was when?

22 [REDACTED] On the 24th.

23 Mr. Evans. Okay.

24 BY [REDACTED]

25 Q So on the 24th is the date that they spoke with your -- the individuals doing

1 landscaping around your house.

2 Are you aware that they spoke to those individuals?

3 A No. And I'm shocked that the marshals never mentioned to me that they  
4 had come to my home. And I had -- I had no conversation with anyone doing any  
5 landscaping around my property at that time either.

6 Q And on September 24th, they also attempted to serve you in person at your  
7 law office. Are you aware of that?

8 A I am not. During the course of that conversation, the marshal did say to me  
9 that he stopped by my law office and the paralegal or receptionist told him that I was not  
10 there.

11 Q And the marshals represented to the committee that the paralegal told the  
12 marshals that you were out of town until October 2nd.

13 Is that an accurate statement? Were you out of town until October 2nd?

14 A I don't know what they would have shared with them. I don't know.

15 Q And then you said at 4:00 a.m. on the 26th, you reached back out to the  
16 marshals. Is that correct?

17 A I did.

18 Q And you did that via a phone call?

19 A I did.

20 Q And then you accepted service on the 26th?

21 A On that date.

22 Q On that morning?

23 A Whatever that morning was, yes.

24 Q And then on October 2nd, the committee issued another subpoena, and you  
25 subsequently accepted service of that subpoena. Is that correct?

1           A     So -- so because at this point, I had had contact with the marshal via cell  
2 phone, that same gentleman called me and he said, Mr. Wade, I have another document  
3 for you. How can I get it to you?

4           Q     Uh-huh.

5           A     I said, Well, when do you want to get it to me? And he said, As soon as  
6 possible.

7           I told him at that point that I'm on my way to court. You can meet me at the  
8 courthouse if you like. Here's where I'm going, and here's the time that I'll be there.  
9 And he said, I will show up there, and I will hand you the documents, and he did that.

10          Q     Okay. And I want to now pivot to talking about your appointment as  
11 special prosecutor for the Fulton County District Attorney Office.

12          So who contacted you first about the special prosecutor position?

13          A     So this is an interesting story or series of events, how this came about.

14          The Witness. And forgive me, Governor Barnes, I'm going to have to tell on you  
15 here.

16          Mr. Barnes. That's fine. You won't be the first.

17          The Witness. I was a part of a search committee, if you will, for the then-newly  
18 elected district attorney.

1 [10:58 a.m.]

2 BY [REDACTED]

3 Q Okay. And can you provide dates for when you were part of the search  
4 committee?

5 A Oh, God, I cannot. I'm sorry.

6 Q Okay. If it's helpful, DA Willis came into office on January 1st of 2021. Is  
7 that a helpful time frame?

8 A It is. So January 1st I was a part of the search committee for that newly  
9 elected district attorney, and we were tasked with trying to identify someone who would  
10 serve as lead counsel on the election interference investigation.

11 The goal, or the trick, was to make certain that the individual selected or identified  
12 was one who had no axe to grind, if you will, one who would be able to be objective, and  
13 follow wherever the investigative process would lead them. There were between three  
14 and five candidates that we spoke with, a few of which I cannot recall, but there were a  
15 multitude of individuals who were reaching out and sending resumes trying to obtain the  
16 position, one of which -- one individual that we did speak with is in the room this  
17 morning, and that is Governor Barnes. He, I guess, artfully bowed out accepting the  
18 position of special prosecutor, and he would cite to safety reasons. He would cite to the  
19 low financial compensation that Fulton County would offer, and he would cite to a busy  
20 law practice, that he couldn't afford to devote the necessary amount of time that a case  
21 like this would need. But interestingly enough, he also shared with us at that time that  
22 he had no interest in traveling in a caravan of security constantly.

23 Now, I should have taken the hint when he said that. I did not. I didn't  
24 understand what he understood at the time apparently. I had no clue that I would need  
25 security for accepting that position.

1           But at any rate, he was one that turned the position down. Other people turned  
2           it down. Eventually, eventually I guess the committee turned their guns on me and  
3           started trying to convince me to accept the role. I said no. I said no more than once.  
4           But at some point, I relented and accepted the case because it did pose some  
5           interesting -- I thought interesting legal issues. It was unlike any concept or anything  
6           that I had ever dealt with. As a matter of fact, it turns out it's unlike anything that has  
7           ever happened in American history, so I was right in that regard.

8           I didn't give -- I didn't give enough credence, though, to the underlying warnings  
9           that were issued to me by former Governor Barnes.

10          Q     And so the search committee, you said that began when DA Willis took office  
11          on January 1, 2021. Is that correct?

12          A     Yes.

13          Q     And was there outreach to you to be part of the search committee prior to  
14          January 1, 2021?

15          A     Absolutely.

16          Q     And when did that start?

17          A     Sometime after the election, but prior to her taking office.

18          Q     Okay. So between the election -- and you're referring to the  
19          November 2020 election. Is that correct?

20          A     Yes, ma'am.

21          Q     And so when you had conversations with individuals you said on multiple  
22          occasions you said no, and you turned the positions down, who were those conversations  
23          with?

24          A     They were with -- mostly with the District Attorney --

25          Mr. Evans. I'm not objecting right now because we're talking about the process

1 of bringing him on board, but, like, we're headed pretty close to where I'll start objecting  
2 once we -- like if we start asking about the case and the investigation and stuff, so --

3 [REDACTED] Okay. I'm asking about his hiring and being brought on.

4 Mr. Evans. Okay.

5

BY [REDACTED]

6 Q So you said that you had conversations with DA Willis regarding -- prior to  
7 your appointment as special prosecutor. Is that correct?

8 A Yes, ma'am.

9 Q About the role itself. Is that correct?

10 A Yes, ma'am.

11 Q Did you have any, I would say, interviews with DA Willis regarding the  
12 position?

13 A Define "interview." What does this mean?

14 Q Like a job interview, where you sat down with DA Willis, and she talked  
15 about your job qualifications, the role of the special prosecutor, you two discussed why  
16 you would be best fit for the position. Was there any sort of discussion like that?

17 A It was more of a conversation sort of making me aware of my background  
18 and accomplishments, if you will. So if that's an interview, then that's what it was, but it  
19 was more of her and her counsel at the time just kind of reminding me, Well, you've done  
20 this, and you've done that, and you've done this, and you've done that.

21 [REDACTED] Could I just ask, are we talking about him serving as a special  
22 prosecutor or him serving on the search committee?

23 [REDACTED] I'm talking about his appointment as special prosecutor.

24 [REDACTED] Okay.

25

BY [REDACTED]

1 Q And so how many conversations, if you had to quantify, do you believe you  
2 had with DA Willis specifically prior to being hired as special prosecutor?

3 A I have no clue, ma'am.

4 Q Was it more than five, more than ten?

5 A I have no clue. It was a lot.

6 Q More than one?

7 A Absolutely.

8 Q Did you have conversations with anyone else besides DA Willis regarding the  
9 special prosecutor role, and Governor Barnes I'll say?

10 A I did. And I'm trying to recall if that was -- that was [REDACTED]

11 Q And who is [REDACTED]

12 A He's the individual that I had the conversation with prior to my being  
13 appointed, if you will, as special prosecutor.

14 Q Did he work in DA Willis's office?

15 A At the time she didn't -- she hadn't taken office yet.

16 Q Okay. So you spoke with [REDACTED] prior to DA Willis taking office?

17 A I did.

18 Q Okay. Any other individuals besides [REDACTED] Governor Barnes, and  
19 DA Willis that you had conversations with about the position?

20 A I'm sure there were. I just can't recall who they were.

21 Q Okay. I'm going to mark another exhibit. This will be exhibit number 7.

22 This is Judge McAfee's March 15, 2024, order.

23 [Wade Exhibit No. 7

24 was marked for identification.]

25

BY [REDACTED]



1 Q This is exhibit number 7. And to the extent I use this as an exhibit, I'll make  
2 sure to refer you to a specific page number, but feel free to take time to review it.

3 Are you good to go?

4 A I'm good to go.

5 Q And in your opening statement you referred to distasteful dicta. Is this  
6 what you were referring to, this order?

7 A Portions of it, yes, ma'am.

8 Q Okay. I want to look specifically at page number 1, the sentence starting  
9 "among other." And I'll read it into the record. "Among other allegations of  
10 disqualifying conduct, the defendants contend that the District Attorney obtained a  
11 personal stake in the prosecution of this case by financially benefiting from her romantic  
12 relationship with Special Assistant District Attorney Nathan Wade, whom she personally  
13 hired to lead the State's prosecution team."

14 I'm just wondering if you could help us unpack "personally hired." Would you  
15 describe that as DA Willis having conversations with you? Did she give you the job  
16 offer? Can you help us understand personally hired?

17 Mr. Evans. It calls for speculation.

18

BY [REDACTED]

19 Q So did you receive a job offer from DA Willis?

20 A If you're asking me to interpret what this judge was meaning when he made  
21 those statements, I can't -- I couldn't do it for you.

22 Q So would you say the fact -- his statement that she personally hired you, is  
23 that an inaccurate statement?

24 Mr. Evans. Well, you're asking what Nathan's understanding of a judge's  
25 order -- of a judge's use of the word "personally hired." He has no way to know what

1 Judge McAfee meant by that.

2 [REDACTED] I'm asking if he believes that statement is accurate. Is "personally  
3 hired" accurate?

4 Mr. Evans. You're asking him --

5

BY [REDACTED]

6 Q To your understanding, is it accurate?

7 A Aside from what he wrote in this order, I can tell you that the only person --

8 Q Uh-huh.

9 A -- who had the authority to appoint me as special prosecutor was the District  
10 Attorney of Fulton County, Georgia, at the time. That's who had the authority to make  
11 the appointment. Aside from whatever the process was, ultimately, she had the  
12 authority to do it.

13 Q So when you received a job offer or a contract from Fulton County, were  
14 those discussions had with DA Willis?

15 Mr. Evans. That's too broad of a question. I mean, are you asking about  
16 specific things? Are you asking about -- because you just said everything.

17

BY [REDACTED]

18 Q When you were retained by Fulton County District Attorney's office -- you  
19 would agree that you were retained by the Fulton County District Attorney's office. Is  
20 that correct?

21 A I would agree with that.

22 Q When you were retained by the Fulton County District Attorney's office, who  
23 did you have conversations with?

24 A I had conversations upon being retained --

25 Q Uh-huh.

1 A -- and contracting with the Fulton County District Attorney's office with

2 [REDACTED]

3 Q And what was [REDACTED] role at the District Attorney's office?

4 A I don't know the exact title that he has.

5 Q And what did you discuss with [REDACTED] Was it just the maneuvers of the  
6 contract, or what were the specifics?

7 Mr. Evans. Of what?

8 [REDACTED] He said that he had conversations with [REDACTED] regarding his  
9 retention, so I'm asking in what regards.

10

BY [REDACTED]

11 Q Was it about the specifics of the contract? Was it about the rate that you  
12 would be given per hour?

13 A All of the above.

14 Q Okay. And did you have any of those types of conversations with DA Willis,  
15 or were those just had with [REDACTED]

16 Mr. Evans. Hang on. I just want to be more precise with the questioning  
17 because it keeps getting back to this broader question of -- what's the actual question?

18 [REDACTED] The actual question is he -- we have just discussed that he had  
19 conversations with [REDACTED] regarding his retention as special prosecutor for the Fulton  
20 County District Attorney's office.

21 Mr. Evans. But that's just --

22 [REDACTED] And he described -- excuse me. He described that he had had  
23 conversations about the rate. He had had discussions with [REDACTED] about the contract  
24 itself. So I'm asking, did he discuss any of those, his rate, and/or his contract with DA  
25 Willis?

1 Mr. Evans. Okay.

2 The Witness. No.

3 BY [REDACTED]

4 Q No. You just had those types of conversations with [REDACTED]

5 A That was his job. His job was to sit with me, hammer out the details of the  
6 contract, which were this is our contract, this is our rate, sign it. So there you go.

7 Q And in the judge's order, it states that you were personally hired to lead the  
8 State's prosecution team.

9 Is that accurate to describe you as the lead for the prosecution team?

10 A Yes, that's accurate.

11 Q Did you have any discussions with DA Willis regarding you leading the  
12 prosecution team?

13 A That's what she hired me to do.

14 Q Beyond just explaining that you would lead the prosecution team, were  
15 there any more details provided, like how many employees you would supervise, if you  
16 would lead a team of prosecutors, if you would have office space at the Fulton County  
17 District Attorney's office. Were there any of those types of conversations?

18 A So there's a contract that's in the public sphere.

19 Q Uh-huh.

20 A And that -- I'm going to just ask that the four corners of that document  
21 control.

22 Q Uh-huh.

23 A The contract speaks for itself. If you don't have it, I could ask my counsel to  
24 provide another copy of it to you. I know that it was provided in some discovery  
25 responses, and it was the actual -- a copy of the actual contract that was executed. So

1 whatever those details are, it's in there.

2 Q And prior to the contract being sent to you, you discussing it with [REDACTED] I  
3 believe you said his last name was, is that correct? Did you have any discussions with  
4 DA Willis of what the job would entail?

5 A It's all in the contract?

6 Q Did you lead a team of prosecutors at the Fulton County District Attorney's  
7 office?

8 A I did.

9 Q How many did you -- were on your team?

10 A So let me say this: Those men and women, many of which are not known  
11 to the public, there's some safety concerns there.

12 Q Uh-huh.

13 A And I don't think that we should really be talking about --

14 [REDACTED] She didn't ask names.

15 The Witness. Am I responding to you or him? Which?

16 [REDACTED] He'll just help out with the objections.

17 [REDACTED] I'm sorry. This is a deposition. I think under the deposition rules  
18 only one counsel is allowed to ask questions.

19 [REDACTED] I didn't ask a question. I just confirmed that she did not ask names.

20 [REDACTED] I think that's a violation of the rules. Obviously, you guys are in  
21 charge, so you can do whatever you want, but I --

22 [REDACTED] It's not a violation of the rules. It's just confirming she did not ask  
23 for names.

24 The Witness. So let me say that there was a team, and there was more than  
25 one.

1 BY [REDACTED]

2 Q There was more than one. Did you supervise a team of more than five  
3 individuals?

4 A Yes.

5 Q More than 10?

6 A No.

7 Q Okay. So it was between five and ten. Is that correct?

8 A That's correct.

9 Q And were those individuals all barred attorneys?

10 A No.

11 Q Okay. And can you give us a sense of were they -- were the individuals,  
12 paralegals, secretaries, assistants? What did that look like for the individuals who were  
13 not barred attorneys?

14 A All of the above.

15 Q Okay. And how many individuals would you say were barred attorneys?  
16 More than five?

17 A I believe, yes.

18 Q Okay. And I want to ask you a little bit about the organizational structure.  
19 So there --

20 Mr. Evans. Are we talking about just for the Trump case, or are we talking about  
21 just overall in the district attorney's office?

