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5 COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

6 U.S. HOUSE OF REPRESENTATIVES,

7 WASHINGTON, D.C.

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12 DEPOSITION OF: ANNMARIE TOMASINI

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Friday, July 18, 2025

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Washington, D.C.

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21 The interview in the above matter was held in room 2335, Rayburn House Office

22 Building, commencing at 10:04 a.m.

1 Appearances:

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4 For the COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

5

6 MITCH BENZINE, GENERAL COUNSEL

7 JOHN CLARK, LEGAL FELLOW

8 MALLORY COGAR, CHIEF CLERK AND DEPUTY DIRECTOR OF OPERATIONS

9 BILLY GRANT, COUNSEL, OVERSIGHT

10 JAKE GREENBERG, CHIEF COUNSEL FOR INVESTIGATIONS

11 MARGARET HARKER, SENIOR ADVISOR

12 MELVIN SOTO, DIGITAL DIRECTOR

13 ELLISON TOLAN, COUNSEL

14 SHARON UTZ, SENIOR PROFESSIONAL STAFF MEMBER

15 [REDACTED], MINORITY STAFF DIRECTOR

16 [REDACTED], MINORITY SENIOR COUNSEL

17 [REDACTED], MINORITY SENIOR COUNSEL

18 [REDACTED], MINORITY FELLOW

19 [REDACTED], MINORITY COUNSEL

20 [REDACTED], MINORITY SENIOR COUNSEL

21 [REDACTED], MINORITY CHIEF COUNSEL

22 [REDACTED], MINORITY LEGAL INTERN

1 For THE WITNESS:
2
3 JONATHAN SU, ESQ.
4 ESTHER YOON, ESQ.
5 CAROLINE SABA, ESQ.
6 Latham & Watkins, LLP
7 555 11th Street NW, Suite 1000
8 Washington, D.C. 20004

1 I will mark the notice for this deposition as exhibit 3.

2 [Tomasini Majority Exhibit No. 3
3 was marked for identification.]

4 Mr. Greenberg. Can the witness please state her name and spell her last name
5 for the record?

6 The Witness. AnnMarie Tomasini, T-o-m-a-s-i-n-i.

7 Mr. Greenberg. Thank you. My name is Jake Greenberg, and I am the chief
8 counsel for investigations for Chairman James Comer.

9 Under the Committee on Oversight and Government Reform's rules, you are
10 allowed to have counsel present to advise you during this deposition. Do you have
11 counsel representing you in a personal capacity present with you today?

12 The Witness. Yes.

13 Mr. Greenberg. Will counsel please identify themselves for the record?

14 Mr. Su. Jonathan Su, for Ms. Tomasini.

15 Mr. Greenberg. For the record, starting with the majority staff, can the
16 additional staff members please introduce themselves with their names, titles, and
17 affiliations?

18 Mr. Benzine. Mitch Benzine, general counsel for the majority.

19 Ms. Harker. Margaret Harker, senior advisor for the majority.

20 Ms. Utz. Sharon Utz, senior professional staff for the majority.

21 Ms. Tolan. Ellison Tolan, counsel for the majority.

22 Ms. Cogar. Mallory Cogar, chief clerk, the majority.

23 Mr. Clark. John Clark, law clerk for the majority.

24 Mr. Grant. Billy Grant, counsel for the majority.

25 Ms. [REDACTED], chief counsel for the minority.

1 Mr. Soto. Melvin Soto, digital director for the majority.

2 Ms. [REDACTED], counsel for the minority.

3 Ms. [REDACTED], graduate fellow with the minority.

4 Ms. [REDACTED], legal intern for the minority.

5 Ms. [REDACTED], senior counsel for minority.

6 Mr. [REDACTED], senior counsel, minority.

7 Mr. [REDACTED], staff director, minority.

8 Mr. [REDACTED], senior counsel for the minority.

9 Mr. Greenberg. Ms. Tomasini, before we -- excuse me.

10 Mr. Su. These folks are with --

11 Mr. Greenberg. With counsel.

12 Mr. Su. -- me.

13 Mr. Greenberg. Thank you.

14 Ms. Tomasini, before we begin, I would like to go over the ground rules for this
15 deposition.

16 The questioning will proceed in rounds. The majority will ask questions for an
17 hour, and then the minority will have an opportunity to ask questions for an hour if they
18 so choose.

