

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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February 22, 2024

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

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Garland and Inspector General Horowitz:

I write to ask that you investigate former U.S. Attorney Scott Brady for what appears to be misleading testimony provided to the House Judiciary Committee. I also ask that you launch an inquiry into the circumstances surrounding Mr. Brady's investigation of matters related to Ukraine and Hunter Biden.

During his October 23, 2023, transcribed interview before the Judiciary Committee, Mr. Brady repeatedly testified that he had vetted and found credible statements made by a confidential human source (CHS), now identified as Alexander Smirnov.<sup>1</sup> Of course, on February 14, 2024, a federal grand jury in the Central District of California indicted Alexander Smirnov for making a false statement to the FBI and creating a false and fictitious record.<sup>2</sup> Given what we now know about Mr. Smirnov, it seems unlikely that Mr. Brady actually verified any of the information Mr. Smirnov provided to the FBI. Mr. Brady's testimony to the contrary does not appear to be a mere misstatement—his comments were deliberate, repeated, and detailed.

Mr. Brady's testimony before the Committee also sheds light on a much broader pattern of misconduct. During his interview, Mr. Brady stated that he directed the FBI to conduct the June 2020 interview with Mr. Smirnov, who is alleged to have ties to Russian intelligence,

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<sup>1</sup> See, e.g., Interview with Scott Brady at 20, 71, 91, 103, 113-14, 161-62, 179-80 (Oct. 23, 2023), [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Brady%20-%20TI%20Transcript\\_Redacted1.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Brady%20-%20TI%20Transcript_Redacted1.pdf) [Hereinafter Brady Testimony].

<sup>2</sup> Indictment, *U.S. v. Smirnov*, No. 2:24-cr-00091 (C.D. Cal. Feb. 14, 2024), <https://www.justice.gov/media/1338741/dl>.

despite reluctance from FBI agents handling the matter.<sup>3</sup> If true, then Mr. Brady appears to have been part of a deliberate attempt to launder foreign disinformation through the Department of Justice.

And, according to his testimony, he was not acting alone. Mr. Brady told the Committee that his investigation into matters relating to Hunter Biden and Ukraine was conducted at the direction of then-Attorney General Bill Barr and then-Deputy Attorney General Jeffrey Rosen.<sup>4</sup> Deputy Attorney General Rosen's Principal Associate Deputy Attorney General (PADAG), Seth DuCharme, instructed Mr. Brady to contact counsel for President Trump's personal attorney, Rudy Giuliani, in January 2020.<sup>5</sup> Mr. Giuliani would later describe this work as "years-long efforts to work with Ukrainians to dig up dirt on the Bidens."<sup>6</sup>

Your own inquiries into this broader conduct are surely already under way. To the extent that the following information assists you in your efforts, I commend it to you.

**Justice Department leadership tasked Mr. Brady with investigating information related to Hunter Biden and Ukraine.**

In early 2020, then-PADAG Seth DuCharme contacted Scott Brady, then the U.S. Attorney for the Western District of Pennsylvania, about taking on a "discreet assignment" at the direction of the Office of the Attorney General (OAG), headed by Bill Barr, and the Office of the Deputy Attorney General (ODAG), headed by Jeffrey Rosen.<sup>7</sup>

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<sup>3</sup> *E.g., id.* at 91-92; Gov't's Memorandum in Support of Detention at 16-17, *U.S. v. Smirnov*, No. 2:24-cr-00091 (D. Nev. Feb. 20, 2024),

<https://storage.courtlistener.com/recap/gov.uscourts.nvd.167064/gov.uscourts.nvd.167064.15.0.pdf>.

<sup>4</sup> *E.g.*, Brady Testimony at 11-12, 35, 43, 99, 111.

<sup>5</sup> *Id.* at 52-55.

<sup>6</sup> Asawin Suebsaeng & Erin Banco, *Rudy: Only '50/50' Chance I Worked With A 'Russian Spy' to Dig Dirt on Bidens and Ukraine*, DAILY BEAST (Oct. 17, 2020), <https://www.thedailybeast.com/rudy-giuliani-says-theres-only-5050-chance-i-worked-with-a-russian-spy-to-dig-dirt-on-bidens>.