22 BY [REDACTED]

23 Q I'm talking about just for the case against President Donald Trump. That  
24 was our understanding is that you were hired specifically to be a special prosecutor on  
25 the case against President Donald Trump. Is that correct? There were no other cases

1 that you worked on?

2 A That's not correct.

3 Q Okay. So you worked on cases other than just the prosecution and  
4 investigation of President Trump?

5 A Yes.

6 Q How many other cases did you work on?

7 A I don't know.

8 Q What types of cases were they?

9 A Criminal cases.

10 Q Criminal cases. What types of crimes?

11 A I don't recall.

12 Q Were they all in a specific unit or division of the district attorney's office, like  
13 the anticorruption unit? Were they all in that vein?

14 A No, ma'am.

15 Q Okay. And so talking specifically about the investigation and prosecution of  
16 President Trump, how many attorneys did you supervise?

17 Mr. Evans. Now we're starting to get into the actual investigation, and this is  
18 where I'll start objecting. I don't mind about he was interviewed to do a job. I don't  
19 even mind about how many barred attorneys were working. But now we're starting to  
20 get into specifics about the investigation, and that's where I'm going to object under  
21 privilege and stuff. I don't want to talk about the structure of anything that had to do  
22 with the case or the investigation of --

23 Mr. Barnes. And I don't want to get down to such specifics that, even though  
24 names are not used, that you could identify people. I mean, you don't know how bad  
25 this has become since President Trump has brought this out public and Chairman Jordan

1 to the extent of having to move out of their houses.

2 So with that admonition, then you can go ahead.

3 BY [REDACTED]

4 Q So you said that you supervised a team that was between five and 10  
5 individuals. Is that correct?

6 A Yes.

7 Q And so, would those -- even though, you know, I believe under the contract  
8 you were limited to 60 hours per month, is that correct, to your recollection?

9 A I don't recall, but it was something -- it was awful.

10 Q And, you know, I believe DA Willis and you have both publicly said that you  
11 worked more hours than you billed for. Is that correct?

12 A Absolutely.

13 Q So when you were working for the DA's office, you also had your private law  
14 practice as well. So I just want to specifically focus on your work for the DA's office.

15 When you -- so you supervised a team of five to ten people. Did those  
16 individuals reach out to you for guidance? I'm not asking for the specific guidance you  
17 provided, but would they reach out to you and take direction from you?

18 Mr. Evans. What's meant by guidance?

19 [REDACTED] Can we interview this individual as an example.

20 Mr. Evans. That's too broad of a question. He's not going to know.

21 BY [REDACTED]

22 Q Would team -- would the individuals that you supervised, would they ever  
23 contact you? We'll start off with that.

24 Mr. Evans. Well, I'm just going to object to this whole line under -- I mean, this  
25 would all be covered under attorney work product, under attorney-client privilege. I



1 mean, there's still an ongoing investigation in addition to a Court of Appeals decision  
2 about the motion to disqualify.

3 So we've got several different problems here with confidentiality and even  
4 disclosing, you know, broad architecture of how the structure was and who's  
5 communicating with who and even without getting into the granular details about all of  
6 that. So I'm just going to continue to assert these objections under all of these  
7 privileges.

8 [REDACTED] So how would the -- discussing the structure of the office, how  
9 would that affect the investigation?

10 Mr. Evans. Because it's -- as Governor Barnes said, there's -- you start to limit  
11 this to a universe of people that could be identified. Even just saying five to 10 barred  
12 attorneys, you can start getting people going back through records and trying to figure  
13 out who these attorneys are so they could be the subject of, you know, verbal attacks or  
14 whatever. So, I mean, I don't want to give anything that would put anybody in jeopardy  
15 for that.

16 [REDACTED] And how would whether conversations occurred between him and  
17 the individuals that he supervised be covered under the attorney-client privilege?

18 Mr. Evans. Because you're starting to get into -- when you say five to 10 barred  
19 attorneys and then you start asking questions about did any of those people tell you who  
20 to talk to and stuff, then you're starting to get into people with specific knowledge. And  
21 if they could be identified, there would be an absolute reason to go after certain people.

22 [REDACTED] Yeah. And I'll State that I tried to start out broad and you objected  
23 to the question. I tried to say did you have -- did anyone from your team reach out for  
24 guidance?

25 Mr. Evans. It's not a perfect science what we're doing. I get it. I was trying to

1 give some leeway with asking some questions about the process of hiring him and stuff  
2 like that, but anything even, you know, tied to the investigation and so -- keep in mind  
3 this is a 2-year investigation. It's still going on. So it got put on hold by the Court of  
4 Appeals while they review the order on the motion to disqualify, but it's still going on.

5 So we've got all of these people that are working in the office that are still a part  
6 of all of this. Nathan is not part of this case anymore since he resigned, but all of these  
7 other people still are. So there's a lot to protect here, not just with this but with the  
8 ongoing investigation.

9 [REDACTED] And so --

10 Mr. Barnes. Since this is about grant money, why don't you -- why don't we get  
11 down to it. You were paid this. Do you know if this came from Federal funds? I  
12 mean, how -- what is this beyond the scope of the subpoena --

13 [REDACTED] I'm trying to get there, sir, but we have to lay the groundwork first if  
14 it's hiring a special prosecutor.

15 Mr. Barnes. Why don't you just ask him if he knows anything about the grant  
16 money, about how he was paid?

17 [REDACTED] We'll get there. We'll get there.

18 Mr. Barnes. Well, I mean, but why do we have to run the risk of narrowing down  
19 number of people. I don't think you fully understand these nuts and how violent they  
20 can become. And so, I mean, you know, just ask the question. Just ask the question.

21 [REDACTED] And if you'll permit me to, I'll go ahead and get back to questioning.  
22 So we'll restart the clock.

23 BY [REDACTED]

24 Q So did you have an office space at the Fulton County District Attorney's  
25 office?

1           A     Did I have a place where I went to complete the work that I was contracted  
2 to do with the Fulton County District Attorney's office?

3           Q     That's correct, sir.

4           A     Yes.

5           Q     And was that at the physical address of the Fulton County District Attorney's  
6 office?

7           A     I cannot -- I cannot, for safety reasons, disclose where that office was.

8           Q     Okay. I'm not asking for the specific address, but you had a desk  
9 somewhere where you completed your Fulton County District Attorney office work. Is  
10 that correct?

11          A     Someplace.

12          Q     Someplace. And did you have an official email address with Fulton County?

13          A     No.

14          Q     So if someone needed to reach out to you regarding your work with the  
15 Fulton County DA's office, would they email you on your regular Nathan J. Wade Law  
16 Office email address?

17          A     They would email a legal assistant, a paralegal, or one of the other full-time  
18 team members to get to me.

19          Q     Okay. And did you have a business card with the Fulton County DA's office  
20 that identified you as a special prosecutor?

21          A     I did.

22          Q     And did you have a government phone or a phone number where you could  
23 be reached to discuss Fulton County business?

24          A     I did not.

25          Q     You did not. So would the similar process --

1           Mr. Evans. See even that's getting too close because you're starting to ask  
2 whether people are using their personal cell numbers to conduct business with Fulton  
3 County. I object to that because that could potentially reveal an identity of people.  
4           Keep in mind, he had to change his phone number like after some of this went on.  
5 So this is not just academic objections. This is real-life stuff that there has been a lot of  
6 threats and people have faced.

7           ██████████ Yeah. What this line of questioning is trying to get at is how  
8 integrated into the Fulton County District Attorney's office were you?

9           Mr. Evans. I don't understand the relevancy of that. We know that he had a  
10 contract with them. It's not disputed that he was the special prosecutor on the case. I  
11 don't -- what difference does it make where he worked or what phone number he had or  
12 anything? I don't understand.

13           BY ██████████

14           Q So I'll just ask a broad question then.

15           Did you feel like you were integrated into the day-to-day operations at the Fulton  
16 County District Attorney's office?

17           A What does "integrated" mean?

18           Q Did people know who you were? Did people interact with you on a daily  
19 basis?

20           A Most people did not know who I was.

21           Q Okay. Just the individuals who were -- you supervised on your team, they  
22 obviously knew who you were; but other individuals at the Fulton County District  
23 Attorney's office did not know who you were?

24           A Most other individuals at the Fulton County District Attorney's office did not  
25 know my roles nor have any knowledge of the work that I was performing.

1 Q And prior to your appointment as special prosecutor, you listed in your  
2 opening statement and in the first few of my questions, roles that you had where you  
3 were a prosecuting attorney. Is that correct?

4 A Yes, ma'am.

5 Q Prior to your appointment as special prosecutor, had you ever worked in a  
6 district attorney's office?

7 A No.

8 Q And in your opening statement, you mentioned various criminal cases that  
9 you had worked on regarding, you know, whether it be capital cases, murder cases, rape  
10 cases. Had you ever worked on a RICO case or a racketeering case?

11 A Okay. So when you say, "worked on," are you meaning tried? Because  
12 the cases that I mentioned were cases that I actually tried.

13 Q Okay. So we can take it a step back.

14 Had you ever just worked on, not you being the attorney of record on the case, for  
15 a RICO case?

16 A Are you asking if I've ever participated in the prosecution of a RICO case?

17 Q Correct.

18 A The answer is no.

19 Q No. So this was the first case where you were prosecuting a RICO case?

20 A Yes.

21 Q And how did you get up to speed on the contours? Obviously, RICO is a  
22 complex law. Not talking about while you were on the job, but prior to taking the  
23 position on, did you do any study of the RICO law?

24 Mr. Evans. I would just say that last clarification is what is I was going for is that  
25 you could talk about what you did to learn about the law, like the law itself, what RICO as

1 a count means, but I don't want anything --

2 The Witness. I absolutely -- I absolutely did. I went to what you  
3 would -- what I would call RICO school to learn about what it is, what it means, and how it  
4 works. It's a very complicated legal concept, but the dubbed godfather of RICO, the  
5 gentleman who wrote the book --

6

BY [REDACTED]

7

Q Uh-huh.

8

A -- spent hours and hours teaching me RICO, if you will.

9

Q And beyond that, did you do any other study to prepare yourself for taking

10 on the position of the special prosecutor?

11

A I don't know that there's anything greater than sitting at the foot of the

12

person who has written the book on a legal concept. There's nothing better than that.

13

Q And who are you referring to when you say he wrote the RICO book?

14

A John Floyd.

15

Q John Floyd.

16

Mr. Evans. And that's the only name I want to have you give. And the only

17

reason I didn't object there is because he's already part of the public record, but

18

that's -- okay.

19

BY [REDACTED]

20

Q And did Mr. Floyd work for the Fulton County District Attorney's office or did

21

you just seek him out?

22

A I don't know who he works for.

23

Q Okay. So he wasn't contracted by the district attorney's office, to your

24

knowledge?

25

Mr. Evans. That's not the same question.

1 Mr. Barnes. No, it's not the same question.

2 Mr. Evans. And the answer is it's public record that he was.

3 Mr. Barnes. And had been for years from time to time by the predecessor DA.

4 BY [REDACTED]

5 Q So how did you go about contacting Mr. Floyd?

6 A He was teaching a RICO course, and I went to the course.

7 Q So when you say you went to RICO school, that would be accurate; you did  
8 go to a class about RICO to understand the contours of the law?

9 A Absolutely.

10 Q And during your time as special prosecutor at the Fulton County District  
11 Attorney's office, did anyone supervise you?

12 A What does that mean, "supervise me"?

13 Q Was there any -- if there was an organizational chart, was there anyone  
14 above you?

15 Mr. Evans. I would object to that on the same grounds that we're talking about  
16 before that we're getting too far into architecture and structures and, you know, stuff  
17 that pertains to the case itself, so I don't --

18 BY [REDACTED]

19 Q In your role as special prosecutor, did you report directly to DA Willis?

20 Mr. Evans. You don't have to answer that if you don't want to.

21 [REDACTED] What's the objection? What's the privilege?

22 Mr. Evans. Again, it's just -- first of all, I don't see the relevancy to anything  
23 having to do with grant funds. I don't see the relevancy of anything to do stated in the  
24 committee's letter about oversight of removal to Federal court stuff, so I find this whole  
25 line of questioning irrelevant.

1           But I want to go back to the original objections of just -- we're just getting into too  
2 much confidential material with the structure.   Who he's reporting to, who's working for  
3 who, all this kind of stuff is just not anything that he's going to answer.

4           Mr. Barnes.   And --

5           ██████████   And what's the privilege?   You didn't State a privilege.

6           Mr. Barnes.   Well --

7           Mr. Evans.   The privileges -- there's several privileges.   I mean, there's just  
8 generally attorney work product privilege that deals with confidential information.  
9 There's attorney-client privilege generally which is going to cover it.   There's grand jury  
10 secrecy provisions which are talking about confidentiality and the process and everything.  
11 We've got Georgia Bar Rule of Professional Conduct 1.6.   There's just a general rule of  
12 confidentiality anyway.   So we've got a multitude of privileges.

13          ██████████   And how does whether DA Willis supervised him fit into those  
14 privileges?   It's just a "yes" or "no" answer.

15          Mr. Evans.   The contract that he has with Fulton County is public record.   None  
16 of the rest of this stuff is public record.   So you're asking for stuff about how it all works.  
17 So whatever DA Willis decided was the hierarchy and how communication was going to  
18 get passed and who was going to be supervised by who, that's all attorney-client privilege  
19 to me because that's confidential material on how the office operates.

20          ██████████   And that wasn't my question.   It was, did DA Willis supervise him?  
21 That's a "yes" or a "no" answer.   So how would that lead you to the reporting structure  
22 that DA Willis had set up?

23          Mr. Evans.   Because I don't know what supervised means.   They have  
24 conversations, but I don't want -- I don't feel that he's at liberty to discuss some kind of  
25 rigid hierarchy for how information was communicated within the office.   That's my



1 objection.

2 [REDACTED] So we can take it broader if that would make you feel more  
3 comfortable.

4 BY [REDACTED]

5 Q Did anyone oversee you in your position as special prosecutor?

6 Mr. Evans. Well, that was the first question I objected to. The second one was  
7 when you said did Fani Willis oversee you? So I don't understand --

8 [REDACTED] How do we not know what the word "supervise" means?

9 Mr. Evans. What are we trying to get to here, though? I don't understand,  
10 like the --

11 [REDACTED] Look we just ask the questions. I mean --

12 Mr. Evans. Yeah.

13 [REDACTED] Sometimes when you ask a question, as you know, it leads to other  
14 things. But, I mean, we're objecting here to the meaning of the word "supervisor"?

15 Mr. Evans. No. I'm objecting to the conversation as it was explaining about just  
16 getting into how information is passed within an office on a case that is subject to grand  
17 jury secrecy laws, a case that's subject to --

18 [REDACTED] I didn't ask how information is passed. I asked who -- did anyone  
19 oversee Mr. Wade in his position as special prosecutor. That's not how information  
20 passed. It's just did someone oversee you? Yes or no? Did DA Willis --

21 [REDACTED] Was it the criminal division? Was it the deputy DA? Was it --

22 Mr. Evans. We're still getting into too many names and identifiable people.

23 [REDACTED] And to make you more comfortable with the question, that's why I  
24 took it back to did anyone ever oversee you in your role as special prosecutor?

