

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
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MEMORANDUM

August 3, 2023

To: Democratic Members of the Committee on Oversight and Accountability

Fr: Democratic Staff

Re: Transcribed Interview of Devon Archer

I. INTRODUCTION

Chairman Comer issued a subpoena demanding that Devon Archer—Hunter Biden’s former business partner—appear for a deposition before the Committee.¹ Committee Republicans negotiated for weeks in an attempt to get Mr. Archer to appear. Ultimately, on July 31, 2023, Mr. Archer voluntarily appeared before the Committee for a transcribed interview and described his decade-long business relationship and friendship with Hunter Biden. Mr. Archer has been sentenced to a year in prison after being convicted of defrauding the Oglala Sioux Indian tribe for tens of millions of dollars in a deal unrelated to Hunter Biden.²

During the interview, Mr. Archer repeatedly explained that then-Vice President Biden was never involved in Hunter Biden’s business dealings, never profited from these business dealings, and never took official action in relation to these business dealings. He explained that while Hunter Biden and his father spoke every day, especially during the time Beau Biden was ill and after he died, he never heard Hunter Biden discuss his business dealings with his father.

Mr. Archer explained that Hunter Biden was a Yale Law School-trained attorney specialized in corporate governance who had previously worked as a lobbyist. According to Mr. Archer, Hunter Biden offered his clients and his business partners access to “D.C.,” including a network of attorneys, lobbyists, and public affairs professionals.³ On occasion, Hunter Biden

¹ Committee on Oversight and Accountability, *Press Release: Comer Subpoenas Archer to Appear for a Deposition in the Biden Family Investigation* (June 12, 2023) (online at <https://oversight.house.gov/release/comer-subpoenas-devon-archer-to-appear-for-a-deposition-in-the-biden-family-investigation/>).

² Department of Justice, *Devon Archer Sentenced To A Year And A Day In Prison For The Fraudulent Issuance And Sale Of More Than \$60 Million Of Tribal Bonds* (Feb. 28, 2022) (online at www.justice.gov/usao-sdny/pr/devon-archer-sentenced-year-and-day-prison-fraudulent-issuance-and-sale-more-60-million).

³ Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer at 87, 101, 129-131* (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>).

used his relationship with his father to sell “the illusion of access.”⁴ For example, Hunter Biden attempted to claim credit for his father’s foreign trips or public statements despite the fact he had no involvement in them. According to Mr. Archer, on a handful of occasions, Hunter Biden put business partners on speakerphone with his father. In two instances, his father attended dinners that included business partners at a Washington, D.C. restaurant. Mr. Archer repeatedly explained that business was never discussed on these calls or at these dinners and that conversation was about “the world,” “the weather and niceties,” and “geography.”⁵ In one instance, Mr. Archer described the discussion as ordinary “dinner conversation.”⁶

Mr. Archer also discussed Hunter Biden’s role with Burisma, the Ukrainian energy company on whose board they both served. Mr. Archer repeatedly and unequivocally explained Hunter Biden never discussed Burisma with his father and never asked his father to take any official action to benefit him or Burisma. Mr. Archer further explained that then-Vice President Biden’s role in calling for the ouster of the corrupt Ukrainian prosecutor general Viktor Shokin was “bad for Burisma” because of the understanding that Burisma had Mr. Shokin “under control,” especially after January 2015, when British authorities were forced to release assets belonging to Burisma’s owner, Mykola Zlochevsky, because of a lack of cooperation from Ukrainian prosecutors.

Mr. Archer debunked the secondhand allegations relayed in the Federal Bureau of Investigation (FBI) Form FD-1023 that Chairman Comer and Senator Grassley released on July 20, 2023. Mr. Archer explained that as a member of Burisma’s board he was unaware of any \$5 million payment to any Biden, much less any payment to then-Vice President Biden, and dismissed the allegations as the kind of brag, exaggeration, and fib that are common among Ukrainian businessmen.

In light of Mr. Archer’s decade-long business relationship and friendship with Hunter Biden, he answered clearly and unequivocally that he was unaware of any wrongdoing by then-Vice President Biden:

Q: Are you aware of any wrongdoing by Vice President Biden?

A: No, I’m not aware of any.⁷

II. CONTRARY TO CHAIRMAN COMER’S CLAIMS, THERE IS NO EVIDENCE HUNTER BIDEN’S BUSINESS DEALINGS INFLUENCED U.S. POLICY

A. Devon Archer Made Clear That Hunter Biden Provided Only an “Illusion” of— But No Actual—Access to His Father

⁴ *E.g., Id.* at 126–127.

⁵ *Id.* at 41, 47, 121, 124.