<sup>7</sup> Email from Seth DuCharme to Scott Brady (Jan. 3, 2020, 1:56 PM); Brady Testimony at 45.

**Brady, Scott (USAPAW)**

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**From:** Brady, Scott (USAPAW)  
**Sent:** Friday, January 3, 2020 2:14 PM  
**To:** DuCharme, Seth (ODAG)  
**Subject:** RE: Quick call

Hey Seth: you bet, happy to talk. I'm free the rest of the afternoon, so please call me at your convenience: 412.894.7325 (desk direct) o (b) (6) (cell). Thanks.

Best,  
Scott

-----Original Message-----

From: DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov>  
Sent: Friday, January 3, 2020 1:56 PM  
To: Brady, Scott (USAPAW (b) (6))  
Subject: Quick call

Scott do you have time for a quick call today in re a possible discreet assignment from OAG and ODAG?

Thanks,  
Seth

Sent from my iPhone

According to a letter that I subsequently received from the Department of Justice, Mr. Brady's role was "to assist in the receipt, processing, and preliminary analysis of new information provided by the public that may be relevant to matters relating to Ukraine."<sup>8</sup> Mr. Brady further described his role to the Committee in his October 2023 interview:

Well, as Stephen Boyd describes to Representative Nadler, ours was an intake and a vetting process, kind of akin to a due diligence, where we were to take information provided by the public, including Mayor Giuliani, relating to Ukrainian corruption. We were to vet that, and that was how we described it internally, a vetting process.

We did not have a grand jury. We did not have the tools available to us that a grand jury would have, so we couldn't compel testimony. We couldn't subpoena bank records.

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<sup>8</sup> Letter from the Hon. Stephen E. Boyd, Asst. Att'y Gen., Dep't of Justice, to the Hon. Jerrold Nadler, Chairman, H. Comm. on the Judiciary (Feb. 18, 2020).

But we were to assess the credibility of information, and anything that we felt was credible or had indicia of credibility, we were then to provide to the offices that had predicated grand jury investigations that were ongoing.<sup>9</sup>

**Justice Department leadership directed Mr. Brady to accept derogatory information about Hunter Biden from Rudy Giuliani.**

In January 2020, shortly after Mr. Brady agreed to take on the “discreet assignment” from the Attorney General and the Deputy Attorney General, PADAG DuCharme directed him to speak with Bob Costello, the attorney for Rudy Giuliani, so that Mr. Giuliani could share information with the Justice Department.<sup>10</sup>

**From:** [Brady, Scott \(USAPAW\)](#)  
**To:** [DuCharme, Seth \(ODAG\)](#)  
**Subject:** RE: Contact info  
**Date:** Tuesday, January 7, 2020 10:42:00 AM

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Got it; thanks, Seth. I'll circle back with you after he and I have spoken.

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**From:** DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov>  
**Sent:** Tuesday, January 7, 2020 9:55 AM  
**To:** Brady, Scott (USAPAW) (b) (6) >  
**Subject:** Contact info

The attorney's name is Bob Costello

Desk: 646 428 3238

Cell: (b) (6)

Give him a call sometime today whenever you're ready.

Thanks Scott.

Sent from my iPhone

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<sup>9</sup> Brady Testimony at 11-12.

<sup>10</sup> Brady Testimony at 52-55; Email from Seth DuCharme to Scott Brady (Jan. 7, 2020, 9:55 AM).

Mr. Brady communicated with PADAG DuCharme about his plans to interview Rudy Giuliani.<sup>11</sup> On January 15, 2020, PADAG DuCharme responded, “Scott I concur with your proposal to interview the person we talked about – would feel more comfortable if you participated so we get a sense of what’s coming out of it.”<sup>12</sup>

**From:** [DuCharme, Seth \(ODAG\)](#)  
**To:** [Brady, Scott \(USAPAW\)](#)  
**Subject:** Interview  
**Date:** Wednesday, January 15, 2020 2:05:00 PM

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Scott I concur with your proposal to interview the person we talked about - would feel more comfortable if you participated so we get a sense of what’s coming out of it. We can talk further when convenient for you.