25 Mr. Evans. Okay. You can answer that question. Did anyone ever oversee

1 you?

2 A No.

3 BY [REDACTED]

4 Q So you had ultimate authority in the case you would say?

5 A Yes.

6 Mr. Evans. I mean, I would object that that calls for speculation generally, but --

7 Mr. Barnes. Yeah, folks, I'm an old man, and eventually we're going to have to  
8 go to the bathroom.

9 [REDACTED] Hey, we're at a minute 51. Can you wait for just 9 minutes?

10 Mr. Barnes. Okay. I can make it.

11 BY [REDACTED]

12 Q So, Mr. Wade, it's a matter of public record that you were paid -- you  
13 received for your services somewhere a little bit over \$700,000. And I understand from  
14 your testimony at the hearing that there was a structure where it went into a joint  
15 account between you and your law partners, paid expenses, and then it was divided  
16 among the three of you. But is it accurate to say that you were reimbursed -- not you,  
17 your law firm, your partnership was reimbursed \$700,000 for your services, a little bit  
18 over that?

19 A Reimbursed?

20 Q In payment for your service that you provided to Fulton County District  
21 Attorney, you received \$250 per hour. Is that correct? That was your rate?

22 A That was not my rate, no, ma'am. But again, the contract is going to  
23 control.

24 Q Uh-huh.

25 A So whatever that contract says, that's what it was.

1           Mr. Evans. The objection I would have is just on that one, the form of the  
2 question. This question was asked at the hearing, and there was about a 30-minute  
3 discussion about what it meant, what the word "law firm" meant --

4           [REDACTED] Correct.

5           Mr. Evans. -- because he's had three, four iterations of partnerships and  
6 everything. So I would just ask for --

7           [REDACTED] Yes. I was just attempting to truncate it here for the record.

8           BY [REDACTED]

9           Q I understand that you, yourself, did not receive the full payment. Is that  
10 correct?

11          A That's correct.

12          Q And that it was divided among -- after expenses were paid, it was divided  
13 between you, Mr. Bradley, and Mr. Campbell. Is that correct?

14          A That's correct.

15          Q And at some point, Mr. Bradley and Mr. Campbell also had contracts with  
16 the Fulton County District Attorney's office for first appearances and/or filter or taint  
17 review, I believe it's called. Is that correct?

18          A That's correct.

19          Q Do you have an understanding of when they were contacted regarding, you  
20 know, negotiating those contracts to be brought on to do the first appearances, taint and  
21 filter review?

22          A I do not.

23          Q Did you ever -- were you ever involved in the first appearance contract?

24          A I was not.

25          Q Were you ever involved in the filter or the taint contract?

1 A I was not.

2 Q Do you have an understanding of when those contracts ended specifically?

3 A I do not.

4 Q And was the payment structure similar to how your payment from the  
5 Fulton County District Attorney's office was received? It went into the joint account,  
6 expenses were paid, and then the remainder was divided among the three of you?

7 A Well, it would go into an account --

8 Q Uh-uh.

9 A -- and then the way you explained it would happen.

10 Q Okay.

11 A So not necessarily a joint account.

12 Q And DA Willis --

13 Mr. Evans. I just want to make sure, are you -- did you -- were you aware that  
14 Judge McAfee has a YouTube channel that recorded the hearing?

15 [REDACTED] Correct. And I watched his testimony, and I watched DA Willis's  
16 testimony, Mr. Bradley's testimony, Mr. Yeartie's -- Ms. Yeartie's testimony. I watched  
17 all of that.

18 Mr. Evans. Right. So these questions, specific questions have been asked and  
19 answered.

20 Mr. Barnes. Under oath.

21 Mr. Evans. Under oath.

22 [REDACTED] And as [REDACTED] said, sometimes responses elicit additional  
23 questions or new information.

24 Mr. Evans. Well --

25 [REDACTED] So that's what we're just -- we're just asking the questions here.

1           Mr. Evans. Right. So I didn't object to some of the other questions that were  
2 asked at the hearing tangentially, but these actually have been asked and answered.

3           ██████████ And what would the privilege be then if they've already been  
4 answered?

5           Mr. Evans. The -- well, we keep pigeonholing this into privilege. I mean, I've  
6 already said that I don't recognize that as the limitation. But I would object just  
7 generally under the common law deposition rules of -- or just the general deposition rules  
8 of everything of just asked and answered and just not wanting him to -- these things  
9 happened a long time ago. What I'm concerned is that he might say something that  
10 might be inconsistent with testimony that he gave at the hearing that might cause a  
11 problem, not because he's trying to be misleading or anything, but just because he just  
12 doesn't remember. And so I don't want him to answer questions --

13           ██████████ Well, if he doesn't remember questions, if he doesn't remember  
14 something, he can tell us.

15           Mr. Evans. He can say that. But we are getting into questions that have already  
16 been specifically asked.

17           ██████████ And we're not going to -- ██████████ is not going through every  
18 question that has been asked --

19           ██████████ I will also point out this is still on appeal, this issue.

20           Mr. Evans. It is.

21           ██████████ We're ready to go back. Okay.

22           BY ██████████

23           Q Were you the only special prosecutor, to your knowledge, that was  
24 contacted to work on the case against President Trump --

25           ██████████ Are we good to go?

1           ██████████ Yeah. I was just asking if you would just tell us when you pause your  
2 timer so we can keep track of time.

3           BY ██████████

4           Q To your knowledge, were there other special prosecutors besides yourself  
5 that were contracted to work on the case against President Trump and his  
6 co-defendants?

7           A Yes.

8           Q And how many others were there?

9           A At least two.

10          Q And were their roles similar to yours?

11          A No.

12          Q How did their roles differ?

13          A They weren't required to spend the amount of time that I was required to  
14 spend on the case. They were more as needed.

15          Q And when you say the time that you were required to spend on the case,  
16 what do you mean by "required"?

17          A Well, your earlier question probably 30 minutes ago dealt with RICO and my  
18 understanding of the concept, the legal concept of RICO. Well, in order to be certain  
19 that I can fully, or could fully understand the concept, I was required to go through the  
20 training. I was required to make certain that I understood how to apply each and every  
21 element per the statute. I was required to -- and I'm trying to answer your question --

22          Q Uh-huh.

23          A -- without going into now investigative processes, but we had different  
24 requirements.

25          Q And do you have any knowledge of or a reason to believe that the Fulton

1 County District Attorney's office paid you with federally-derived funds?

2 A So that -- that's some kind of misconception that A, that the Fulton County  
3 District Attorney's office paid me anything. Why? Is that your next question why?

4 Q Sure. Go ahead, sir.

5 A I'll answer it. I would submit an invoice, many of which you've seen,  
6 probably all of which you have. I would submit an invoice, and 3 to 5 or so months later,  
7 I would receive a physical check from the Fulton County Board of Commissioners. That's  
8 who paid me.

9 Q Uh-huh.

10 A So the Fulton County District Attorney's office never wrote me a check.  
11 They didn't pay me a dime. But the Fulton County Board of Commissioners did.

12 Q And when you received a check from the Board of Commissioners, did you  
13 ever have knowledge of or a reason to believe that those funds were derived from  
14 Federal funds?

15 A I have no clue where they got the money. I was just more, I guess,  
16 astonished in the fact that it took me 3 to 5 or 6 months to get it.

17 Q And, you know, we'll talk about the invoices in the next round, so we'll go  
18 back to that. But the practice was you would track your time, you would put it in an  
19 invoice, and then -- would you send that to the Board of Commissioners or send that to  
20 the Fulton County District Attorney's office?

21 A I would send it to the payroll department within the Fulton County District  
22 Attorney's office, and they would then do whatever they needed to do with it.  
23 Sometimes it would be, What does this mean or what does that mean? I would then go  
24 into my investigative file, look through my investigative notes, and clarify whatever it was  
25 I needed to clarify. And then they would then do whatever they needed to do with it

1 within that 3- to 5- to 6-month period, and I would get a physical check.

2 Q And when you said if they had questions about something, you would go  
3 check your investigative file, would those questions come from individuals in the payroll  
4 office?

5 A I don't know where they came from. It would -- the questions would come  
6 from the email, and it was like a general Fulton County email that it would go to, and then  
7 they would bounce back a question surrounding entry whatever, and then I would then  
8 check the file of the notes, the investigative file of notes and hit "reply" and respond to  
9 the inquiry.

10 Q If your invoice total was \$2,000 -- and I know that's probably low, but if it  
11 was for \$2,000, would you be paid out \$2,000?

12 A Sometimes.

13 Q And when you say "sometimes," were there sometimes questions regarding  
14 the invoices or you weren't reimbursed for all of the hours you noted in the invoice?

15 A When I say "sometimes," I mean sometimes the invoice was \$2,000, to use  
16 your example, and I was paid \$1,500.

17 [REDACTED] Okay. And we're at an hour, so we'll go off the record.

18 [Discussion off the record.]

19 [REDACTED] Okay. We can go back on the record.

20 BY [REDACTED]

21 Q Mr. Wade, thank you again for appearing here today.

22 I'm going to start by just clarifying something that was raised during the earlier  
23 hour. You were asked by my majority counterpart who had ultimate authority over this  
24 case. What does that phrase mean to you? What did you understand that to mean?

25 A Well, when she asked me the question, I thought that she was asking in a



1 context of day-to-day operations, but you just used the word "ultimate authority."  
2 Obviously, the ultimate authority rests with the elected District Attorney and/or the grand  
3 jury who was making the decision to charge or not to charge. I didn't -- I didn't have the  
4 power to charge anyone.

5 Q And I appreciate that clarification. Thank you.

6 Now, you touched on this a bit in your opening statement, but I'm going to ask  
7 some questions to follow it up.

8 In several of Chairman Jordan's letters to you, he's referred to the prosecution of  
9 Donald Trump, a prosecution which includes 18 other defendants, repeatedly as  
10 politically motivated.

11 What is your response to the claim that this is a politically-motivated prosecution?

12 A Well, again, I had no political motive. I have no political motive. I have  
13 never met any of the individuals that were charged prior to this indictment experience.  
14 I had nothing to gain by anyone being charged, or not being charged. I simply did what I  
15 said in my opening statement, which was I followed the evidence, the facts, and the rule  
16 of law.

17 Q And were those charges ultimately filed because the Fulton County District  
18 Attorney's office had evidence that you believe was sufficient to prove that the  
19 defendants, including Donald Trump, had committed violations of Georgia's criminal  
20 laws?

21 A Yes, ma'am.

22 Q And the special purpose grand jury in Fulton County found probable cause  
23 that the defendants in the case committed those violations, including racketeering,  
24 solicitation of a violation of oath by a public officer, false statements, forgery, and  
25 elect -- election fraud, excuse me. Isn't that correct?

1 A And more, yes, ma'am.

2 Q Yes. And it is a matter of public record that several of the defendants, I  
3 believe at least four in that case, have already pled guilty, correct?

4 A Yes, ma'am.

5 Q And of the defendants who pled guilty, three of those are themselves  
6 attorneys, correct?

7 A Yes, ma'am.

8 Q Now, when the grand jury returned its charging recommendations in this  
9 case, it actually recommended that the DA's office indict 39 individuals for their roles in  
10 attempting to overturn the election results in Georgia. Is that correct?

11 A It sounds familiar, yes, ma'am.

12 Q Okay. I'm going to introduce into the record the Special Grand Jury Report  
13 dated September 8 of 2023, and I believe that date is the date of the judge's order  
14 unsealing the report. And I believe we are on exhibit 8. Thank you.

15 [Wade Exhibit No. 8

16 was marked for identification.]

17

BY [REDACTED]

18 Q Now, before I ask you some questions, I just want to correct the dates that I  
19 put on the record. The actual Special Purpose Grand Jury Report, the initial report is  
20 dated the 15th of December 2022, and then there's an addendum dated May 12, 2022.  
21 The September 8, 2023, is the date of the judge's order unsealing those two reports. So  
22 I just wanted to make that clear.

23 Now, in the Special Grand Jury Report, the grand jury recommended that criminal  
24 charges be filed, among others, against now former Georgia Senator David Perdue. Isn't  
25 that correct?

1 A That's correct.

2 Q And the grand jury also recommended that criminal charges be filed against  
3 now former Georgia Senator Kelly Loeffler, correct?

4 A That's correct.

5 Q And the grand jury also recommended that criminal charges be filed against  
6 current Senator Lindsey Graham, correct?

7 A That's correct.

8 Q And the grand jury also represented that criminal charges be filed against  
9 former National Security Advisor Michael Flynn. Isn't that correct?

10 A That's correct.

11 Q Now, these four individuals I just mentioned, David Perdue, Kelly Loeffler,  
12 Lindsey Graham, and Michael Flynn, they are all Republicans, correct?

13 A I believe that's correct.

14 Q And despite the grand jury's recommendation, the Fulton County District  
15 Attorney's office, with you acting as special prosecutor, declined to file charges against  
16 any of these prominent Republican officials. Isn't that correct?

17 A Well, let me ask you this: That list that you gave wasn't intended to be the  
18 entire list of officials that were not charged in that indictment.

19 Q That is correct. There were 39 recommendations, correct?

20 A There were 39 recommendations.

21 Q And there were 19 individuals who ultimately were charged, correct?

22 A Yes.

23 Q Okay. And so, I'm not going to go through all 20 of them. I just wanted as  
24 a representative sample to note and have you confirm that despite the grand jury's  
25 recommendation, the district attorney's office declined to file charges against those four

1 individuals we just discussed. Is that correct?

2 A Among others, yes, ma'am, that's correct.

3 Q And are you able to tell us today why you made that decision?

4 A I am not.

5 Q But you can confirm that the district attorney's office, with you working as  
6 special prosecutor, actually indicted fewer than half of the individuals for whom the  
7 grand jury recommended that you charge?

8 A Yes, ma'am.

9 Q And just to clarify, when I asked if you were able to tell us why you made  
10 that decision and you said no, that's because it falls under several -- I assume that's  
11 because it falls under several privileges and grand jury secrecy provisions?

12 A That is correct.

13 Q Thank you.

14 Now, I'm going to ask you another set of questions that touches on some issues  
15 that you mentioned in your opening statement.

16 In -- now, you stated in your opening statement that certain people or agencies  
17 did not order you or direct you to file charges. I'm just going to -- I want to make this  
18 very, very clear for the record because I think it's very important, especially in light of the  
19 fact that the chairman in his letters to you accused you of improperly coordinating with  
20 and colluding with, quote, "Democrats in Washington, D.C.," unquote.

21 Did anyone in the White House order you or, to your knowledge, anyone else at  
22 the Fulton County District Attorney's office to file charges against Donald Trump in this  
23 matter?

24 A No, ma'am.

25 Q And did anyone in the White House direct you or, to your knowledge,

1 anyone else at the Fulton County District Attorney's office to file charges against Donald  
2 Trump?