⁶ *Id.* at 135.

⁷ Committee on Oversight and Accountability, Transcribed Interview of Devon Archer at 104 (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>).

Mr. Archer stated explicitly that Hunter Biden did not provide his business associates or prospective investors access to his father, but rather, the “illusion of access.” For example:

Q: In other words, Hunter Biden would take credit for his father’s actions, even though he had no role or influence in those actions.

A: He would take credit for them.

Q: Despite having no role in them or no influence over them.

A: Yeah.⁸

* * *

Q: Did Hunter Biden ever tell you, "I can get my dad to change U.S. policy"?

A: No.

Q: Are you aware of Hunter Biden ever asking his dad to change foreign policy?

A: No.

Q: Are you ever – were you ever privy to any conversations between Hunter Biden and Joe Biden in which they discussed how –

A: No.

Q: – Joe Biden would –

A: No.

Q: – take official actions on behalf of Hunter Biden?

A: No.

Q: So is it fair to say that Hunter Biden was selling the illusion of access to his father?

A: Yes.⁹

⁸ *Id.* at 115-116.

⁹ *Id.* at 116.

Hence, as Mr. Archer confirmed, Hunter Biden was not actually influencing U.S. policy:

Q: In other words, it's not that Hunter Biden was influencing U.S. policy. It's that Hunter Biden was falsely giving the Burisma executives the impression that he had any influence over U.S. policy.

A: I think that's fair.¹⁰

Mr. Archer Had No Knowledge of Any Attempt to Influence U.S. Policy in Order to Assist Burisma or Hunter Biden

Mr. Archer confirmed, repeatedly and unequivocally, that he had no knowledge of any attempt by Hunter or President Biden to alter or influence U.S. policy in order to help Burisma or Hunter Biden. He also confirmed that nothing in his knowledge or experience would call into question the conclusions of Senate Democrats following the 2020 investigation led by the Republican Chairmen of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Finance Committee.¹¹ That investigation represented an earlier failed effort by Congressional Republicans to implicate President Biden and Hunter Biden in alleged Burisma-related corruption. Mr. Archer stated as follows:

Q: At the conclusion of that investigation, Senate minority staff issued a report summarizing the findings. And I'd like to read those for you:

“Every witness interviewed for this investigation testified that Vice President Biden did not alter United States foreign policy to benefit his son Hunter Biden, and that Hunter Biden’s presence on the board of the Ukrainian gas company Burisma had no effect on U.S. foreign policy.”

“Every witness stated that Hunter Biden and his associates had no role in the formulation of U.S. policy, that Hunter Biden’s role did not influence U.S. foreign policy decisions, and that Vice President Biden carried out U.S. foreign policy in the interest of the United States.”

“The investigation’s evidence, set forth in this Minority report, confirms there was no corruption, wrongdoing, or impropriety on the part of the Vice President.”¹²

* * *

¹⁰ *Id.* at 114.

¹¹ United States Senate Committee on Homeland Security and Governmental Affairs and Senate Finance Committee Minority Staff Report, *Election Interference: Majority Investigation Amplifies Russian Attack on 2020 Election* (Sept. 23, 2020) (online at www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/200923_FullReport_PetersHSGACWydenFinance.pdf).

¹² *Id.* at 102.

Q: So based on your knowledge and experience, you have no evidence that would contradict any of these conclusions I just read.

A: No.

Q: The report also found, quote, “No evidence that any action of the U.S. Government or any U.S. official was taken to benefit Burisma or Hunter Biden.” Do you have any evidence or knowledge that contradicts this conclusion?

A: No.¹³

C. **Mr. Archer Had No Knowledge of Any Facts Supporting the Debunked Allegations in the FBI Form FD-1023 and Understood That Former Prosecutor General Shokin Was “Good for Burisma”**

Mr. Archer stated that he had no knowledge of any facts to support the unverified, secondhand allegations relayed to the FBI in 2020 by a confidential human source and memorialized in a Form FD-1023 tipsheet. These allegations appeared to suggest that two Bidens received \$5 million each in exchange for assisting Burisma. Mr. Archer stated that as a member of Burisma’s board and Hunter Biden’s business partner he had no information about *any* \$5 million paid to *any* Biden. He also dismissed the allegations as typical of Ukrainian businessmen’s tendency to brag, exaggerate, and lie:

Q: Based on your knowledge, including your work for Burisma’s board, your conversations with Hunter Biden, Mykola Zlochevsky, and others at Burisma, does this allegation strike you as credible, meaning the allegation that there were two \$5 million payments to two Bidens?