19 To the extent members have questions for the witness, they will be propounded
20 during their side's respective rounds.

21 Do you understand?

22 The Witness. Yes.

23 Mr. Greenberg. The clock will stop if you need to confer with counsel, your
24 counsel is speaking, and when members or staff are speaking during the opposing side's
25 round of questions.

1 We will alternate back and forth until there are no more questions.

2 There's a court reporter taking down everything I say and everything you say to
3 make a written record of the interview. For the record to be clear, please wait until the
4 staffer questioning you finishes each question before you begin your answer, and the
5 staffer will wait until you finish your response before proceeding to the next question.

6 Further, to ensure the court reporter can properly record this deposition, please
7 speak clearly, concisely, and slowly. Also, the court reporter cannot record nonverbal
8 answers such as nodding or shaking your head, so it is important that you answer each
9 question with an audible, verbal answer.

10 Do you understand?

11 The Witness. Yes.

12 Mr. Greenberg. Exhibits may be entered into the record. Majority exhibits will
13 be identified numerically. Minority exhibits will be identified alphabetically.

14 We want you to answer our questions in the most complete and truthful manner
15 possible, so we will take our time. If you have any questions or do not fully understand
16 a question, please let us know. We will attempt to clarify, add context to, or rephrase
17 our questions.

18 If we ask about specific conversations or events in the past and you are unable to
19 recall the exact words or details, you should testify to the substance of those
20 conversations or events to the best of your recollection. If you recall only a part of a
21 conversation or event, you should give us your best recollection of those events or parts
22 of conversations that you do recall.

23 Do you understand?

24 The Witness. Yes.

25 Mr. Greenberg. You are required by law to answer questions from Congress

1 truthfully. This also applies to questions posed by congressional staff in this interview.

2 Do you understand?

3 The Witness. Yes.

4 Mr. Greenberg. If at any time you knowingly make false statements, you could
5 be subject to criminal prosecution, including but not limited to perjury.

6 Do you understand?

7 The Witness. Yes.

8 Mr. Greenberg. This includes both knowingly providing false testimony but also
9 stating that you do not recall or remember something when, in fact, you do.

10 Do you understand?

11 The Witness. Yes.

12 Mr. Greenberg. Furthermore, you cannot tell half-truths or exclude information
13 necessary to make statements accurate. You are required to provide all information
14 that would make your response truthful. A deliberate failure to disclose information can
15 constitute a false statement.

16 Do you understand?

17 The Witness. Yes.

18 Mr. Greenberg. Is there any reason you are unable to provide truthful testimony
19 in today's interview?

20 The Witness. No.

21 Mr. Greenberg. Please note that if you wish to assert a privilege over any
22 statement today, that assertion must comply with the rules of the Committee on
23 Oversight and Government Reform.

24 Pursuant to that, Committee rule 16(c)(1) states, "For the Chair to consider
25 assertions of privilege over testimony or statements, witnesses or entities must clearly

1 state the specific privilege being asserted and the reason for the assertion on or before
2 the scheduled date of testimony or appearance."

3 I will enter as exhibit 4 a letter dated June 24th, 2025, to your counsel from Gary
4 Lawkowski, deputy counsel for the President, informing you that President Trump has
5 determined not to assert executive privilege over issues regarding your assessment of
6 former President Biden's fitness for the Office of the President and your knowledge of
7 who exercised executive powers during his administration.

8 Additionally, President Trump has determined he will not assert immunity to
9 preclude you from testifying before the Committee.

10 [Tomasini Majority Exhibit No. 4
11 was marked for identification.]

12 Mr. Greenberg. For the purposes of the deposition, objections must be stated
13 concisely in a non-argumentative and non-suggestive manner.

14 If you refuse to answer a question to preserve a privilege, the Committee may
15 seek a ruling from the Chair. If the Chair overrules any such objection, the witness shall
16 be ordered to answer.

17 If the witness continues to refuse to answer a question despite being ordered to
18 do so, the witness may be subject to sanction.

19 Do you understand?

20 The Witness. Yes.

21 Mr. Greenberg. Ordinarily, we take a 5-minute break at the end of each hour of
22 questioning, but if you need to take a longer break or a break before that, please let us
23 know, and we will be happy to accommodate.

24 However, to the extent that there is a pending question, we would ask that you
25 finish answering the question before we take the break.