3 A No, ma'am.

4 Q And did anyone in the White House, to your knowledge, try to coerce the  
5 Fulton County District Attorney's office into filing charges against Donald Trump?

6 A No, ma'am.

7 Q To your knowledge, did anyone in the White House pressure the Fulton  
8 County District Attorney's office to file charges against Donald Trump?

9 A No, ma'am.

10 Q And, to your knowledge, did anyone in the White House even so much as ask  
11 the Fulton County District Attorney's office to file charges against Donald Trump?

12 A No, ma'am.

13 Q Did anyone in the United States Department of Justice ever order you or, to  
14 your knowledge, anyone else at the Fulton County District Attorney's office to file charges  
15 against Donald Trump?

16 A No, ma'am.

17 Q Did anyone in the Department of Justice ever direct you or, to your  
18 knowledge, anyone else in the Fulton County District Attorney's office to file charges  
19 against Donald Trump?

20 A No, ma'am.

21 Q To your knowledge, did anyone in the U.S. Department of Justice try to  
22 coerce the Fulton County District Attorney's office into filing charges against Donald  
23 Trump?

24 A No, ma'am.

25 Q And, to your knowledge, did anyone in the U.S. Department of Justice

1 pressure the Fulton County District Attorney's office to file charges against Donald  
2 Trump?

3 A No, ma'am.

4 Q And, to your knowledge, did anyone in the U.S. Department of Justice even  
5 so much as ask the Fulton County District Attorney's office to file charges against Donald  
6 Trump?

7 A No, ma'am.

8 Q Was the decision by the Fulton County District Attorney's office to criminally  
9 indict Donald Trump and his 18 co-defendants an independent decision that was made  
10 without influence of Federal officials?

11 A That decision was made by the grand jury of Fulton County, and to my  
12 knowledge, no Federal officials interacted with that grand jury.

1 [12:11 p.m.]

2

BY [REDACTED]

3

4

5

6

Q We spoke briefly at the end of the last hour about the source of the funds that were used to pay you, and I want to ask a related question in light of the allegations or that there are open questions about whether Federal funds were used to finance your prosecution.

7

8

Do you have any information about how the Fulton County District's Office used its Federal grant funds?

9

A No, ma'am.

10

11

Q Was it part of your role as the special prosecutor to administer the use of those funds?

12

A No, ma'am.

13

14

Q We began the first hour by talking about the service of subpoenas on you for this deposition, and I would like to just clarify some points about the timeline.

15

16

17

18

First, I would just like to note for the record that at least it's my understanding that the subpoena was first issued on September 21st, and you testified that it was served on you the same day as the deposition was scheduled to commence. And that was on September 26th. Is that correct?

19

A That's correct.

20

Q So you were actually served 5 days after the subpoena was issued?

21

A Yes, ma'am.

22

23

Q And you were asked some questions during the previous hour about attempts made by the marshals to serve you at your home before the 26th.

24

Is today the first time you're learning about those efforts to serve you at home?

25

A Yes.

1 Q And if I understood your testimony, when you turned your phone on at  
2 approximately 4:30 in the morning on September 26th, you had a voicemail from  
3 somebody at the U.S. Marshals Service?

4 A I did.

5 Q And you voluntarily returned that phone call?

6 A Yes, ma'am.

7 Q And because that was the same date of the deposition, the person you  
8 spoke to from the Marshals Service wasn't sure if he should go through with serving you  
9 with the subpoena on that day given that it would be impossible for you to appear?

10 A That's correct.

11 Q And then he returned your call?

12 A He did.

13 Q And if I understood your testimony correctly, you made arrangements for  
14 him to serve you at your office?

15 A I did.

16 Q And you were present in your office when he arrived with that subpoena?

17 A Yes, ma'am.

18 Q And you voluntarily accepted service without incident?

19 A I did.

20 Q And I believe you testified that on October 2nd, when this deposition was  
21 rescheduled for today's date, the person from the U.S. Marshals reached out to you  
22 again. Is that correct?

23 A That's correct.

24 Q And, again, you made arrangements for him to serve you?

25 A I did.



1 Q And this time you made arrangements for him to serve you at the court  
2 where you would be making an appearance later that day?

3 A Yes, ma'am.

4 Q And if you had not provided him that information, would he have any basis  
5 for knowing which courthouse you would have been at that day?

6 A No, ma'am.

7 Q And you were present at the courthouse as you had told him you would be  
8 when he arrived to serve you with the subpoena?

9 A Absolutely.

10 Q And you voluntarily accepted service?

11 A I did.

12 Q And that was on October 2nd, correct?

13 A Yes, ma'am.

14 Q And that was to appear here today on October 15th?

15 A It was.

16 Q And that is less than 3 weeks after the initial subpoena was issued on  
17 September 21st?

18 A Yes, ma'am.

19 Q Thank you. Now, there were a lot of mentions during the previous hour  
20 about safety issues and security issues that have arisen as a result of not just your  
21 involvement in this case, but this case generally. And I believe you said something to  
22 the effect of -- that you wish you had listened to Governor Barnes' warnings.

23 Can you expand on that a little bit? Can you tell us what you were referring to  
24 and why you wished you had listened?

25 A I can. Governor Barnes did not look at me and say, These are the things

1 that are going to happen to you if you accept this appointment because, remember, at  
2 that time I was not even being considered for the position. It was just that he, at that  
3 time, said that he was not interested in having to live his life with security around him  
4 24/7 again.

5 I didn't take that literal, and I should have, because as a result of this prosecution,  
6 I've gotten a huge amount of death threats. Someone leaked my address, so I couldn't  
7 get into my home on many nights because there were people outside of my home. I  
8 couldn't get into my office because there were people outside of my office.

9 At a certain point, I had to dump my voicemails every hour because it would fill up  
10 so quickly with people calling and making lewd, racist comments, as well as death threats  
11 on my work voicemail. At some point in the process, the -- my cell phone number got  
12 distributed to the public and then the messages started coming to my cell phone.

13 I couldn't spend time with my -- comfortably with my children because of the fear  
14 that someone would associate them with me and then do something to my children. So  
15 I couldn't, for that time period, go around my children. Wasn't really excited or  
16 comfortable with going around my parents, as they are elderly and they got a lot of  
17 threats.

18 My father and I have the same name, so some of the people who were making  
19 threats rerouted some of the threats to -- to him, and it disturbed him greatly to the  
20 extent that he began to worry about my safety. He shared some of the comments with  
21 my mother, and then she began to worry about my safety.

22 And it was just a snowball effect. Whereas, before I would have kept all those  
23 things from my family, particularly, my aging parents and my children. I would have  
24 kept them away from those things.

25 But I didn't -- I didn't prepare or couldn't prepare for the apparent attack and

1 family divide that this thing would cause when I accepted the -- the role.

2 Q I imagine you had no idea that you, for example, would be separated from  
3 your children out of what I presume was concern for their safety. Is that fair to say?

4 A Yes.

5 Q And were you concerned for your own safety as well during that time? Did  
6 you consider some of these threats to be legitimate?

7 A I was concerned for my own safety to the extent to where I had to wear a  
8 bulletproof vest in public. I'm a licensed gun owner. I had to carry a weapon for my  
9 own protection. Somehow my license tag on my car got leaked, and then there were  
10 people following me.

11 I've gone into the grocery store to pick up a few odds and ends from the grocery  
12 store and was followed around the grocery store. There's so many -- I got -- obviously, I  
13 got things in the mail, lots and lots of mail from both sides; people who were supportive  
14 and -- some people who were supportive, but many from -- many things from people who  
15 were not supportive.

16 Q Have the threats continued since your withdrawal from the case?

17 A The threats have subsided tremendously, but I get one or two here or there  
18 still.

19 Q Is it possible for you to quantify the number of death threats that you've  
20 received, or is it a volume that's so big that you couldn't even keep track?

21 A Oh, my God. I couldn't even -- I couldn't begin to quantify it. I have no  
22 clue how many. A lot.

23 Q Your home address was leaked, your personal cell phone number, even your  
24 license plate. Is that accurate?

25 A Yes, yes.

1 Q And I imagine that with each of those revelations, the death threats and the  
2 negative attention increased dramatically?

3 A It did. As a result, I've had to change all those things. The only thing that I  
4 did not change was my office address and office phone number. So threats continue to  
5 come through that vein.

6 Q But you've actually had to move your home as a result of the risk to your  
7 safety?

8 A I have.

9 Q And from comments that were made during the previous hour, you're not  
10 the only person involved in this prosecution that's had to take those measures. Is that  
11 correct?

12 A That's correct.

13 [REDACTED] And with that, we can go off the record.

14 [Discussion off the record.]

15 [REDACTED] We'll go back on the record.

16 BY [REDACTED]

17 Q Mr. Wade, when we ended our last hour, I was talking about the invoices  
18 you sent, but then you were paid out by the Board of Commissioners, and so I want to  
19 introduce one of those invoices for the record. This is an invoice from the Law Offices of  
20 Nathan J. Wade.

21 It's invoice number 8. This will be -- it's invoice number 8, and it will be exhibit  
22 number 9.

23 Mr. Barnes. Okay.

24 [Wade Exhibit No. 9  
25 was marked for identification.]

1 BY [REDACTED]

2 Q So I want to draw your attention to the sixth line item that starts with "travel  
3 to Athens." Do you see where I'm looking?

4 A I do.

5 Q Okay. It says -- in this line item, there's headings, and the description is  
6 travel to Athens, conf with White House counsel. Date completed is May 23rd, 2022.  
7 Hours billed is 8 hours at \$250.

8 Did I read that correctly?

9 A You read it correctly.

10 Q And so this invoice states that you billed eight hours for travel to Athens and  
11 a conference. Is that accurate to say? Conf is short for conference or is that confer?  
12 What is that short for?

13 A So accompanying the billing invoices was, again, investigative notes that  
14 would clarify the entries on the invoice itself. When I resigned in March, obviously,  
15 those notes stayed with the district attorney's office. So any questions you might have  
16 that would clarify anything in the invoices, I would need to refer to those notes that I  
17 don't have and haven't seen.

18 Q Okay. So we'll go off of your memory, your recollection.

19 In the May time frame of 2022, do you remember either meeting, discussing with,  
20 or conferring with White House counsel?

21 Mr. Evans. I'm going to object based on attorney-client privilege, attorney-client  
22 work product.

23 He's also stated that he doesn't remember the specific conversations because he  
24 doesn't have the notes as well. So I'm going to direct him not to answer that question  
25 because of the privilege.

1 [REDACTED] I'm going to stop the clock here real briefly and say, in the last  
2 rounds, questions were propounded about, oh, did the Department of Justice ask you or  
3 the White House ask you to do this, and he answered, well, no, no, no, no.

4 And so I think it's fair for us to say, like, Okay, when did you speak with -- not  
5 asking for the content of the communications, although I think -- I think we're entitled to  
6 know what the content is. But putting that aside, okay, I think we are entitled to know  
7 about when did these communications with DOJ officials happen, if they happened, who  
8 were they with, when did these communications happen with White House officials, and  
9 who were they with?

10 Mr. Evans. I think that's answered by the invoices. It's got the dates right there  
11 as public record.

12 [REDACTED] I do just want to clarify. We did not make any kind -- to the effect of  
13 did you have conversations. Our questions did not presume that the conversations took  
14 place. So I just want to make that clarification.

15 [REDACTED] Right. But on one hand, I mean, when you're asking questions  
16 about -- the question you asked was did DOJ tell you to do boom, boom, boom.

17 [REDACTED] The answer is no, so --

18 [REDACTED] Right. I did not suggest -- I have no idea if he ever met with the  
19 DOJ or not. I do not mean to presume that he did.

20 [REDACTED] Right. So that question naturally leads, okay, did anyone from the  
21 Justice Department meet with you. I mean, that's a natural, like, follow-up.

22 And, again, we can agree to disagree on whether the specific communications are  
23 subject to a privilege that Congress recognizes. I do think it's fair to ask, you know, at a  
24 privilege log level, when the communications happened and who they were with.

25 Mr. Evans. Okay. I think the when is answered by the invoice, and I think who

1 they were with is -- was answered by his statement about he doesn't have the notes from  
2 those specific dates. So I don't know what he could provide that's not already been  
3 answered.

4 [REDACTED] I mean, I think it's fair for [REDACTED] to ask, you know, who was  
5 your contact in the White House counsel's office, who did you meet with when you met  
6 with them. Again, she's going to ask the questions. But when you met with them,  
7 where did you meet with them?

8 Mr. Evans. Okay. And I think that our answer is going to be it's in the notes,  
9 and it's also -- the dates are known, and we'll just continue to object.

10 [REDACTED] So, you know, she's going to ask, like, you know, what is your  
11 recollection of who you met with. If he doesn't have a recollection, she's going to ask,  
12 like, is there a way for you to get us that information. And maybe the answer is no. All  
13 right.

14

BY [REDACTED]

15 Q Mr. Wade, turning back to invoice number 8, we're working off of the line  
16 that says travel to Athens, conf with White House counsel, May 23rd, 2022.

17 Do you remember meeting with the White House counsel in May of 2022?

18 A I don't.

19 Q You have no recollection of meeting with anyone from the White House  
20 counsel's office?

21 A I don't.

22 Q It says, "travel to Athens." Did the meeting take place in Athens?

23 A I -- the invoice says travel to Athens. So that means to me that I traveled to  
24 Athens.

25 Q So if it says conf with White House counsel, that would mean there was a

1 conf with White House counsel?

2 A So after the word "travel to Athens," that's a semi-colon --

3 Q Uh-huh.

4 A -- which means that we're going to go into a new thought.

5 Q Uh-huh.

6 A So --

7 Q So if you billed for a conf with White House counsel, would that have  
8 occurred?

9 A If I billed for a conf with White House counsel, this document doesn't say  
10 that that conf with White House counsel happened in Athens. That's not what that says.

11 Q Okay. But I'm asking -- because you said if it says travel to Athens, then you  
12 would have billed for travel to Athens. Is that correct?

13 A That's correct.

14 Q If it says conf with White House counsel, would you have billed for a conf  
15 with White House counsel?

16 A Yes.

17 Q And so if you billed for it being completed on May 23rd, 2022, do you believe  
18 that's when it would have likely occurred?

19 A No.

20 Q Okay. So can you tell us what it means when you would put a date in the  
21 date completed line here for your invoices?

22 A I believe that it would have -- it would have been completed on or before  
23 that time.

24 Q So if there was a conf with White House counsel, it would have occurred on  
25 or before May 23rd, 2022?



1 A Yes.

2 Q And if you billed for 8 hours at \$250, there are two -- as you explained, there  
3 are two different thoughts there, two different actions in the description. The eight  
4 hours would have been split among those. Is that --

5 Mr. Evans. I think he's answered that by saying that he has to look at his notes.  
6 So I'm going to object for that reason.

7 [REDACTED] Is that Mr. Wade's testimony, or is that your testimony?