A: I think it’s—the agent explains it pretty well on the bottom. And it’s similar to, you know, Hunter Biden taking credit for his dad’s visit. It’s like sending a signal.

So he’s bragging to this guy that they paid, you know, where he probably paid \$5 million or whatever, \$6 million altogether, you know, so that, you know, just to show he’s—well, there’s a lot of—and he explains it. I forget. There’s a word in the document.

Q: You’re guessing.
Are you aware of a \$5 million payment –

A: No.

Q: – to one Biden and a \$5 million payment to another?

¹³ *Id.* at 104.

A: No.¹⁴

* * *

Q: And so I think the point you're referring to is that in this document the confidential human source says he cannot opine to the veracity of the allegations and notes that it's not unusual for Ukrainian business executives to brag or show off.

A: Correct.

Q: Is that consistent with your understanding?

A: It's consistent of what I was just explaining in both directions.

Q: If someone were to conclude from this that this is evidence, this Form 1023 is evidence that Joe Biden was bribed by Mykola Zlochevsky, would you disagree with that conclusion?

A: Yeah, I would.

Q: So in talking about how Zlochevsky and other Ukrainian businessmen brag –

A: Uh-huh.

Q: – exaggerate, tell fibs, is that fair?

A: Yep, very similar to D.C. operators.¹⁵

In addition, Mr. Archer further undermined claims, long promoted by Congressional Republicans, that then-Vice President Biden pressured the Ukrainian government to fire former Prosecutor General Viktor Shokin in order to assist Burisma. Mr. Archer stated that, while he was aware of “pressure” on Burisma from various sources, he had no specific recollection of Shokin being a threat to Burisma, explaining that “Shokin wasn’t specifically on my radar as being an individual that was – that was targeting [Mykola Zlochevsky, Burisma’s owner].”¹⁶ To the contrary, Mr. Archer understood that Burisma had Mr. Shokin “under control”:

Q: Are you aware that Vadym [Pozharskyi] had told Blue Star that one of the issues/pressures that he was facing was related to Shokin and the investigation into Burisma?

¹⁴ *Id.* at 111-112.

¹⁵ *Id.* at 112.

¹⁶ *Id.* at 34.

A: So – yes. I was – the narrative that was spun to me, quite frankly, just to be – and I remember this because, obviously, it’s – the narrative that was spun to me was that Shokin was under control and that whoever the next person that was brought in was – you know, the fact that he was – this is the total, this is the narrative spun to me, that Shokin being fired was a – was not good, because he was like under control as relates to Mykola [Zlochevsky]. I have no way to verify that. And that was spun to me from various folks in D.C., not Hunter specifically, but that was what I was led to believe. Whether it’s true or not, I cannot speculate.

Q: With that said, though, are you aware that Vadym specifically told Blue Star Strategies that one of the issues that he wanted resolved was resolving Viktor Shokin’s investigation into Burisma?

A: I don’t recall Vadym saying that specifically. I don’t – but, again, I was spun a narrative that was quite the opposite of that.¹⁷

* * *

Q: So was it – Shokin was ultimately removed from office.

A: Right.

Q: Was that a bad thing for – and the Burisma leaders felt like that would be bad for them?

A: That was what I was told.¹⁸

III. DEVON ARCHER REPEATEDLY AFFIRMED PRESIDENT BIDEN WAS NOT INVOLVED IN HUNTER BIDEN’S BUSINESS VENTURES

Mr. Archer repeatedly affirmed that then-Vice President Biden was never involved in Hunter Biden’s business dealings. However, Committee Republicans have sought to mischaracterize Hunter Biden’s phone calls to his father and his dinners with business associates as evidence that then-Vice President Biden participated in his son’s business ventures—statements clearly contradicted by the transcript. According to Mr. Archer, Hunter Biden spoke to his father frequently, and during some of those calls, Hunter Biden happened to be with other people. Mr. Archer also acknowledged that the rate of these calls increased in frequency in the wake of Beau Biden’s illness and death, as then-Vice President Biden attempted to keep an eye on his son’s wellbeing in the wake of a family tragedy.

Q: In the context of those conversations, did you ever witness them discussing

¹⁷ *Id.* at 38–39.

¹⁸ *Id.* at 106–107.

the substance of Hunter Biden's business?

A: No.¹⁹

During the interview, Mr. Archer was clear about what he witnessed on these calls—no business was discussed, including at a dinner in Paris with a French energy company and in China with Jonathan Li, the CEO of BHR:

Q: – was there any discussion of Hunter Biden's business in Paris or this business meeting that they were having?

A: No.