Best,  
Seth

Sent from my iPhone

Mr. Brady ultimately joined the interview of Rudy Giuliani on January 29, 2020, at the FBI’s Pittsburgh Field Office.<sup>13</sup> Following that interview, an investigator wrote to one of Mr. Brady’s deputies, Assistant U.S. Attorney Steve Kaufman:

I will be getting Giuliani’s back up handwritten notes from those same interviews.

I just spoke to Rudy who is in Florida and he spoke to the original source [redacted]. Giuliani states he has more information and he is willing to help in any way he can. I do not know the nature of the new information as Rudy did not want to talk over the phone.<sup>14</sup>

The identity of the “original source” to whom Mr. Giuliani spoke is not clear from the text of the email.

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<sup>11</sup> Brady Testimony at 59-61.

<sup>12</sup> Email from Seth DuCharme to Scott Brady (Jan. 15, 2020, 2:05:00 PM).

<sup>13</sup> Brady Testimony at 58-60.

<sup>14</sup> Email to Steve Kaufman (Jan. 31, 2020, 6:35:27 PM).

**From:** (b) (6), (b) (7)(C)  
**To:** Kaufman, Steve (USAPAW)  
**Subject:** Re: (b) (6), (b) (7)(C), (b) (7)(F)  
**Date:** Friday, January 31, 2020 6:35:27 PM

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Thanks. Enjoy your weekend and the Super Bowl. I will be getting Giuliani's back up handwritten notes from those same interviews. (b) (6), (b) (7)(C), (b) (7)(F)

I just spoke to Rudy who is in Florida and he spoke to the original source (b) (6), (b) (7)(C), (b) (7)(F). Giuliani states he has more information and he is willing to help in any way he can. I do not know the nature of the new information as Rudy did not want to talk over the phone.

(b) (6), (b) (7)(C)

Sent from my iPhone

On Jan 31, 2020, at 6:29 PM, Kaufman, Steve (USAPAW)  
<Steve.Kaufman@usdoj.gov> wrote:

Thank you, (b) (6), (b) (7)(C) Have a good weekend.

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, January 31, 2020 6:01 PM  
**To:** Kaufman, Steve (USAPAW) (b) (6) >  
**Subject:** Fwd: (b) (6), (b) (7)(C), (b) (7)(F)

Steve (b) (6), (b) (7)(C), (b) (7)(F)  
Attached is the (b) (6), (b) (7)(C), (b) (7)(F) report of the Rudy Giuliani interviews of (b) (6), (b) (7)(C), (b) (7)(F)  
(b) (6), (b) (7)(C)

Sent from my iPhone

Begin forwarded message:

**From:** (b) (6), (b) (7)(C)  
**Date:** January 31, 2020 at 5:51:55 PM EST  
**To:** (b) (6), (b) (7)(C)  
**Subject:** (b) (6), (b) (7)(C)

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**Based on the information provided by Mr. Giuliani, Mr. Brady instructed the FBI to search their files for information related to Hunter Biden and/or Burisma and ultimately directed the FBI to re-interview Alexander Smirnov.**

At some point after the Giuliani interview, Mr. Brady asked the FBI “to search their files for Burisma, instances of Burisma or Hunter Biden”<sup>15</sup> because “‘Burisma’ appeared in a lot of the material we received from Mr. Giuliani.”<sup>16</sup> The search of FBI files produced a FD-1023 memorializing information that Mr. Smirnov provided to the FBI around March 2017.<sup>17</sup> That 2017 FD-1023 contained less than a page of information related to Burisma and just a single sentence referencing Hunter Biden (referred to as “Businessperson 1” in the indictment of Mr. Smirnov):

During this call, there was a brief, non-relevant discussion about [Public Official 1]’s son, [Businessperson 1], who is currently on the Board of Directors for Burisma Holdings [No Further Information].<sup>18</sup>

Based on this single sentence, Mr. Brady directed the FBI to re-interview Mr. Smirnov about Hunter Biden and Burisma, despite some apparent reluctance from the FBI:

**Q** And so it was by your directive that the information that’s included in the FD-1023 was developed; is that correct?

**A** That’s correct. Once we were made aware of it, and my -- the AUSAs who were running point on this project requested to see that underlying 1023, the previous one, identified that line relating to Mr. Biden and his role at Burisma. They brought that to my attention, and we then engaged the FBI and said we need to understand what this is or what this is not; can you please go out and re interview the CHS and develop this. That then led to this June of 2020 1023.