8 Mr. Evans. I would just object based on speculation. I don't think this is clear  
9 what the answer to that is.

10 BY [REDACTED]

11 Q When you filled out these invoices and it has hours billed, 8 hours at \$250,  
12 what does that mean in practice?

13 A That means that it took 8 hours to complete the tasks that are described in  
14 the description column.

15 Q Okay. So this would mean here that it took 8 hours at \$250 per hour to  
16 complete the tasks which are described as two separate things, travel to Athens and conf  
17 with White House counsel. Is that correct?

18 A That is correct.

19 Q Do you remember who your contact was at the White House counsel's  
20 office?

21 A I do not.

22 Q Would it be you that would have reached out to the White House counsel's  
23 office?

24 A Possibly.

25 Q Do you believe it would have been, you know, a paralegal, a subordinate, or

1 an assistant that would have reached out to White House counsel on your behalf?

2 Mr. Evans. I'm going to object as to asked and answered. He already provided  
3 the best answer that he knows when he said he didn't know.

4 [REDACTED] I asked him the question of did he reach out. He said he didn't  
5 know.

6

BY [REDACTED]

7 Q So I was asking if he remembered whether you would have had a paralegal,  
8 someone that was on your team, or an assistant reach out to schedule this conf with  
9 White House counsel?

10 A I don't recall.

11 Q Okay. Do you remember who attended this conf with White House  
12 counsel?

13 A I don't recall.

14 Q Is it safe to assume, since you billed for the conf with White House counsel,  
15 that you attended this conf with White House counsel?

16 A Yes.

17 Q Okay. Do you remember if it was in person or by telephone?

18 A I don't recall.

19 Q And if you don't recall whether it was by telephone or in person, how would  
20 the committee figure that out? Would it be to get your notes?

21 A I think he's communicating with you.

22 Q Oh, you can continue to answer the question.

23 A I'm sorry. I was allowing him to -- you go ahead.

24 Q Yes. If the committee wanted to determine whether it was by telephone or  
25 at the White House itself or in Athens, would your notes that are accompanying the

1 invoice, would that kind of denote all of the details?

2 A So let's be clear. The investigative notes are a part of the investigative file.  
3 They didn't accompany the invoice.

4 Q Uh-huh.

5 A They sort of provided perspective for me to respond to any inquiry as it  
6 relates to the invoices. So I didn't turn over an invoice and the investigative notes to the  
7 payroll department. That's not what I did.

8 I turned over the invoice to the investigative -- I mean, to the payroll department.

9 Q Have you ever visited the White House?

10 A Oh, gosh. As a kid, I can remember my dad -- my dad and mom taking me  
11 to the White House on summer vacations. Yeah. It was a fond memory.

12 Q And between November 2021 and March 2024, did you ever visit the White  
13 House?

14 A Let's see. Going -- coming into D.C. after doing it with my parents, I would  
15 often visit the White House, you know, take pictures, that kind of thing.

16 Q So I'm gathering that you may have visited the White House as a tourist  
17 between November 2021 and March 2024.

18 Did you ever attend meetings at the White House in your capacity as special  
19 prosecutor?

20 A No.

21 Q Did anyone from the White House travel to Georgia to meet with you?

22 A That's a tough question because I don't know who -- I don't know who is in  
23 the White House.

24 Mr. Evans. Is it in the capacity of him as a special prosecutor?

25 [REDACTED] Correct.

1 Mr. Evans. Did anybody travel from Washington to Georgia?

2 [REDACTED] Uh-huh.

3 BY [REDACTED]

4 Q Did anyone from the White House counsel's office or from the White House  
5 staff in the context of this case travel to Georgia to meet with you or anyone on your  
6 team?

7 Mr. Evans. I'm going to object on that one based on the privilege objections that  
8 we've already cited and direct you not to answer that question.

9 BY [REDACTED]

10 Q So the -- so you're saying that -- it's a yes-or-no question.

11 Did anyone from the White House ever travel -- from either the White House  
12 counsel's office or the White House staff, travel to Georgia to meet with you or anyone  
13 from your team regarding this case? Not asking about the content that was discussed at  
14 the case.

15 Mr. Evans. Is that a new question?

16 [REDACTED] I'm not asking about the content. I'm asking did a meeting occur,  
17 which would be at the privilege log level.

18 Mr. Evans. What is the difference between that question and the one that I just  
19 objected to?

20 [REDACTED] I'm asking at a privilege log level. Did any meetings occur, which is  
21 either a yes-or-no answer. It's not getting into the content, what was discussed, what  
22 advice was provided, what advice did Mr. Wade provide. Just did the meeting occur?

23 Mr. Evans. I mean, I'm objecting for the same reason. I don't mind if Mr. Wade  
24 makes affirmations that nobody directed him to do it. But I don't -- for the same  
25 reasons that we've talked about, I don't want to get into individual conversations, names,

1 all those kind of stuff.

2 [REDACTED] I'm just notifying [REDACTED] that we're stopping the clock while we're  
3 sorting this out.

4 [REDACTED] What's the difference between saying no, a communication didn't  
5 happen and no, a meeting didn't occur? What's the difference there?

6 [REDACTED] And a minute ago he said he didn't meet at the White House as part  
7 of his duties as a special prosecutor. So what's the difference of, like, asking have you  
8 met in Athens?

9 Mr. Evans. That wasn't -- that particular detail wasn't the difference. It was  
10 the -- first you were asking him kind of open-ended where he was answering them as a  
11 tourist. And then when you started getting into the specifics of -- in his capacity, that's  
12 when I started objecting. Maybe I missed the first one.

13 [REDACTED] He stated that he did not meet at the White House in his capacity as  
14 a special prosecutor.

15 Mr. Evans. Correct.

16 [REDACTED] So a next logical follow-up question is, did you meet somewhere  
17 else?

18 Mr. Evans. Right. And that should have been -- I should have objected to the  
19 question about did he meet at the White House. Like, that wasn't any kind of -- where I  
20 just intentionally started objecting on the second question, I should have just raised that  
21 the first time around.

22 I object to the whole line of asking about the investigation side.

23 [REDACTED] And we earlier asked, were these conferences in person or on the  
24 phone? They're on the log.

25 Mr. Evans. So they happened. Like it's when we're getting into the details of

1 who and --

2 [REDACTED] No. And what's on the log is conference with White House  
3 counsel.

4 Mr. Evans. Right.

5 [REDACTED] So the question is, is this in person or on the phone?

6 Mr. Evans. Right. That's where -- the conference happened. Where I'm  
7 starting to object is where it happened, with who, and then those kind of things.

8 [REDACTED] Yeah. I don't think that's a fair objection. You know, I think we  
9 can agree to disagree on the kernel of what was discussed, but on the baseline of, like,  
10 where it occurred and who was in attendance --

11 Mr. Evans. I mean, I just disagree that we're dealing with all the same privileges.  
12 I mean, this is still going to be attorney-client, it's still going to be work product, it's still  
13 going to be grand jury secrecy.

14 [REDACTED] Whether it happened in person or the phone?

15 Mr. Evans. It's just -- yeah. I mean, I don't --

16 [REDACTED] Because I don't think that's a fair objection. Like -- so -- I mean,  
17 we're not running out to the chairman every time you object. But, I mean, this is  
18 something that I think we wouldn't want to take to the chairman.

19 Mr. Evans. Okay. So the difference right now is where it happened.

20 [REDACTED] Yeah.

21 Mr. Evans. What would be the next line of the disagreement?

22 [REDACTED] I don't -- I mean, I don't know that we would have a next line --

23 Mr. Evans. Okay.

24 [REDACTED] -- based on your stated objection, which we disagree with.

25 Mr. Evans. Right.

1 [REDACTED] But just in terms of just --

2 Mr. Evans. Like if you just said who was there --

3 [REDACTED] Right.

4 Mr. Evans. -- what was discussed, those kind of things, those would be  
5 objections to --

6 [REDACTED] Well, the what was discussed is falling into your objection, which I  
7 don't agree with, but I'm acknowledging --

8 Mr. Evans. Right.

9 [REDACTED] -- and I'm trying to work around.

10 Mr. Evans. So it's just a matter of answering where these conversations took  
11 place?

12 [REDACTED] Right. And the roster of people involved.

13 Mr. Evans. I mean, that's --

14 [REDACTED] And if you're not willing to give --

15 Mr. Evans. I'm not open on the people involved. Maybe we could meet on the  
16 location.

17 [REDACTED] Well, on the people -- how about this -- people involved. We're  
18 not asking for staffers on the -- on the DA's -- from the DA's side just given the privacy  
19 issues. But on the White House side, I think we are.

20 Mr. Evans. Do you mind if I take a couple minutes?

21 [REDACTED] Yeah.

22 [Discussion off the record.]

23 [REDACTED] Back on. Where do we land?

24 Mr. Evans. You can ask him the question about where these meetings occurred.

25 And even the next question that you want to ask him, which is who was involved in these

1 meetings. And so that's our concession. We'll let you ask the names and the places,  
2 but we're going to push back on any substance.

3 [REDACTED] Okay.

4 BY [REDACTED]

5 Q Okay, Mr. Wade. Back to reference to this May 23rd, 2022, bill date here.

6 A Uh-huh.

7 Q It says conference with White House counsel. Do you remember where  
8 that conference occurred?

9 A I do not.

10 Q Do you remember who attended?

11 A I do not.

12 Q Do you remember at all what office the attendees came from, from the  
13 White House? Was it individuals from the White House counsel's office?

14 A I do not recall. You know, during the course of this investigation, we  
15 interviewed probably hundreds of people, tons of conversations. Without my notes, I  
16 really couldn't give you any specifics now. Because I have the invoice in front of me, I  
17 could be reminded that certain things did occur.

18 Q Okay.

19 A But in terms of the specifics of the entries, I don't recall.

20 Q So you -- do you remember where you were located at this period in time for  
21 the conference with White House counsel? You don't remember traveling at this time  
22 frame?

23 A I don't -- I don't recall. I'm sure you guys have means of getting, you know,  
24 flight manifestos and things of that nature. But I don't recall where I was, which  
25 is -- which is why it was sort of entertaining watching these gentlemen go at it over



1 something that I don't remember.

2 Q Do you -- was this conference with White House counsel over the phone or  
3 in person?

4 A I don't recall, ma'am.

5 Q Okay. I'm going to move to another invoice. This will be exhibit number  
6 10, but it's invoice number 14.

7 [Wade Exhibit No. 10  
8 was marked for identification.]

9

BY [REDACTED]

10 Q And I'll give you a moment to review that. I'm going to review to the  
11 interview with D.C./White House line, if that's helpful.

12 A Okay.

13 Q So I'll just read the lines in for the record. Again, it says, "Interview with  
14 D.C./White House, November 18th, 2022. Eight hours at \$250. Cost \$2,000."

15 Do you remember an interview with D.C. or the White House occurring on  
16 November 18th, 2022?

17 A I don't remember it happening. I know that it did because the entry says  
18 that it did.

19 Q Do you remember it occurring on or near November 18th?

20 A I don't remember it happening, but I know that it did because the date  
21 completed says November 18th.

22 Q Do you have any recollection of what you were referring to or who you were  
23 referring to when you said interview with D.C./White House?

24 A I don't.

25 Q Do you know if this interview involved officials from the White House or staff

1 from the White House?

2 A I don't.

3 Q Did the interview with D.C./White House, to your recollection, involve  
4 anyone from the Department of Justice?

5 A I don't recall.

6 Q Do you remember if this interview occurred over the phone or in person?

7 A I don't recall.

8 Q Do you recall whether you were referring to just one interview with  
9 D.C./White House, or were there multiple interviews?

10 A I don't recall.

11 Q Do you recall if you traveled to D.C. for this meeting?

12 A I don't recall.

13 Q Do you recall if anyone traveled to you in Georgia for this interview?

14 A I don't recall.

15 Q Do you recall if you reached out to schedule this interview or if someone  
16 from the White House reached out to you to schedule the interview?

17 A I don't recall.

18 Q Do you recall if anyone on your team or a paralegal or assistant reached out  
19 to schedule this interview on your behalf?

20 A No, ma'am, I don't recall.

21 Q And if you billed for it, if you billed 8 hours for interview with D.C./White  
22 House, it's safe to assume that you would have taken part in the interview?

23 A Yes, ma'am.

24 Q Okay. I'm going to move on to exhibit number 11, which will be invoice 12.

25

[Wade Exhibit No. 11



1 Q If you billed for a conference call D.C., is it safe to assume that you would  
2 have participated in the conference call?

3 A Yes, ma'am, it is.

4 Q Do you remember who the call was with in D.C.?

5 A I do not.

6 Q So -- if you can pull up exhibits 9 through 11. So those are the three  
7 invoices that we've looked at so far.

8 A All right.

9 Q So on invoice number 12 -- I'll just use the invoice numbers because that will  
10 be easier, if you're okay with that -- it says, "Conference call D.C."

11 Invoice number 8, it says, "Conference with White House counsel.

12 Invoice number 14, it says "Interview with D.C. White House."

13 Since you noted that it was a conference call D.C. in number 12, would you have  
14 similarly denoted if it was a call rather than a meeting?

15 A Sometimes.

16 Q Did that help jog your memory at all about any particulars of the previous  
17 meetings we spoke about?

18 A It did not.

19 Q Do you remember who you referred to when you said conference call D.C.?

20 A Who I referred to?

21 Q Correct. Who you were speaking with?

22 A Oh, no, ma'am.

23 Q To your knowledge, did District Attorney Willis ever meet or communicate  
24 with individuals associated with the Biden White House?

25 A I have no clue what she did.

1 Q Do you recall yourself having any conversations with the Biden White House  
2 regarding your role as special prosecutor?

3 A No, ma'am.

4 Q Did you ever speak to anyone at the Justice Department, the U.S.  
5 Department of Justice, regarding your role as special prosecutor?

6 A I don't recall.

7 Q Do you remember speaking to anyone on Special Counsel Jack Smith's team?

8 A I don't recall.

9 Q I'll go through some names just in case it's helpful for your recollection.  
10 The office is led by Special Counsel Jack Smith.

11 Did you ever have any communications with Special Counsel Jack Smith?

12 A No, ma'am.

13 Q Did you ever have any communications with Jay Bratt? He is an official who  
14 works on Special Counsel Jack Smith's team.

15 A No, ma'am.

16 Q Did you ever have any communications with J.P. Cooney? He's also an  
17 official who works on Special Counsel Jack Smith's team?

18 A No, ma'am.

19 Q As far as the Justice Department, you don't remember any conversations  
20 that you had with the Justice Department?

21 A I do not.

22 Q Did you ever speak with Deputy Attorney General Lisa Monaco?

23 A No, ma'am.

24 Q An official who is the highest-ranking career official in the Justice  
25 Department whose name is Bradley Weinsheimer, have you ever spoken with him?

1 A No, ma'am.

2 Q So to the extent that you had conversations with the Justice Department,  
3 you do not recall having those conversations?

4 A That's correct.

5 Q And to the extent that you had conversations with Special Counsel Jack  
6 Smith or his team, you don't recall any of those conversations?