Q: The conversation was about the weather –

A: The weather and niceties, all of it – any – as it goes for any of the – there was never a discussion of cap tables, and that wasn't – you know, that was not the purpose of the calls.

Q: But beyond cap tables, there wasn't any conversation of "you need to help me with this business I have with these people," or, "you need to take this action or that action to help these business partners of mine."

A: Correct.

Q: That never happened.

A: That did not happen.²⁰

* * *

Q: And was there any discussion of BHR or Hunter Biden's business with Jonathan Li?

A: Yeah oh, you mean with—

Q: While Joe Biden was on the phone.

A: No.

Q: Did he take any official action on behalf of BHR?

¹⁹ *Id.* at 118.

²⁰ *Id.* at 123–124

A: No.²¹

* * *

Q: Was he ever asked to take an official action on behalf of BHR?

A: No.²²

Mr. Archer stated that he heard that Burisma requested that Hunter Biden assist them with their issues in D.C., but that, to his knowledge, the request was for help from the lobbying and government affairs team Hunter Biden assembled—not then-Vice President Biden. Mr. Archer’s statements run contrary to Chairman Comer’s claims that “We have evidence in this sworn testimony that—from a fellow Burisma board member—that they were pressuring Hunter to immediately get on the phone with his father and get this stopped.”²³

Q: When you say D.C. help, like they said, we could use some D.C. help, I’m not asking what you think they – I’m asking what you interpreted that to mean?

A: Well, I’m still learning about it, but it seems like – really a lot like at the end of the day lobbying, you know, soft lobbying help, firm lobbying help. I mean, there was constant, you know, constant pressure on them, and there were various service providers hired and people working on, you know, help in D.C. A lot of power is obviously flexed here. So that was a – that was a constant, you know, whether it was putting out fires or helping expand.²⁴

Mr. Archer further clarified that he did not have first-hand knowledge of a December 2015 call that occurred after drinks with Burisma executives, but his understanding was that Hunter Biden called “D.C.” to request help. He did *not* state the call was to then-Vice President Biden.

Q: He told you expressly he called his father or that he called D.C.?

A: D.C., D.C.²⁵

* * *

²¹ *Id.* at 125

²² *Id.* at 126.

²³ ‘*MORE CREDIBLE EVERY DAY*’: Comer, Jordan Dive Into Biden Bribery Bombshells on Hannity, Hannity (Aug. 1, 2023) (online at <https://hannity.com/media-room/more-credible-every-day-comer-jordan-dive-into-biden-bribery-bombshells-on-hannity-watch/>).

²⁴ Committee on Oversight and Accountability, Transcribed Interview of Devon Archer at 35 (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>).

²⁵ *Id.* at 37.

Q: All right. So, just to clarify, before Hunter Biden made a phone call, there was a reference to making a call to D.C.?

A: Correct.

Q: And, afterwards, Vadym [Pozharskyi] told you that they had called D.C.?

A: Correct.

Q: You did not hear that phone call?

A: I did not hear that phone call.²⁶

* * *

Q: And I think you described that you were told that the call was a call to D.C.

A: Correct.

Q: But you don't know to who that was.

A: I do not have – I do not know.

Q: You don't know whether it was to the D.C. team that we talked about earlier.

A: I do not know.²⁷

Mr. Archer also stated unequivocally that no business was discussed during dinner events attended by Hunter Biden and some of his business associates where then-Vice President Biden made an appearance. This includes a dinner in spring 2014 at Café Milano, in Washington, D.C. with Elena Baturina, a Russian oligarch who is the widow of the former mayor of Moscow.²⁸

Q: And do you remember, when he [Vice President Biden] arrived, what he did, who he talked to?

A: Yeah. He entered the room and shook everybody's hand. And, you know, the conversation – you know, again, I don't want to be – it's important that I'm accurate. I don't really remember it. You know, I don't – not really. I don't remember the conversation. I just remember that he was – he came to dinner, and we ate and kind of talked about the world, I guess, and the weather, and then

²⁶ *Id.* at 48.

²⁷ *Id.* at 110.

²⁸ Mr. Archer explained that Hunter Biden was not involved in business dealings with Ms. Baturina: “Hunter met Yelena once, at that same Lake Como meeting. But there was no—he was not involved. I think we put him on the advisory board for a minute. And he was really—Rosemont Realty was completely out of his, kind of, portfolio.” *Id.* at 61.

everybody – everybody left.²⁹

* * *

Q: And is that also the case at the first Cafe Milano dinner, that the conversation was not about Hunter Biden's businesses with his various business associates?

A: Right. It was dinner conversation.³⁰

Mr. Archer confirmed that the rate of calls between then-Vice President Biden and Hunter Biden increased when Beau Biden died, but that the calls were not related to business.