1 Do you understand?

2 The Witness. Yes.

3 Mr. Greenberg. Finally, I will note for everyone here today that the contents of
4 what we discuss in the deposition today are confidential under the House deposition
5 regulations.

6 Under the rules, the Chairman and the Ranking Minority Member shall consult
7 before any release of testimony or transcripts, including portions thereof. This means it
8 is a violation of House and Committee rules to disclose content of the deposition prior to
9 its official release.

10 For this reason, the marked exhibits that we will use today will remain with the
11 court reporter so that they can go into the official transcript, and any copies of those
12 exhibits will be kept at the table or returned to us when we wrap up.

13 Do you have any questions before we begin?

14 Mr. Su. Do you have any questions, Ms. Tomasini?

15 The Witness. No.

16 Mr. Su. All right, Jake, are we permitted to make an opening statement?

17 Mr. Greenberg. No, sir.

18 Mr. Su. Okay.

19 Mr. Greenberg. Can the reporter please swear in the witness?

20 The Reporter. Will you raise your right hand for me?

21 Do you solemnly declare and affirm under penalty of perjury that the testimony
22 you are about to give will be the truth, the whole truth, and nothing but the truth?

23 The Witness. I do.

24 Mr. Greenberg. My clock reads 10:11, and the majority's hour will begin now.

25

EXAMINATION

1 BY MR. GREENBERG:

2 Q Ms. Tomasini, did you ever advise President Biden on the handling of
3 classified documents found in his garage?

4 A On the advice of counsel, I respectfully decline to answer the question
5 pursuant to my Fifth Amendment rights under the Constitution.

6 Q The record will reflect that Ms. Tomasini has invoked the Fifth Amendment
7 right against self-incrimination.

8 Ms. Tomasini, please be very clear. Are you declining to answer the question put
9 to you solely on the ground that you believe the answer will incriminate you?

10 A On the advice of counsel, I respectfully decline to answer the question
11 pursuant to my Fifth Amendment rights under the Constitution.

12 Q Ms. Tomasini, did President Joe Biden or anyone else in the White House
13 instruct you to conceal or destroy classified material found at President Biden's home or
14 office?

15 A On the advice of counsel, I respectfully decline to answer the question
16 pursuant to my Fifth Amendment rights under the Constitution.

17 Q The record will reflect that Ms. Tomasini has invoked the Fifth Amendment
18 right against self-incrimination.

19 Ms. Tomasini, to be clear, are you declining to answer the question put to you
20 solely on the ground that you believe the answer will incriminate you?

21 A On the advice of counsel, I respectfully decline to answer the question
22 pursuant to my Fifth Amendment rights under the Constitution.

23 Q Ms. Tomasini, have you ever conspired with anyone in the White House to
24 hide information regarding the Biden family's business dealings?

25 A On the advice of counsel, I respectfully decline to answer the question

1 pursuant to my Fifth Amendment rights under the Constitution.

2 Q The record will reflect that Ms. Tomasini has invoked the Fifth Amendment
3 right against self-incrimination.

4 Ms. Tomasini, to be clear, are you declining to answer the question put to you
5 solely on the ground that you believe the answer will incriminate you?

6 A On the advice of counsel, I respectfully decline to answer the question
7 pursuant to my Fifth Amendment rights under the Constitution.

8 Q Ms. Tomasini, did Joe Biden, a member of his family, or anyone at the
9 White House ever instruct you to lie regarding his health at any time, including but not
10 limited to in your testimony to Congress today?

11 A On the advice of counsel, I respectfully decline to answer the question
12 pursuant to my Fifth Amendment rights under the Constitution.

13 Q Let the record reflect that Ms. Tomasini has invoked the Fifth Amendment
14 right against self-incrimination.

15 Ms. Tomasini, to be clear, are you declining to answer the question put to you
16 solely on the ground that you believe the answer will incriminate you?

17 A On the advice of counsel, I respectfully decline to answer the question
18 pursuant to my Fifth Amendment rights under the Constitution.

19 Q Ms. Tomasini, is it your intention to decline to answer all questions put to
20 you today by the Committee on the basis of the Fifth Amendment right against
21 self-incrimination?

22 Mr. Su. On behalf of Ms. Tomasini, I can so confirm.

23 Mr. Greenberg. Thank you.

24 Does the minority have questions for the witness?

25 Ms. [REDACTED] We do.

1 Mr. Greenberg. Okay. Thank you. We'll go off the record.

2 [Recess.]