7 A No, ma'am.

8 Q Do you recall if any occurred with Special Counsel Jack Smith's team?

9 A None occurred.

10 Q Okay. Can you say that none occurred with the Justice Department?

11 A None occurred.

12 Q During your time as special prosecutor with the Fulton County District  
13 Attorney's Office, how many times did you meet with Members or staff from the Select  
14 Committee to investigate the January 6th attack on the United States Capitol?

15 A I've never met with anyone.

16 Q And I'm going to just refer to it as the January 6th committee just to truncate  
17 and expedite things. I'm going to offer as exhibit number 12 a December 17th, 2021,  
18 letter from District Attorney Willis to Chairman Bennie Thompson.

19 [Wade Exhibit No. 12  
20 was marked for identification.]

21 BY [REDACTED]

22 Q And I'll give you a moment to review.

23 A Okay.

24 Q Before today, had you ever seen this letter before?

25 A Yes.

1 Q And were you aware of the letter due to your role as special prosecutor, or  
2 did you just see it in the news?

3 A Oh, oh, I was aware of it.

4 Q Because of your role as special prosecutor or because you saw it in the  
5 news?

6 A Because of my role as special prosecutor.

7 Q Did you have any role in drafting the letter?

8 A No.

9 Q Did you provide any input for the letter?

10 A No.

11 Q I'll read the second paragraph of the letter. It says, "Please accept this  
12 letter as an official request from me for access to records that may be relevant to our  
13 criminal investigation. Those records include but are not limited to recordings and  
14 transcripts of witness interviews and depositions, electronic and print records of  
15 communications and records of travel."

16 The next paragraph says, "It may well be most efficient for your staff and effective  
17 for our understanding for my staff and me to meet with your investigators in person.  
18 We are able to travel to Washington any time between January 31st, 2022, and February  
19 25th, 2022. We will do our best to accommodate the schedule of the committee."

20 The question is, do you remember traveling to D.C., Washington, any time  
21 between January 31st, 2022, or February 25th, 2022?

22 Mr. Barnes. Not in regard to the letter; just whether he traveled to D.C.?

23 [REDACTED] Just in regards to the letter.

24 BY [REDACTED]

25 Q Did you travel to D.C.? We'll start there.

1           A    I recall traveling to D.C. Now, where you lose me is when you start -- these  
2    dates. I don't remember any --

3           Q    When do you recall traveling to D.C.? Is that helpful to start there?

4           A    It's not, because I don't recall the dates. But I do recall traveling to D.C.  
5    Now, I couldn't tell you what month I went. I couldn't tell you it was in '22 or '23. But I  
6    went.

7           Q    Were you on official business for the Fulton County District Attorney's Office  
8    when you traveled to D.C.?

9           A    Yes.

10          Q    Was it to conduct witness interviews?

11          A    Some.

12          Q    And did you ever travel to D.C. to meet with anyone from the January 6th  
13    Committee, either Members or staff?

14          Mr. Barnes. I think you're getting mighty close to investigative techniques there.  
15    Who he -- I mean, you know, did he talk with a specific group or not. I'm going to object  
16    to that.

17          [REDACTED] What's the privilege?

18          Mr. Barnes. The privilege is work product.

19          [REDACTED] Of who he -- whether a meeting occurred while he was here in  
20    Washington, D.C.?

21          Mr. Barnes. Well, you --

22          [REDACTED] It's at a privilege log level.

23          Mr. Barnes. But that wasn't the question. You said, did you meet with  
24    members of the January 6th Committee.

25          [REDACTED] That's correct.





1 A I am.

2 Q Okay. Is it safe to say that in the previous invoices, we have spoken about  
3 how, when things are separated by a semicolon, there are three different things. Is that  
4 the case in this line item?

5 A Yes.

6 Q Do you recall what you meant by conf with Jan 6?

7 A I don't.

8 Q Do you recall if this was in reference to a meeting with the January 6th  
9 Committee?

10 A I'm sure that it was.

11 Q Okay. Do you recall whether the conference took place in person or over  
12 the phone?

13 A I don't recall.

14 Q Do you recall who attended the conference with January 6th?

15 A No, ma'am, I don't recall.

16 Q If you billed for 24 hours for the team meeting; conf with Jan 6th; research  
17 legal issues to prep interview, is it safe to assume that you attended the conf with Jan 6th  
18 or took part in the conference?

19 A Yes.

20 Q Okay.

21 [REDACTED] I'll enter as exhibit number 14, this is a Politico article dated January  
22 10th, 2024. The title of it is, "Jan 6th Committee Helps Guide Early Days of Georgia  
23 Trump Probe." This is exhibit number 14.

24 [Wade Exhibit No. 14

25 was marked for identification.]

1 Mr. Barnes. Are you saying that newspaper articles are true?

2 [REDACTED] That's what we're going to talk about.

3 Mr. Barnes. I just wondered.

4 BY [REDACTED]

5 Q Have you had sufficient time to review, sir?

6 A Yes, ma'am.

7 Q Okay. And if it's helpful, the page numbers are on the bottom right-hand  
8 corner. I'll refer to the specific pages.

9 I'm going to look at page number 2 first. And the first full sentence on that page  
10 states, "Committee staff quietly met with lawyers and agents working for Fulton County  
11 District Attorney Fani Willis in mid-April 2022 just as she prepared to convene a special  
12 grand jury investigation."

13 Does this article at all help jog your memory about the April 2022 entry that you  
14 had in your invoice?

15 A No, ma'am, it doesn't. As a matter of fact, internally I'm laughing  
16 uncontrollably because even the title -- the title of this article, "Committee Helped Guide  
17 Early Days of Georgia Trump Probe," I don't know if you've ever had the pleasure of  
18 meeting District Attorney Fani Willis. No one is going to guide her anywhere and tell her  
19 anything. Yes. So that didn't happen.

20 Q Okay. So if we go to page 4 --

21 A All right.

22 Q -- at the bottom of the page, it says -- I'm looking at the last two full  
23 sentences at the bottom of page 4. It says, "The two former committee officials  
24 confirmed to Politico that Willis' team met with committee staff in Washington in April  
25 2022. Some of Willis' top prosecutors attended, including Wade and [REDACTED]"

1 as well as investigators on her team."

2 Do you remember a meeting occurring in Washington in April of 2022, as the  
3 article states?

4 A I don't remember the month. But as I previously stated, I remember  
5 coming to D.C.

6 Q Okay. Do you remember meeting with committee -- we'll use "committee  
7 officials," that's what term Politico used.

8 A No.

9 Q If we flip back to page 2, the second full sentence states, "In the previously  
10 unreported meeting, the Jan 6th committee aides let the district attorney's team review  
11 but not keep a limited set of evidence they had gathered."

12 Do you remember reviewing evidence as the article states?

13 Mr. Barnes. All right, ma'am. Now you are getting into content of  
14 investigation, and I'll tell him not to answer that. What he reviewed, what he's used,  
15 what he saw is definitely part of a work product. It's also part, if it's ever presented to a  
16 grand jury, part of the secrecy privilege. So I direct him not to answer that.

17 [REDACTED] I mean, the grand jury secrecy privilege, I mean, the fact that there's  
18 a document that existed that he looked at that's part of the investigation, that's not part  
19 of the grand jury's secrecy. It's if that document was shown to the grand jury.

20 Mr. Barnes. Correct. And so --

21 [REDACTED] We're not asking whether, like, things are shown to the --

22 Mr. Barnes. Yeah. But you're asking what he reviewed. That's the question.  
23 Did you review the document? What did you review? And so that is definitely an  
24 investigation work product.

25 [REDACTED] I think we can ask him if he contributed to the article, if he met with

1 the reporters.

2 Mr. Barnes. You can ask him that.

3 [REDACTED] I think we can ask him whether as he -- he believes anything is  
4 inaccurate that you --

5 Mr. Barnes. That's getting a little far. I ain't never seen a newspaper article I  
6 couldn't disagree with something.

7 BY [REDACTED]

8 Q Okay. Mr. Wade, did you contribute to this January 10th, 2024, article that  
9 was written by Betsy Woodruff Swan and Kyle Cheney?

10 A No, ma'am.

11 Q Have you ever spoken to either of those reporters regarding an article?

12 A No, ma'am.

13 Q I'll reread the statement before I ask the question. It says, "In the  
14 previously unreported meeting, the January 6th Committee aides let the district  
15 attorney's team review but not keep a limited set of evidence they had gathered."

16 Is that accurate?

17 Mr. Evans. Where are you reading from?

18 [REDACTED] On page 2.

19 Mr. Evans. Right. But which paragraph?

20 [REDACTED] It's the second full sentence.

21 Mr. Barnes. State your question again.

22 [REDACTED] I will reread.

23 [REDACTED] Are we all on the same page?

24 Mr. Evans. What does it start with?

25 [REDACTED] It says -- okay. So I'm looking at the paragraph on the top of page

1 2. It's the first full paragraph. It states, "Committee staff quietly." I'm looking at that  
2 next sentence. I'll read it again for you.

3 It's, "In the previously unreported meeting, the Jan 6th committee aides let the  
4 district attorney's team review but not keep a limited set of evidence they had gathered."

5 Mr. Barnes. That's the same question you asked before. I'm going to object to  
6 that, because what he reviewed and what he decided to do with it is part of the  
7 investigative product that is protected by the work product of privilege.

8 [REDACTED] So to be clear, you're objecting to, is the statement accurate?

9 Mr. Barnes. Yes, ma'am. Because it would -- it would also invade the  
10 investigative process that he was going on if it's accurate. It doesn't matter if you ask  
11 him or if it's accurate; it's the same thing.

12 [REDACTED] Yeah. But I think she can ask, you know, the newspaper reports,  
13 "Committee staff quietly met with lawyers and agents working for Fulton County District  
14 Attorney Fani Willis in mid-April 2022." I think she can ask whether that happened.

15 Mr. Barnes. Yeah, she can ask that, but that wasn't the question.

16 [REDACTED] She can also ask whether the Jan 6th Committee aides let the district  
17 attorney's office team review but not keep a limited set of evidence. That doesn't get  
18 into specific types of evidence.

19 Mr. Barnes. Yes, it does.

20 [REDACTED] How is that?

21 Mr. Barnes. Because it's kind of like saying, Well, did you review the statement  
22 that a witness --

23 [REDACTED] No, no, no. The statement is particular, but I'm talking at a higher  
24 level.

25 Mr. Barnes. Well, I think -- we're not going to open that door. You can ask if he

1 met with him, and I think you already have. But you can ask him again. You know,  
2 memory kind of wanders there.

3 But I'm not going to let you -- of course, I'm not going to let you. You do  
4 whatever you want to. But I'm going to instruct him not to answer what he reviewed  
5 and -- what he reviewed or whether he reviewed anything, because that is a part that's  
6 getting into the investigative processes of what he's considered.

7 And since the January 6th information is now public, then you could -- since it is  
8 now public, what difference does it make?

9 [REDACTED] Well, I don't think it's public what the January 6th committee  
10 provided to the Fulton County DA's office.

11 Mr. Barnes. No. But all the information is public.

12 [REDACTED] That's not true. They destroyed a whole trove of information that  
13 they believed was not favorable to their point of view.

14 Mr. Barnes. Well, Chairman Jordan should have gone and testified and  
15 straightened them out.

16 [REDACTED] We have -- Chairman Jordan sent a number of letters.

17 Mr. Barnes. Yeah, he sent a number of letters. But he refused -- he was  
18 subpoenaed and refused to appear.

19 [REDACTED] They never -- he never said he wasn't going to testify. The last  
20 letter came from us and was not -- was not met. And we were willing to -- to discuss  
21 certain things as outlined in our letter.

22 I think a lot of that was a little bit of -- or for show for the public, and they didn't  
23 really make an effort to get him.

24 Mr. Barnes. Not that anything is ever for show in Washington, D.C., but you've  
25 got our position here.

1           ██████████ I think ██████████ can also ask the witness whether and what the  
2 guidelines were or the rules on that meeting in terms of keeping documents or --

3           Mr. Barnes. Listen, anything that goes into the gathering of information that led  
4 to an indictment of an investigation that's still ongoing is off limits. Now, I could be  
5 wrong, you could be wrong, but we're not going to voluntarily answer it.

6           ██████████ Okay. But if you're saying the documents provided by the January  
7 6th committee led to an indictment, I mean, that's a fairly newsworthy type of thing to be  
8 saying.

9           Mr. Barnes. I'm not -- I don't know whether it is or not. And that's the reason  
10 we're not going to allow him to answer. Go ahead.

11

BY ██████████

12           Q Okay. So just to redirect everyone, we are on the first full paragraph on  
13 page 2. We'll start at the beginning. It says, "Committee staff quietly met with lawyers  
14 and agents working for Fulton County District Attorney Fani Willis in mid-April 2022."

15           Do you know if a meeting occurred in mid-April of 2022?



1 [1:16 p.m.]

2 The Witness. Again, the dates -- I can't attest to the dates.

3 BY [REDACTED]

4 Q Did you ever attend a meeting with committee staff?

5 A You referring to -- so the problem we're having is this word "staff" and  
6 "members."

7 Q Uh-huh.

8 A And my answer is no.

9 Q So did you meet with members of the January 6 Committee then?

10 A No.

11 Q Do you recall anyone from the district attorney's office meeting in  
12 mid-April 2022 with anyone from the January 6 Committee?

13 A No.

14 Q If you look down at the next full paragraph, with the sentence starting "Over  
15 the next few months."

16 Is everyone there?

17 "Over the next few months, committee staff also had a series of phone calls with  
18 Willis's team. They answered the prosecutor's questions and shared insight."

19 And so, do you remember having any phone calls with committee staff?

20 A No.

21 Q Do you remember any phone calls occurring?

22 A I remember phone calls occurring.

23 Q Okay.

24 [REDACTED] Any phone calls with committee staff?

25 The Witness. No.

1

BY [REDACTED]

2

Q So when you say you remember phone calls occurring, what are you

3

referring to?

4

A I'm referring to phone calls that would have occurred as it relates to this

5

January 6 inquiry.

6

Your question is --

7

Q Uh-huh.

8

A -- specifically dealing with staff and members of the committee. And my

9

answer is no.

10

Q So when you say "inquiry," what do you mean?

11

A An inquiry is a question.

12

Q Yeah. So when you say the January 6 inquiry, what are you specifically

13

referring to? You said you had phone calls about the January 6 inquiry?

14

A Your question regarding the January 6 is an inquiry to me.

15

Q Okay.

16

A You're inquiring --

17

Q So did you have -- you're saying no, you did not have any conversations with

18

the January 6 Committee, whether it be committee staff, whether it be committee

19

members, or anyone associated with the committee. Is that accurate?

20

A That's a different question.

21

Q Okay. So I can -- so I'll break it up again.

22

Did you have any meetings with the January 6 Committee staff?

23

A No.

24

Q Did you have any meetings with the January 6 Committee members?

25

A No.

1 Q Did you have meetings with anyone associated with the January 6  
2 Committee?

3 A I believe that I did.

4 Q And when you say -- when I say individuals associated with the January 6  
5 Committee, how are they associated with the January 6 Committee, to your knowledge?