Q: In 2015, in spring of 2015, Beau Biden died. Is that right?

A: That's correct.

Q: Did the frequency of interactions between Hunter Biden and his father increase after Beau Biden's death?

A: I would say yes.

Q: Did Joe Biden regularly check in on his son who's admitted he had issues with

A: Every day.

Q: drugs and other issues?

A: Uh huh.

Q: Yes?

A: Yes. Sorry.

Q: In the context of those conversations, did you ever witness them discussing the substance of Hunter Biden's business?

A: No.³¹

* * *

²⁹ *Id.* at 47.

³⁰ *Id.* at 135.

³¹ *Id.* at 117–18.

Q: And so was you obviously were spending a fair amount of time with Hunter. Were the conversations between Hunter and his father primarily centered at that point around Beau's illness and how they were both coping? Is that

A: Yeah. A lot of logistics and, you know, travel for between, you know, his treatments and who was going to be with him that week and a lot of it.

Q: And then after just the grief and the sorrow

A: Yeah.

Q: and checking in? Is that

A: A lot, yeah, and then the checking in. Then I think, yeah, the optempo [sic] of the comms, when it was every other day, it became every day from kind of that those days forward until it seems like they had a little bit of a hiatus, but I was out of the picture by then.

Q: And you to your knowledge, you know, none of the times that you would ever overhear Vice President Biden calling Hunter was to - was with the purpose of discussing business with him.

A: It was, yeah, not related to commercial business, politics, that kind of stuff.³²

IV. DEVON ARCHER CONFIRMED THE "BRAND" WAS D.C. AND NOT BIDEN

Committee Republicans have claimed that Mr. Archer said Hunter Biden was selling his father to Burisma as "the brand."³³ Yet Mr. Archer very clearly stated that "the brand" was not President Biden, but rather Washington D.C:

Q: The brand was really Joe Biden.

A: U.S. U.S. D.C. was the brand.³⁴

Mr. Archer described how Hunter Biden helped assemble a team of attorneys, lobbyists, and public affairs professionals to handle Burisma's government relations—a team he referred to

³² *Id* at 120.

³³ Committee on Oversight and Accountability, *Press Release: Comer Statement on Devon Archer's Testimony* (July 31, 2023) (online at <https://oversight.house.gov/release/comer-statement-on-devon-archers-testimony>); *'MORE CREDIBLE EVERY DAY': Comer, Jordan Dive Into Biden Bribery Bombshells on Hannity*, *Hannity* (Aug. 1, 2023) (online at <https://hannity.com/media-room/more-credible-every-day-comer-jordan-dive-into-biden-bribery-bombshells-on-hannity-watch/>).

³⁴ Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer at 87* (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>).

as the “D.C. team.” Mr. Archer was clear that President Biden was *not* a part of this “D.C. team”:

Q: And so I think you referenced a D.C. team.

A: Uh huh.

Q: Is it fair to say that there was a whole D.C. team that handled public affairs on behalf of Burisma?

A: Yes.

Q: And that D.C. team was firms like Boies Schiller, Blue Star Group, this lobbyist who was brought in to do the DHS issue. Is that fair?

A: Fair.

Q: That’s not Joe Biden.

A: No, that’s not that’s not the D.C. team.

Q: You mean Joe Biden is not the D.C. team.

A: Right.³⁵

In fact, according to Mr. Archer, despite wanting to sell to Burisma the “illusion” of access to decisionmakers in Washington, D.C., Hunter Biden was “fastidious” about adhering to the Foreign Agents Registration Act or “FARA” and other laws in order to protect “the name and the brand”:

Q: All right. So when you were talking about the name and the brand, that because of that –

A: Because of that –

Q: it was your understanding that he was even more fastidious about following the law –

A: Right.

Q: because of the name and the brand –

³⁵ *Id.* at 101.

A: Yes.³⁶

Mr. Archer's statements make clear that throughout his decade-long business relationship and friendship with Hunter Biden, he never witnessed President Biden have any involvement in his son's business dealings or take any official actions to benefit Hunter Biden or his businesses. Similarly, Mr. Archer never witnessed Hunter Biden discuss his business with his father or ask his father to take any official actions. Mr. Archer also, once again, debunked long-running conspiracy theories regarding Hunter Biden's role on the board of Burisma that were first peddled by Rudy Giuliani four years ago. Mr. Archer's transcribed interview shows, once more, that for all their efforts to cherry-pick and distort facts, Chairman Comer and Congressional Republicans have no evidence of any wrongdoing by President Biden.

³⁶ *Id.* at 98–99.