**Q** And when did you make the request for the re-interview of the CHS?

**A** I think we identified that in early June, so perhaps the first week of June. And then there was some back and forth between us and the FBI. And then they interviewed him and memorialized this on 6/30.

**Q** When you say “back and forth,” are you referring to some sort of reluctance on the part of the FBI, or there was just conversations that needed to be engaged in?

**A** There were conversations. There was reluctance. Again, this was a CHS that was known to the FBI, was credible, had been used -- had provided information that was used in other investigations. And so, there’s always a

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<sup>15</sup> Brady Testimony at 91-92.

<sup>16</sup> *Id.* at 112.

<sup>17</sup> *Id.* at 91-92, Indictment, *U.S. v. Smirnov*, No. 2:24-cr-00091 (C.D. Cal. Feb. 14, 2024), ¶ 5 <https://www.justice.gov/media/1338741/dl>.

<sup>18</sup> Indictment, *U.S. v. Smirnov*, No. 2:24-cr-00091 (C.D. Cal. Feb. 14, 2024), at 5 <https://www.justice.gov/media/1338741/dl>.

sensitivity in engaging CHSs. You know, the FBI wants to make sure it's for a purpose that they agree with. So we had discussions. I think there was initial reluctance, and then through, you know, a series of conversations they agreed to go out and re-interview.<sup>19</sup>

**Mr. Brady's testimony about the credibility of the CHS and the corroboration of the CHS's travel records misled the Committee.**

During his interview, Mr. Brady repeatedly stated that the confidential human source was "highly credible"<sup>20</sup> and that his team had found "sufficient indicia of credibility" in the June 2020 FD-1023.<sup>21</sup>

Mr. Brady specifically told the Committee that he and his team corroborated some information, including travel information, in the FD-1023:

**Mr. Brady.** So we attempted to use open-source material to check against what was stated in the 1023. We also interfaced with the CHS' handler about certain statements relating to travel and meetings to see if they were consistent with his or her understanding.

**Q** And did you determine if the information was consistent with the handler's understanding?

**A** What we were able to identify, we found that it was consistent.<sup>22</sup>

Mr. Brady testified, "Broadly, without going into specifics, what we were looking to do was corroborate information that we could receive, you know, relating to travel" and other information that could be validated using open-source research,<sup>23</sup> and confirmed that his team was "able to corroborate certain information that was represented by the CHS and is memorialized in this 1023."<sup>24</sup>

When asked by Majority staff whether he had been able to corroborate specific travel records pertaining to supposed trips taken by the CHS in 2015 or 2016, Mr. Brady confirmed that his investigators had received travel records, creating an inference that the records did pertain to Mr. Smirnov's travel in 2015 or 2016:

**Majority Staff.** And I'll mark as exhibit 10, an article from The Federalist from July 24, 2023, titled "FBI told Delaware U.S. attorney it had already partially corroborated Biden bribery claims, source says."

That will be exhibit No. 10.

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<sup>19</sup> Brady Testimony at 90-91.

<sup>20</sup> See, e.g., *id.* at 20, 71, 91, 103, 113-14, 161-62, 179-80.

<sup>21</sup> See, e.g., *id.* at 20, 28, 71-72, 100, 162.

<sup>22</sup> *Id.* at 20.

<sup>23</sup> *Id.* at 75.

<sup>24</sup> *Id.* at 72.

[Brady Exhibit No. 10

Was marked for identification.]

**Majority Staff.** And I'm going to point to specific portions of it. Please take a moment to review...

The pages aren't numbered, but if you count from the first page, the fourth page, the first full paragraph states, following the late June 2020 interview with the CHS, the Pittsburgh FBI Office obtained travel records for the CHS, and those records confirmed the CHS had traveled to the locales detailed in the FD 1023 during the relevant time period. The trips included a late 2015 or early 2016 visit to Kiev, Ukraine, a trip a couple months later to Vienna, Austria, and travel to London in 2019.

Does this kind of match your recollection of what actions the Pittsburgh FBI Office was taking in regards to this.

**Mr. Lelling.** Don't answer that. Too specific a level of detail...

**Q** You had mentioned last hour about travel records. Did your office obtain travel records, or did you have knowledge that the Pittsburgh FBI Office obtained travel records?