6 A That means that they were not staff or members.

7 Q So were they working on the January 6 investigation?

8 A Yes.

9 Q In what capacity?

10 A Ready?

11 Q Yes, I am.

12 A Lawyers.

13 Q Lawyers. So who were they lawyers for?

14 A I'm not sure.

15 Q Were they -- in what context were you speaking to lawyers that were  
16 involved in the January 6 Committee?

17 A In the context of an investigation.

18 Q So the lawyers were involved in the January 6 committee's investigation?

19 A Yes.

20 Q Did they represent -- so lawyers for the committee --

21 A I'm not saying that.

22 Q Okay.

23 A I don't know who they were lawyers for. I don't know.

24 Q Because there were obviously lawyers that worked on the committee staff,  
25 like the staff as a whole.

1 A No.

2 Q You did not speak with any lawyers that worked on committee staff?

3 A Correct.

4 Q Were they lawyers for individuals who testified before the January 6  
5 Committee.

6 Mr. Barnes. Now we're getting mighty close here on who they represented and  
7 they represented a witness, they did this, and they did that. I'm going to -- let me hear  
8 the question one more time.

9 BY [REDACTED]

10 Q Yes. So the question was, did you -- did the lawyers that were associated  
11 with the January 6 Committee that they -- that you met with, were those -- did those  
12 individuals represent witnesses before the January 6 Committee?

13 A I don't know.

14 Q Okay.

15 [REDACTED] This is just to go off here. Just as a point of clarification, [REDACTED]  
16 and I are lawyers. Okay. I'm the general counsel to the committee. She's the chief  
17 counsel for oversight. We are lawyers for the committee.

18 And so I'm not sure -- in the context of the committee, there's staff or members.  
19 There's no -- I mean, if they're consultants, I mean, maybe. Maybe that's a third  
20 category. But I don't think we're following you as to what you're saying, like people  
21 associated with. I mean, that's sort of a nebulous category that I'm not sure what you're  
22 talking about there.

23 Mr. Barnes. Yeah, but he doesn't know who does what. You all know the  
24 insides of this.

25 [REDACTED] Yeah, but --

1           Mr. Barnes. He's an outsider. He doesn't know if they were consultants,  
2 they're hiring on an individual basis, or were they on the staff permanently. I assume  
3 you're all on the staff permanently.

4           [REDACTED] We are.

5           Mr. Barnes. I know committees hire lawyers from outside.

6           [REDACTED] Not very often here.

7           Mr. Barnes. Well, I don't know. See, that's how ignorant I am. See, I don't  
8 know the ways of Washington.

9           [REDACTED] Right. So but I think that -- I mean, we're having a little bit of a  
10 disconnect here because, like, somebody associated with the committee, we're trying to  
11 understand what his understanding is of that.

12           Mr. Barnes. I think he said -- he said the lawyers associated -- he doesn't know  
13 who they represent, but they were, in some way, associated with the January 6.

14           [REDACTED] With the January 6 Committee?

15           Mr. Barnes. Well, with the January 6 inquiry. Now, whether they were  
16 representing the witness, whether they were representing the committee, who knows?

17           [REDACTED] Okay.

18           Mr. Barnes. Go ahead. I don't know.

19           BY [REDACTED]

20           Q Okay. So I just want to make sure that the record is clear. You don't  
21 know who the lawyers were that you met with that were associated with the January 6  
22 Committee, who they represented. Is that correct?

23           A That's correct.

24           Q Okay. We'll go back to invoice number 8.

25           This is the one we spoke about the travel to Athens, that line.

1 [REDACTED] Is that exhibit 9?

2 [REDACTED] Uh-huh, yes.

3 BY [REDACTED]

4 Q So the very last item is Team meeting: Conf with Jan 6; SPGJ witness prep,  
5 May 31, 2022, 8 hours at 250, cost \$2,000.

6 Do you see where I'm looking on the invoice?

7 A Yes, ma'am.

8 Q And just to go over the questions again, we have previously discussed how  
9 the semicolons denote different things that occurred.

10 Is that the case with this?

11 A Yes, ma'am.

12 Q So the team meeting was separate from the conf with Jan 6. Is that  
13 correct?

14 A Yes, ma'am.

15 Q And if you bill for a conf with Jan 6, it's safe to assume that you attended the  
16 conference with Jan 6. Is that correct?

17 A Yes, ma'am.

18 Q Now, when you -- so this billing date is May 31, 2022. And with the Politico  
19 article we were just reading it talked about how the initial meeting occurred in April 2022.  
20 Then there were several phone calls following that, in the months following April.

21 So I was just wondering if you remember this conference with January 6?

22 A I don't.

23 Q Do you remember who attended the conference?

24 A No, ma'am.

25 Q Do you remember whether anyone associated with the January 6 Committee

1 attended this conference?

2 A Well, by virtue of the entry --

3 Q Uh-huh.

4 A -- it says, With Jan 6, so that would mean that someone associated with this  
5 would have attended.

6 Q Okay. So now if we look at invoice number 14, which you have already --

7 A Okay.

8 Q -- right above the line that we already worked with, the interview with  
9 D.C./White House, it says Jan 6 meeting and attorney conf, November 16, 2022, 8 hours  
10 at 250, cost \$2,000.

11 Do you see where I'm looking on this invoice?

12 A I do.

13 Q Do you remember this Jan 6 meeting?

14 A I don't.

15 Q Do you remember by virtue of the entry if it involved individuals associated  
16 with the January 6 Committee?

17 A No, ma'am, I don't.

18 Q It's safe to assume, since you billed for this, the January 6 meeting and  
19 attorney conference, you attended this Jan 6 meeting. Is that correct?

20 A So this entry is sort of confusing without the investigative notes because this  
21 entry could be in reference to a meeting that had already occurred. In other words, it  
22 could mean that there was a meeting and attorney conference involving that with  
23 whomever. That doesn't necessarily mean that on November 16, that there was a  
24 January 6 meeting.

25 Q So you're saying that this could have just involved something related to

1 January 6, not individuals associated with the January 6 Committee. Is that your  
2 testimony?

3 A Yes, ma'am.

4 Q I want to talk about one more invoice. This is invoice number 19. This  
5 will be a new exhibit, number 15.

6 [Wade Exhibit No. 15  
7 was marked for identification.]

8 BY [REDACTED]

9 Q I want to look at the second to the last entry. It starts with "Zoom conf."  
10 Do you see where I'm reading?

11 A Yes, ma'am.

12 Q It says, Zoom conf with investigators in other jurisdictions, April 25, 2023,  
13 8 hours at \$250, cost \$2,000.

14 Are we looking at the same --

15 A Yes, ma'am.

16 Q -- entry?

17 I just kind of wanted to enter this to help jog your memory. Do you remember  
18 ever conferring with any other jurisdictions that were actively investigating or prosecuting  
19 President Trump?

20 A No, ma'am.

21 Q Did you ever have any communications with anyone from the Manhattan  
22 DA's -- Alvin Bragg's office?

23 A No, ma'am.

24 Q Did you ever have communications with DA Alvin Bragg?

25 A No, ma'am.



1 Q Have you ever had any communications with the former DA, Cy Vance?

2 A No, ma'am.

3 Q Did you ever have any communications Carey Dunne?

4 A No, ma'am.

5 Q Did you ever have any conversations with Mark Pomerantz?

6 A No, ma'am.

7 Q Did you ever have an understanding that the Manhattan DA's office earlier in  
8 their investigation had similarly considered the New York RICO statute as a vehicle for  
9 their prosecution of President Trump?

10 A Are you asking me if I know that?

11 Q Correct. Were you aware of that?

12 A What I'm trying to -- what I'm trying to do is decipher whether I learned that  
13 in my capacity as special prosecutor or did I learn it later in the process. I do know that  
14 today, yes.

15 Q Okay. And when you -- if you remember, when you wrote, Zoom  
16 conference with investigators in other jurisdictions, what jurisdictions were you referring  
17 to?

18 A I have no clue.

19 Q Would they have all been involved in DA Willis's prosecution and  
20 investigation of President Trump and his codefendants?

21 A I don't recall.

22 Q Okay.

23 A But I can tell you that no other jurisdiction was involved in any  
24 decisionmaking regarding this indictment.

25 Q Do you recall anything about this Zoom conference that you're referring to

1 here?

2 A I don't. And I'm trying really hard to, but I don't.

3 Q Do you recall if it took place in one entire business day? Was it 8 hours in  
4 one business day? Was it split between two?

5 A I don't recall.

6 Q Would you recall if you had spent 8 hours on a Zoom conference in one  
7 sitting?

8 A Well, what I do know is there would have been -- in all likelihood, there  
9 would have been an entry that would have broken up the dates. But since there's no  
10 semicolon here, this is one --

11 Q Uh-huh.

12 A -- this is one entry, that would tell me that this was, in all likelihood, an  
13 all-day conference.

14 Q Okay. And you don't remember anything about this all-day conference?

15 A I don't.

16 Q You don't remember who attended?

17 A No, ma'am.

18 Q Since you billed for it, you obviously attended the 8-hour conference. Is  
19 that correct?

20 A Yes, ma'am.

21 Q Okay.

22 A You know what?

23 Q Yeah.

24 A This entry -- one, two, three -- if you go up two entries above it, you can see  
25 where I would have broken the dates up.

1 Q Uh-huh.

2 A But this entry could have very well expanded over -- yeah, over some time,  
3 but I don't want to speculate for you. I don't remember.

4 Q So you're saying it could have been a cumulative 8 hours broken up between  
5 several Zooms? Is that what you're speculating, if you will?

6 A Yes.

7 Q Okay. I want to move back to, I believe it's exhibit number 7, the judge's  
8 order of March 15, 2024.

9 Oh, that's Judge McAfee's order. That looks like the grand jury. Sorry.

10 A Okay. All right.

11 Q So prior to the motion that this order was on, I believe it was filed in January  
12 of this year, which made the relationship between you and DA Willis public, were you  
13 ever concerned about if that relationship became public the optics of the relationship,  
14 whether it would cause a problem with the case?

15 A I'm not sure I understand the question.

16 Q Were you ever concerned that if your relationship with DA Willis became  
17 public, that it would cause an issue with the case, cause motions to be filed, for a motion  
18 to dismiss and disqualify? Did that ever concern you?

19 A So now I'm getting confused because I didn't -- I didn't think I was coming  
20 here to answer questions about my personal life.

21 Q I'm asking you questions -- I'm going to ask you questions about the order,  
22 and some of this is that there's this conflict of interest that arose that was brought up.  
23 There was hearings. There was public testimony about it. And that goes to our -- that  
24 goes to our oversight of politically-motivated prosecutions and the venue bill that we've  
25 discussed at length.

1 Mr. Evans. Well, we --

2 Mr. Barnes. Yeah, let's talk about that a little bit.

3 You better get your -- hit your phone.

4 I don't see -- it seems to me it would be way exceeding the scope of the subpoena.

5 A personal relationship that may have existed has nothing to do with whether it's

6 politically motivated. And, I mean, I -- you know, if we go get into folks' sex habits here,

7 you won't be able to --

8 [REDACTED] Well, we haven't done that.

9 [REDACTED] We are not.

10 [REDACTED] We haven't.

11 Mr. Barnes. Yeah, but that's what you're implying. We won't be able to have a

12 quorum in Congress now if we're going to get into sexual investigations --

13 [REDACTED] We are not getting -- yeah, we're not going there.

14 Mr. Barnes. Well, that's what's she's saying. She is just saying nicer words.

15 She's saying personal relationships, not sexual relationship, but that's what she's

16 implying.

17 [REDACTED] No, she isn't implying that.

18 Mr. Barnes. Well, now, don't tell me that. Personal relationships --

19 [REDACTED] Maybe you don't know [REDACTED] but she wouldn't imply that.

20 Mr. Evans. But all of that stuff was asked during the hearing as well, and so I

21 don't know what new ground -- you know, what we're going to cover here as far as --

22 [REDACTED] Yeah. There's now an order from a judge.

23 Mr. Evans. Sure, yeah.

24 Mr. Barnes. And it's on appeal and superseded.

25 [REDACTED] It is.

1           Mr. Barnes. So it's on appeal and it's superseded, and everything is there. I  
2 mean, this order speaks for itself. But, you know, a witness does not give up all personal  
3 things and private things because he volunteered whether by subpoena or voluntarily  
4 appears.

5           So I'll let him make the decision as he goes down the road.

6           [REDACTED] All right. Ready?

7           [REDACTED] Yes.

8           [REDACTED] I'll push the button here.

9           The Witness. So you said that the point of your question was to determine  
10 whether or not it was politically motivated. Let me go back to my statement --

11          [REDACTED] Yeah, she is --

12          The Witness. I'll read it. I'll read the --

13          [REDACTED] She just asked the question, and you can answer it. Like, I don't  
14 know --

15          [REDACTED] Yeah.

16          [REDACTED] -- that there's anything more to it than that.

17          The Witness. Yeah. I'll read it back to you.

18                 Let's see, "This was not politically motivated, rather it was an independent  
19 investigation based upon facts, interviews, evidence, and the rule of law. I had no  
20 mandate other than to honestly seek the truth."

21                 BY [REDACTED]

22                 Q So we can go to the order. So let's go to page 2 of the order. This is  
23 exhibit number 7.

24                 So on page 2, it's the next to last full sentence on that page. The sentence starts  
25 with "However." I'll let you get oriented before I read it.

1 A Uh-huh.

2 Q Okay. "However, the established record now highlights a significant  
3 appearance of impropriety that infects the current structure of the prosecution team - an  
4 appearance that must be removed through the State's selection of one of two options.  
5 The defendant's motions are therefore granted in part."

6 Were you ever concerned that there was a significant appearance of impropriety  
7 regarding your relationship with DA Willis?

8 A Again, I don't understand how a personal relationship has anything to do  
9 with your prescribed scope.

10 [REDACTED] Okay. You can just say I'm not answering that question, and we  
11 can move on.

12 Mr. Barnes. That's okay.

13 BY [REDACTED]

14 Q Can you describe what led to your decision to resign from your role as  
15 special prosecutor?

16 A The judge's order.

17 Mr. Evans. Yeah.

18 BY [REDACTED]

19 Q Was there ever a possibility that DA Willis would resign, or was it always  
20 your decision that you would resign?

21 A Let -- okay.

22 Mr. Evans. I don't think he can --

23 The Witness. I want --

24 Mr. Evans. Hang on 1 second.

25 I don't think he can answer or speak for what Fani believed in any way.

1           The Witness. Well, I want to make it make sense. The case belonged to the  
2 Fulton County District Attorney's office who was acting on behalf of the citizens of the  
3 State of Georgia and Fulton County. DA Willis and her office, they are the Fulton County  
4 District Attorney's office.

5           I was appointed at her designation. Let's just talk this through.

6

BY [REDACTED]

7

Q Okay.

8

A If DA Willis resigns, what authority do I have to continue the prosecution?

9 The answer is none, because I was an agent appointed by the office. So, in effect, this  
10 order, in all of its ridiculousness, said one thing, and that was, I needed to resign.