3 Ms. [REDACTED] We can go on the record.

4 Good morning, Ms. Tomasini.

5 The Witness. Good morning.

6 Ms. [REDACTED] Mr. Su, I understand you had a statement that you wished to make
7 for the record. Would you like to do that now?

8 Mr. Su. Yes. Thank you very much.

9 Chairman Comer, Ranking Member Garcia, and members of the House Committee
10 on Oversight and Government Reform, Ms. Tomasini has fulfilled her obligations to the
11 Committee by appearing before you today.

12 A proud native of Massachusetts, Ms. Tomasini was an accomplished college
13 athlete at Boston University, from which she graduated.

14 In her professional career, Ms. Tomasini has served with distinction both in the
15 nonprofit and private sectors in the greater Boston area, as well as at the White House,
16 most recently as Assistant to the President and Deputy Chief of Staff.

17 The Committee has asked Ms. Tomasini to testify in connection with an
18 investigation into use of the autopen. There is no actual evidence of wrongdoing by
19 Ms. Tomasini, and President Biden has already confirmed that he made all decisions
20 concerning the grant of clemency at the end of his term.

21 It is well-known that there is an ongoing Federal criminal investigation into this
22 matter by the Department of Justice ordered by the current White House. This past
23 week, the Chairman suggested that it is, quote, "very possible," end quote, the
24 investigation could generate criminal referrals to the Department of Justice.

25 Under these circumstances, any reasonable person would seriously consider an

1 invocation of their Fifth Amendment rights.

2 The law is clear that there is absolutely no basis to suggest an invocation of the
3 Fifth Amendment is evidence of wrongdoing. In *Ohio v. Reiner*, the U.S. Supreme Court
4 explained that one of the Fifth Amendment's "basic functions is to protect innocent men
5 who otherwise might be ensnared by ambiguous circumstances."

6 In recent and historical congressional investigations, persons across the political
7 spectrum have invoked their Fifth Amendment rights to decline to answer questions from
8 Congress.

9 For these reasons, Ms. Tomasini respectfully declines to answer the Committee's
10 questions in today's deposition.

11 And thank you for the opportunity to provide this statement.

12 Ms. [REDACTED] I will now ask the court reporter to mark as exhibit A an April 1st,
13 2025, New York Times article titled "Trump-Allied Prosecutor Looks to Undermine Biden
14 Pardons," which describes a Justice Department investigation that, quote, "uses the
15 levers of Federal law enforcement to try to harass Mr. Biden's family and allies and
16 undermine his decisions as President while scoring political points with President Trump,"
17 end quote.

18 [Tomasini Minority Exhibit A
19 was marked for identification.]

20 Ms. [REDACTED] I would also like to ask the court reporter to mark as exhibit B a
21 May 13th, 2025, ABC News article titled "Ed Martin, Trump's DOJ Pardon Attorney, Says
22 He'll Review Biden's Outgoing Pardons," which quotes Mr. Martin as saying that if the
23 targets of his investigation, quote, "can be charged, we'll charge them. But if they can't
24 be charged, we will name them -- and we will name them," end quote.

25 [Tomasini Minority Exhibit B

1 Recorded With Autopen."

2 [Tomasini Minority Exhibit G

3 was marked for identification.]

4 Ms. [REDACTED] I'm also going to ask the court reporter to mark as exhibit H a
5 July 15th, 2025, NBC News article titled "Lead Investigator Into Biden's Use of an Autopen
6 Signed Letters With a Digital Signature." This article has been redacted to remove the
7 names of Oversight Committee staff.

8 [Tomasini Minority Exhibit H

9 was marked for identification.]

10 Ms. [REDACTED] Finally, I'm going to ask the court reporter to mark as exhibit I a
11 July 16th, 2025, story in Politico regarding this investigation, which states in part, quote,
12 "House Oversight Chair James Comer said it was 'very possible' the investigation could
13 result in criminal referrals to the Department of Justice," end quote.

14 [Tomasini Minority Exhibit I

15 was marked for identification.]

16 Ms. [REDACTED] We can go off the record.

17 [Recess.]

18 Mr. Greenberg. All right. On the record.

19 Ms. Tomasini, considering your invocation of the Fifth Amendment right against
20 self-incrimination, pursuant to the terms of the subpoena, you are excused.

21 We'll go off the record.

22 [Whereupon, at 10:23 a.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

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

Witness Name

Date