**Mr. Lelling.** That you can answer yes or no.

**Mr. Brady.** Yes.<sup>25</sup>

Chairman Jordan confirmed during a Judiciary Committee markup last month that, based on Mr. Brady's testimony, he believed that the DOJ had confirmed that Mr. Smirnov's travel records matched the travel described in the June 2020 FD-1023 (emphasis added):

One of these 90 different depositions and interviews we have done in this committee, Scott Brady, U.S. attorney in Pittsburgh said—U.S. attorney in Pittsburgh tasked by the Justice Department to evaluate information regarding Burisma, the Bidens, and Ukraine—said, we found this confidential human source to be credible.

**In fact, he said in that deposition, we looked at where he was and his schedule when these meetings took place and found that he was in those locations meeting with these people. So, they checked him out and found him to be credible.**<sup>26</sup>

According to the February 14, 2024, indictment, however, Mr. Smirnov's claims that he traveled to Ukraine and Austria to meet Burisma officials around 2015 and 2016 were "a

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<sup>25</sup> *Id.* at 93.

<sup>26</sup> *Markup of Report Recommending that the House of Representatives Cite Hunter Biden for Contempt of Congress: Meeting of H. Comm. on the Judiciary*, 118<sup>th</sup> Cong. (Jan. 10, 2024).

fabrication.”<sup>27</sup> In fact, Mr. Smirnov “met with officials from Burisma for the first time in 2017,”<sup>28</sup> over a year later than he claimed in the 2020 FD-1023, and “did not travel to Vienna” in the 2015/2016 time period as he claimed to.<sup>29</sup> The indictment confirms that the travel records that Mr. Smirnov provided to the FBI “were inconsistent with what the Defendant had previously told the Handler that was memorialized in the 2020 1023.”<sup>30</sup>

Additionally, while Mr. Brady repeatedly testified about the credibility of the confidential human source,<sup>31</sup> he failed to disclose any information about the source’s clear and expressed biases. Before the FBI’s interview of the confidential human source in June 2020, the source sent the FBI “a series of messages expressing bias against” then-presidential candidate Joe Biden.<sup>32</sup> The omission of this evidence of bias—if such information was known to Mr. Brady on October 23, 2023—during discussions of the CHS’s credibility may have misled the Committee to believe that the CHS was “highly credible.”

**In determining that Mr. Smirnov was a credible source, Mr. Brady disregarded readily available open-source information and concerns raised by another U.S. Attorney.**

While Mr. Brady’s team utilized open-source research to attempt to corroborate the information provided by Mr. Smirnov, his testimony to the Committee revealed that his investigation failed to consider, or entirely disregarded, information that might have contradicted Mr. Smirnov’s statements.

For example, Mr. Brady stated that he was unaware of an interview Burisma founder Mykola Zlochevsky gave in 2019 in which Zlochevsky denied having any contact with Joe Biden when he was Vice President and directly contradicted the claims made by Mr. Smirnov in the 2020 FD-1023:

**Q** Okay. So you indicated you’ve never seen this document before. May I actually ask you, before we go through it: You, during the course of your investigation, you asked the FBI or directed others to ask the FBI to review their holdings for any information related to Burisma or Zlochevsky, correct?

**A** Yes. We asked them, for certain specific questions, to look in open-source, as we talked about, and then to look in their investigative files to see if they had intersected with these names or, you know, this topic before.

**Q** Okay. And they yielded this 2017 1023 that then led you to interview the CHS, correct?

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<sup>27</sup> Indictment, *U.S. v. Smirnov*, No. 2:24-cr-00091 at 17 (C.D. Cal. Feb. 14, 2024), <https://www.justice.gov/media/1338741/dl>.

<sup>28</sup> *Id.* ¶ 29.

<sup>29</sup> *Id.* ¶ 34.

<sup>30</sup> *Id.* ¶¶ 39, 44.

<sup>31</sup> See, e.g., Brady Testimony at 20, 71, 91, 103, 113-14, 161-62, 179-80.

<sup>32</sup> Indictment, *U.S. v. Smirnov*, No. 2:24-cr-00091 at 6 (C.D. Cal. Feb. 14, 2024), <https://www.justice.gov/media/1338741/dl>.