11

Does that make sense, or should we walk through it another way?

12

Q When was your last day with the office?

13

A The day the order came out in March.

14

Q So March 15, 2024, was your last day in the office?

15

A That's the day I resigned, the day this order came out.

16

Q And DA Willis accepted your resignation on that date. Is that correct?

17

A She did.

18

Q Okay. And the resignation was effective immediately if you --

19

A It was.

20

Q Okay. Since you resigned from the Fulton County District Attorney's office,

21

how many interviews have you given with news outlets?

22

A I don't know.

23

Q Is it more than five, less than five?

24

A Less than five.

25

Q Okay. In the judge's order on page 19, in the first paragraph, I'm starting

1 "With this includes the District Attorney's unorthodox decision." I'll read the sentence.

2 It says, "This includes the District Attorney's unorthodox decision to make  
3 on-the-record comments, and authorize members of her staff to do likewise, to authors  
4 intent on publishing a book about the special grand jury's investigation during the  
5 pendency of this case."

6 The question is, were you ever authorized to provide on-the-record comments to  
7 authors publishing a book?

8 A Never.

9 Q Do you know who was authorized to provide comments?

10 A I do not.

11 Q In our first hour, we spoke about how in January 2021, you sat on, like, a  
12 special committee. Is that what you called it -- or search committee, excuse me.

13 So how often were you in communication with DA Willis regarding that search  
14 committee, the duties of the search committee?

15 A I would say daily.

16 Q Daily. And what forms of communication? Was it phone calls, text  
17 messages, emails, various forms of communication?

18 A Talking in person, talking on the phone, yeah.

19 Q And earlier in the first hour you said the communication regarding the  
20 search committee started between the election in November of 2020 and when she took  
21 office in January -- on January 1, 2021. Is that correct?

22 A That's correct.

23 Q So during that time period, January until you were hired on November 1,  
24 2021, how often were you in communication with DA Willis?

25 A So she had formed a transition team --



1 Q Uh-huh.

2 A -- to assist in her transitioning to that role. I was a part of that team, so --

3 Q Is that different from the search committee? Sorry to interrupt.

4 A That is different.

5 Q Okay.

6 A So we were -- our role was to facilitate a smooth transition from the old  
7 regime into the new. So once elected -- I think your question was from the time that  
8 she was elected?

9 Q Correct, January 2021.

10 A That transition team was very active. I don't know how many times we  
11 communicated.

12 Q And when did the initial outreach occur for you to serve on the transition  
13 team?

14 A Again, between the time of her winning the election and the time that she  
15 took office, somewhere in there.

16 Q So did your transition team duties continue into 2021 after she took office on  
17 January 1, 2021?

18 A There may have been a few duties that went into her -- the beginning of her  
19 regime, but not much of anything. At that point the transition was done. It was  
20 complete.

21 [REDACTED] Okay. We'll go off the record.

22 [Discussion off the record.]

23 [REDACTED] Okay. We are back on the record.

24

BY [REDACTED]

25 Q Mr. Wade, I just want to ask you some follow-up questions on some of these

1 invoices that we looked at. So if you could do me a favor and take a look at  
2 exhibit number 10, which is invoice number 14.

3 A Yes, ma'am, I have it.

4 Q Now, the entry that says, "Interview with D.C./White House." Do you know  
5 what D.C. is an abbreviation for here? Do you remember?

6 A District of Columbia.

7 Q But you don't recall who that interview was with?

8 A No.

9 Q So if you don't remember who the meeting was with, can you be sure that  
10 D.C. means District of Columbia as opposed to somebody with the initials of D.C.?

11 A I'm fairly comfortable saying that I would have meant District of Columbia,  
12 but there is a remote possibility that I meant someone with the initials D.C.

13 Q Okay. And then it says, "D.C./White House." It does not specify if the  
14 White House in question was someone from the Trump White House or someone from  
15 the Biden White House, correct?

16 A That's correct.

17 Q And it doesn't specify if the meeting was with the White House or about the  
18 White House, correct?

19 A That's correct.

20 Q And you don't recall either way?

21 A I don't.

22 Q If you'll just give me a minute to look back.

23 If I could have a moment?

24 Okay. So I want to step back and ask, at least one of the defendants in the  
25 Fulton County case was employed by the White House at the time of the events for which

1 he was indicted, correct? I'm referring to Mark Meadows.

2 A So re-ask the question for me.

3 Q Mark Meadows was employed by the White House at the time of the --

4 A At the time of the indictment?

5 Q At the time of the events for which he was indicted.

6 A Aww, yes, ma'am.

7 Q And as an attorney and as somebody who I'm presuming follows the news,  
8 you're aware that individuals who work for the White House are subject to executive  
9 privilege in some circumstances. Isn't that correct?

10 A Yes, ma'am.

11 Q And is it fair to say, based on your experience as an attorney, as both a  
12 prosecutor and a defense attorney, that when you have somebody you want to interview,  
13 or, perhaps, call as a witness and you're aware that potential issues of privilege might  
14 arise, you would want to speak to the counsel for the privilege holder in advance to know  
15 how much that privilege might block the information that you're seeking, correct?

16 A Absolutely.

17 Q And so is it fair to say that before you would interview a witness who worked  
18 at the White House, you would want to speak to White House counsel about whether or  
19 not executive privilege would bar the information you were seeking from that witness?

20 A Yes, ma'am. So particularly, the regulations of Touhy would govern these  
21 individuals, and there were certain steps that had to be taken in order to get permission  
22 to speak with these individuals, which was not a friendly process the whole way.

23 Q Can you explain when you refer to Touhy regulations, what you mean by  
24 that?

25 A So simply put, we would have to -- "we" being any person or agency

1 requesting to have a conversation with certain officials, you're required to, first of all, say  
2 what type of conversation you want to have with them; second of all, give the specific  
3 questions you want to ask them; and, thirdly, give an explanation as to why you can't get  
4 that information from another source. And then you would have to get permission to  
5 speak with them.

6 Q And from whom do you have to get that permission and to whom do you  
7 have to give notice of those questions?

8 A Other governmental agencies.

9 Q And -- so when you are seeking to interview somebody who is or was a  
10 Federal official about matters that took place within the context of their employment, you  
11 have to comply with these Touhy regulations, and you also have to be concerned about  
12 issues of executive privilege, correct?

13 A That is correct.

14 Q And those are the issues that you discussed with White House counsel,  
15 aren't they, during the meetings that you had in this case?

16 A So I don't recall the issues that were discussed, but what I can tell you is that  
17 is a 110 percent necessary step, and it has to take place.

18 Q And it's a step that you recall following as part of your duties as special  
19 prosecutor in this case?

20 A I do.

21 [REDACTED] We can go off the record.

22 [REDACTED] We'll go back on the record.

23 [Discussion off the record.]

24

BY [REDACTED]

25 Q I'm going to mark at the top exhibit number 16, I believe, and this is a Free

1 Beacon article from April 10, 2024, titled "Justice Department Uncovers 'Inconsistencies'  
2 in Fani Willis's Use of Federal Grant Funds."

3 [Wade Exhibit No. 16  
4 was marked for identification.]

5 The Witness. What is the source of this?

6

BY [REDACTED]

7 Q This is the Free Beacon. It's up there at the top. It says freebeacon.com.  
8 It's from Free Beacon.

9 Mr. Barnes. What is it?

10 [REDACTED] It's a news organization.

11 Mr. Barnes. Never heard of it.

12 The Witness. Okay.

13

BY [REDACTED]

14 Q I just kind of wanted to enter this to help guide our discussion.

15 A Okay.

16 Q So the committee has received information that DA Willis has misused  
17 Federal grant funds. Just curious if you have any knowledge as to how grant funds are  
18 used at the Fulton County District Attorney's office?

19 A No, ma'am, I do not.

20 Q In your role as special prosecutor, did you handle anything with Federal  
21 grants?

22 A No, ma'am, I did not.

23 Q Nothing came across your desk in regards to a Federal grant? Is that  
24 accurate to say?

25 A That's accurate.

1           Q    So just looking at the article here, the first -- or second full paragraph, I  
2           should say, says, "The bombshell discovery comes 2 years after Willis fired a  
3           whistleblower who had warned the District Attorney that her office was attempting to  
4           misuse a \$488,000 Federal grant to pay for swag, computers, and travel."

5           Then if you go down a couple of paragraphs, it says that the \$488,000 Federal  
6           grant, which was earmarked for the creation of a Center for Youth Empowerment and  
7           Gang Prevention in Atlanta.

8           Did you have any awareness of the grant funds that were earmarked for the  
9           creation of a Center for Youth Empowerment and Gang Prevention in Atlanta?

10          A    Did I have any involvement in that or are you --

11          Q    Well, let's start, did you have any knowledge of Federal grant funds that  
12          were earmarked for the creation of the Center for Youth Empowerment and Gang  
13          Prevention in Atlanta?

14          A    No, ma'am.

15          Q    Did you have any involvement with the Center for Youth Empowerment and  
16          Gang Prevention in Atlanta?

17          A    No, ma'am.

18          Q    In the paragraph above it says -- this is a Justice Department spokeswoman  
19          talking to the Free Beacon. It says, "During our review of the award to respond to this  
20          inquiry, we have noticed some inconsistencies in what Fulton County has reported to the  
21          Federal Subaward Reporting System, and we are working with them to update their  
22          reporting accordingly."

23          Were you ever aware of the Justice Department noting to the DA's office that  
24          there were some inconsistencies in their reporting for Federal grant funds?

25          A    No, ma'am.

1 Q Did you ever have any conversations with DA Willis regarding the allegations  
2 in this article?

3 A No, ma'am.

4 Q You never spoke with DA Willis about the use of grant funds at her  
5 office -- Federal grant funds, excuse me, in her office?

6 A No, ma'am.

7 Q Did you have any conversations with anyone at the Fulton County District  
8 Attorney's office regarding the use of Federal grant funds?

9 A No, ma'am.

10 Q Did you have conversation with anyone in the Fulton County District  
11 Attorney's office regarding the specific allegations that grant funds were misused for  
12 purchasing swag, computers, and travel?

13 A No, ma'am.

14 Q Okay. I want to talk about some use of campaign funds.

15 There was a concern raised from DA Willis's testimony at the hearing in regards to  
16 the motion to disqualify and motion to dismiss regarding that she kept campaign funds  
17 and put it with other cash that she had on hand. I believe she said where she said she  
18 laid her head.

19 I'm just wondering if you had any knowledge of use of campaign funds to pay  
20 expenses not for campaigning?

21 A No, ma'am.

22 Q Did you have any knowledge of DA Willis keeping campaign funds with her  
23 cash that she keeps where she lays her head?

24 Mr. Evans. Where's that quote coming from?

25 [REDACTED] That's coming from her testimony.

1 Mr. Evans. In the hearing?

2 [REDACTED] In her hearing, yes.

3 Mr. Evans. I remember the part about the cash. I don't remember the  
4 campaign funds.

5 [REDACTED] The campaign funds, yeah, I can read the part from her testimony  
6 here.

7 Oh, it's in an article. She said, "Cash is fungible. I have had cash for years in my  
8 house. So for me to tell you the source of where it comes from...when you go to Publix  
9 and you buy something and you get \$50 and you throw it in there. It's been my whole  
10 life. When I took out a large amount of money during my first campaign, I kept some of  
11 the cash of that."

12 Mr. Evans. Okay.

13 BY [REDACTED]

14 Q So there have been allegations that that was money that was earmarked for  
15 her campaign, and so I'm just asking whether you had any knowledge of the use of  
16 campaign funds.

17 A No, ma'am. I didn't know DA --

18 Mr. Barnes. What articles was that?

19 [REDACTED] This is a Fox News article. I'm happy to enter it for the record if  
20 you'd like.

21 Mr. Barnes. Yeah, if you would do that so it's in the record.

22 [Wade Exhibit No. 17

23 was marked for identification.]

24 [REDACTED] Okay. This will be exhibit number 17. It's a Fox News article.  
25 The title is "Fani Willis, Nathan Wade referred to Georgia State bar for misconduct by



1 watchdog group," and --

2 The Witness. And for the record, it has a very handsome picture of a gentleman  
3 on the front of it.

4 [REDACTED] Yeah, I believe that's Mr. Bradley?

5 The Witness. No.

6 [REDACTED] No?

7 The Witness. That would be Mr. Wade.

8 [REDACTED] That's you?

9 The Witness. Oh, that's not me.

10 [REDACTED] That's Mr. Bradley.

11 The Witness. That's not a handsome picture. That's not a handsome picture at  
12 all. Scratch that from the record.

13 [REDACTED] So we're just noting that for completeness of the record. And,  
14 Governor Barnes, that quote is on page 2 of the article. The pages are on the bottom  
15 right-hand corner.

16 The Witness. It's the second page that has the handsome gentlemen on the  
17 front.

18 [REDACTED] There you go.

19 BY [REDACTED]

20 Q Switching topics -- we're just trying to cover as many topics as possible to get  
21 through our questioning here -- the committee has also been made aware of a possible  
22 motor vehicle accident that DA Willis was involved in after she took office in 2021 that  
23 was a one-car accident, involved her Fulton County vehicle.

24 Just wondering if you have any knowledge of an accident occurring in 2021.

25 A In 2021, no, ma'am.

1 Q Do you have knowledge of any accident occurring that was a one-car  
2 accident involving DA Willis's Fulton County vehicle?

3 A Yes, ma'am.

4 Q And what can you tell us about that car accident?

5 A There was an accident that occurred maybe 2 or 3 months ago, a  
6 hit-and-run, but that's all I know.

7 Q So 2 or 3 months this year, 2024?

8 A 2024.

9 Q A hit-and-run?

10 A Uh-huh.

11 Q And it involved DA Willis's Fulton County vehicle. Was she driving?

12 A To my knowledge, yes.

13 Q And was it just her car? Obviously, the other car that hit and run, but -- did  
14 she hit a car? Did the other car hit her? Do you know the logistics of the accident?

15 A I wasn't present, but I understand that some other vehicle swiped hers and  
16 kept going.

17 Q Okay. And did you respond to the scene of the accident, if you will?  
18 Were you involved?

19 A Did I respond to the scene of the accident?

20 Q Correct.

21 A No.

22 Q No. How did you become aware?

23 A The scene of the accident was on an expressway.

24 Q Uh-huh.

25 A When I found out about it, I went to a gas station where the police and

1 investigators had -- I don't know. What do you call it? Rendezvous maybe? I don't  
2 know. So I went to that location.

3 Q And what was your role there at the gas station?

4 A My role was to make certain that she was okay.

5 Q Uh-huh. Were you -- so what occurred after the accident? Was there a  
6 report that was filed, to your knowledge?

7 A Oh, I'm not certain. There was the police there. I don't know.

8 Q So did your role end after you confirmed that DA Willis was thankfully okay  
9 from the accident?

10 A Yes, yes.

11 [REDACTED] I think we're good to go off the record.

12 [Discussion off the record.]

13 [Whereupon, at 2:13 p.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