A Yes.

Q Okay. But you never asked, for example, the House Permanent Select Committee investigators or anyone associated with that investigation to do a similar inquiry for evidence relating to Zlochevsky?

A No, I don't believe we did.

Q Okay. And, like you said, you were not aware that this interview had taken place in 2019. Is that fair to say?

A I don't believe I was, no.

Q Okay. And anyone on your team, as far as you know, was not aware that Mr. Zlochevsky had been interviewed at the direction of Giuliani before your assessment began?

A I don't believe so.

Q Okay. So let's go through it, then, since this is the first time you've seen it.

The first question, for the record, states, quote, "What caused you to hire Devon Archer and Hunter Biden in 2014?"

And the answer from Mr. Zlochevsky is, quote, "We wanted to" -- and there's a typo. It says "uild." I think it means "build" -- "Burisma as international company. It was very important to have strong board. So when we review resumes of Biden and Archer they both had great resumes. We also thought it would help in Ukraine to have strong international board figures with great relationships in the United States and Europe," end quote.

Let's move to question -- oh, actually, let me ask you about this. There's nothing in Mr. Zlochevsky's answer to question 1 that says he needed the Bidens in order to, quote, "take care of Shokin," correct?

A Nothing in that answer, no.

Q And there's nothing at all with respect to any investigation of Burisma, correct?

A Oh, in the answer?

Q In the answer.

A No. No.

Q I'm sorry. I'm just asking you about his answer.

A Yeah. No, no. No.

Q So, to that extent, the answer that Mr. Zlochevsky gave to the question of why you hired Hunter Biden and his associate Mr. Archer is inconsistent with this claim that Mr. Zlochevsky is attributed -- or the statement that is attributed to Mr. Zlochevsky in the 1023, correct?

A I'm sorry. Could you ask that again?

Q Yeah.

A I'm sorry.

Q That's okay.

To the extent that Mr. Zlochevsky is asked in this interview why he hired Biden, Hunter Biden, to be on his board -- and he answers the way we just described, right? Because he wanted a strong board. He did not say anything about investigations of Burisma, correct?

A Not in that answer, no. Correct.

Q No. And not in that answer does he say anything about protecting Burisma from investigations, correct?

A Correct.

Q Or protecting Burisma from anything, correct?

A Correct.

Q So, to that extent, the answer he gave here is inconsistent with the statement attributed to him in the 1023, that he hired Hunter Biden to protect him?

A Oh, I see. I'm sorry. Yeah -- yes, they seem to be inconsistent.

Q Okay.

Question number -- let's see -- 8, which is I think on the second page, the question asks, quote, "Did you ever learn why VP Joe Biden asked for Shokin to be fired as PG?"

Do you see that question?

A Yes.

Q Okay. And, to be clear, "VP" stands for "Vice President," I believe, and "PG" probably stand for "Prosecutor General."

Are you aware that Mr. Shokin was the Prosecutor General of Ukraine during the time that this allegation arose?

A Yes, for a discrete period in 2015-2016, I believe.

Q Okay. But the allegation about bribery and the firing of Shokin --

A Oh, yes.

Q -- had to do with his role as Prosecutor General, correct?

A Correct.

Q Okay.

The answer that Mr. Zlochevsky gave to that question of why did Biden ask for Shokin to be fired, he responds, quote, "We learned about it from newspapers and internet. We never had contacts with VP Biden during his visits to Ukraine," end quote.

Do you see that answer?

A Yes.

Q Okay. And you had never, before today, learned through your investigation that Mr. Zlochevsky told Giuliani's investigators that?

A Not that I recall. Correct.

Q Okay.

Mr. Zlochevsky's answer also includes the statement, quote, "We never had contacts with VP Biden during his visits to Ukraine," end quote. Do you see that answer?

A Yes.

Q Okay. Did you ever learn of that part of his statement, that Mr. Zlochevsky had told Rudy Giuliani's investigators in 2019 that he, quote, "never had contacts with Vice President Biden during his visits to Ukraine"?

A No, not that I recall.

Q Okay.

All right. Anywhere in Mr. Zlochevsky's statement -- and you can take a minute to review it if you need to review it further -- did Mr. Zlochevsky say that he paid either Hunter Biden or Joe Biden to pressure Poroshenko to fire Shokin?

A No.

Q Okay.

Now, the answers that we've discussed here that Zlochevsky gave in this 2019 interview are inconsistent with the statements attributed to Mr. Zlochevsky in the 1023, to some extent, correct?

A Yes.

Q Specifically on the key point that Mr. Biden is alleged to have received a bribe to pressure Poroshenko to fire Shokin, correct?

A Correct.

Q If you had known during the course of your investigation that Mr. Zlochevsky had made these statements that are inconsistent with what was attributed to him in the 1023, would that have affected your investigation in any way?

A Had we been aware of this, we would've definitely shared that with Delaware when we shared the 1023 with them and allowed them to reconcile the two, do further investigation or not, based on their discretion and knowledge.<sup>33</sup>

Mr. Brady further testified that his team's open-source research into the credibility of the statements in the June 2020 FD-1023 failed to inform him of a May 7, 2019, *Bloomberg* article entitled, "Ukraine Ex-Official Casts Doubt on Biden Conflict Claim," in which Viktor Shokin's deputy, Vitaly Kasko, stated, "There was no pressure from anyone from the U.S. to close cases against Zlochevsky."<sup>34</sup> Mr. Brady acknowledged that Mr. Kasko's statement in this article is "inconsistent with the 1023."<sup>35</sup>

Mr. Brady was similarly unaware of statements from a June 21, 2020, *Politico* article entitled, "Former Ukrainian president says Biden never pressed him on Burisma," and from a June 4, 2020, *Reuters* report entitled, "Ukraine found no evidence against Hunter Biden in case audit: Former top prosecutor," which directly contradict allegations made by Mr. Smirnov in the June 2020 FD-1023.<sup>36</sup>

Mr. Brady also told the Committee that he disagreed with warnings from Geoffrey Berman, then the U.S. Attorney for the Southern District of New York, that information developed through Mr. Brady's investigation "might be inconsistent" with information being developed by the Southern District.<sup>37</sup>

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<sup>33</sup> Brady Testimony at 118-23.

<sup>34</sup> *Id.* at 127-29; Stephanie Baker & Daryna Krasnolutska, *Ukraine Ex-Official Casts Doubt on Biden Conflict Claim*, BLOOMBERG (May 7, 2019), <https://www.bloomberg.com/news/articles/2019-05-07/timeline-in-ukraine-probe-casts-doubt-on-giuliani-s-biden-claim>.

<sup>35</sup> Brady Testimony at 130.

<sup>36</sup> Brady Testimony at 138-42; Oma Seddiq, *Former Ukrainian president says Biden never pressed him on Burisma*, POLITICO (Jun. 21, 2020), <https://www.politico.com/news/2020/06/21/ukraine-president-hunter-joe-biden-burisma-331779>; Ilya Zhegulev, *Ukraine found no evidence against Hunter Biden in case audit: former top prosecutor*, REUTERS (Jun. 4, 2020), <https://reuters.com/article/idUSKBN23B2RA/>.

<sup>37</sup> Brady Testimony at 84.

Mr. Brady's determination that the June 2020 FD-1023 had "indicia of credibility" is thus even more suspect and raises serious questions about the representations he made to the Committee.

\* \* \*

The information contained in the indictment of Alexander Smirnov contradicts statements that former U.S. Attorney Scott Brady made to the House Judiciary Committee on October 23, 2023. I therefore ask that you examine whether Mr. Brady made false statements or materially omitted relevant information in an attempt to mislead the Committee and influence the outcome of congressional proceedings in violation of 18 U.S.C. § 1001.

Finally, I also ask you to launch an inquiry into the circumstances surrounding Mr. Brady's investigation of Ukraine-related matters, including his tasking by the Attorney General and Deputy Attorney General and any steps he or his team took as part of that tasking, to determine whether the assignment violated any applicable Justice Department regulations or policies, including policies limiting politically sensitive investigations around the time of an election.

Sincerely,

A handwritten signature in black ink that reads "Jerrold Nadler". The signature is written in a cursive style with a large, sweeping initial "J".

Jerrold Nadler  
Ranking Member  
House Committee on the Judiciary

cc: The Honorable Jim Jordan, Chairman, Committee on the Judiciary