

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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October 30, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As you know, throughout this year, I have sent you 12 different letters registering my objection to your continuing distortion of key facts in the Majority's investigation of President Biden, including false statements about the process, misleading descriptions of witness testimony, and completely deceptive statements to the American people about the findings in the Committee's Biden family probe. I have scrupulously documented the facts debunking this giant pile of misinformation, but you have so far remained completely silent about responding to my specific refutations of your false claims and about your willingness to clarify the public record. You have not seen fit to reply to even one of my letters.

So, imagine my complete surprise in receiving your October 26th letter expressing an interest in the facts!¹

Look, I know that our first (and almost certainly final) impeachment hearing was a devastating disappointment when your star witnesses defected from their assigned missions, with one testifying he did "not believe that the current evidence would support articles of impeachment" against President Biden and another stating that he had no basis to "even suggest that there was corruption, fraud, or any wrongdoing."² Your witnesses, like our own, were clearly familiar with the thick investigative record you have assembled, which, to date, comprises: more than 14,000 pages of bank records already subpoenaed and received by the

¹ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Ranking Member Jamie Raskin, Committee on Oversight and Accountability (Oct. 26, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/10/2023-10-26-Letter-to-RM-Raskin.pdf>).

² Committee on Oversight and Accountability, Testimony of Jonathan Turley, J.B. and Maurice C. Shapiro Professor of Public Interest Law, George Washington University Law School, *Hearing on The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Turley.Testimony.Biden-Inquiry.pdf>); Committee on Oversight and Accountability, Testimony of Bruce Dubinsky, Dubinsky Consulting, *Hearing on The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Dubinsky-Written-Testimony-1.pdf>).

Committee, over 2,000 pages of suspicious activity reports (SARs) made available by the Department of the Treasury, many hours of witness testimony from two of Hunter Biden's business partners and three U.S. Attorneys, as well as seven federal agents assigned to investigate Hunter Biden—and hundreds of pages of cherry-picked documents released by the Committee on Ways and Means. But this giant record that you have selectively compiled failed to persuade your own witnesses of any criminal wrongdoing by the President, much less an impeachable offense.

This must be frustrating indeed.

But please, Mr. Chairman, I ask you not to take your frustrations out on me—it wasn't my fault. Those were *your* witnesses.

You invited them.

Not me.

We just questioned them.

Since that hearing, you claimed to have uncovered yet more “bombshell” evidence that again proved to be a resounding dud.³ For example, last week you eagerly hyped the shocking revelation that, when he was a private citizen, Joe Biden committed the apparently unforgivable sin of lending his own brother James \$200,000 which James repaid 48 days later.

Furthermore, just last week, two U.S. Attorneys—Scott Brady, who served as President Donald Trump's U.S. Attorney for the Western District of Pennsylvania, and Martin Estrada, the current U.S. Attorney for the Central District of California—became just the latest witnesses to debunk your theory of political interference in the Hunter Biden investigation through the manipulation of David Weiss, whom Donald Trump appointed and Attorney General Barr hand-picked to lead the investigation.⁴ As Mr. Brady explained, he has no reason to doubt that Mr. Weiss is “fairly and honestly prosecuting the case.”⁵

So now, in a hopeless effort to reheat the stale leftovers of an indigestible conspiracy theory and serve them up for the GOP's impeachment drive, you are going back to the discredited and debunked Ukraine-Burisma allegations concocted by Rudy Guiliani and his right-hand man Lev Parnas, both of whom you now refuse to call as witnesses before the

³ *Abrams: Comer's Biden “Bombshell” Once Again Falls Way Short*, NewsNation (Oct. 24, 2023) (online at www.newsnationnow.com/danabramslive/abrams-comer-biden-bombshell-check/); see also *Another GOP “Bombshell” About Joe Biden Turns Out to Be a Dud*, HuffPost (Oct. 23, 2023) (online at www.huffpost.com/entry/james-biden-payment-joe-biden_n_6536badee4b0689b3fbd8cf1).

⁴ *Hunter Biden Prosecutor Wasn't Blocked from Bringing California Charges, U.S. Attorney Tells Congress*, Associated Press (Oct. 25, 2023) (online at <https://apnews.com/article/hunter-biden-prosecutor-congress-fl67a5358cd2ee4d915ea44c228d4894>); Committee on the Judiciary, Interview of Scott Brady (Oct. 23, 2023).

⁵ Committee on the Judiciary, Interview of Scott Brady, at 187 (Oct. 23, 2023).

Committee.⁶ But in trying to resurrect this threadbare conspiracy theory, you are forced to explain away its subsequent thoroughgoing demolition by multiple investigations and witnesses—including, most recently, Lev Parnas, Hunter Biden’s business associate Devon Archer, and even the former President of Ukraine Petro Poroshenko.⁷ Given that I am one of a small handful of people in America still following this convoluted and tiresome wild goose chase, you have apparently decided that you must now go after me too.

As a professor of constitutional law, a Member of Congress, the Ranking Member of the Committee on Oversight and Accountability, and a citizen, I am someone who tries to take the truth seriously, so please indulge me while I respond to your baffling claim that I “lied” about a tipsheet memorializing years-old and totally debunked allegations. Your proffered evidence to support this allegation is an interview conducted by the Committee on the Judiciary with Scott Brady. However, in a pattern that is becoming all-too-familiar, you have once more mischaracterized his statements, selectively presenting only favorable evidence and conveniently excluding statements that completely undermine your absurd allegations—and in fact, undermine your own famously doomed impeachment investigation.

You take me to task for two sentences I uttered after you and I had a briefing on June 5, 2023, from the Federal Bureau of Investigation (FBI) about the Form FD-1023—a tipsheet memorializing years-old allegations by Mykola Zlochevsky, the owner of the Ukrainian energy company Burisma, as retold to the FBI by a confidential human source (CHS)—which constituted, at that point of course, your vaunted smoking gun to the whole investigation.

Since that illuminating briefing, I have consistently said, in public statements, letters, and memos, that—as explained by the FBI—the Form FD-1023 was created as part of an assessment assigned by Attorney General Barr to Scott Brady to examine allegations made by Rudy Giuliani. In August 2020, after eight months of investigative efforts, Mr. Brady’s team found insufficient evidence to warrant escalating this assessment to a preliminary or full investigation, and it was closed with the concurrence of Mr. Brady and high-level Department of Justice officials.⁸

⁶ Committee on Oversight and Accountability, *Press Release: Republican Witnesses, Oversight Democrats Agree: GOP’s Sham Impeachment Inquiry Lacks Evidence of Wrongdoing by the President* (Sept. 29, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/republican-witnesses-oversight-democrats-agree-gop-s-sham-impeachment-inquiry>).

⁷ Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Chairman Comer and Senator Grassley’s Decision to Publicly Release FBI Form FD-1023* (July 24, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-24.Dem%20Memo%20re%20Comer%20Grassley%20Letter%20FD-1023_.pdf); Letter from Lev Parnas to Chairman James Comer, Committee on Oversight and Accountability (July 18, 2023) (online at <https://docs.house.gov/meetings/GO/GO00/20230719/116254/HHRG-118-GO00-20230719-SD008.pdf>); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>); *Petro Poroshenko Responds to Viktor Shokin’s Claims*, Fox News (Sept. 23, 2023) (online at www.foxnews.com/video/6337728841112).

⁸ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director

And that is precisely what I said in the sentences you have oddly pounced on:

“What I know is that the FBI, Department of Justice Team under William Barr and Scott Brady in the Western District of Pennsylvania terminated the investigation. They said there were no grounds for further investigative steps.”⁹

The first sentence is true. The second sentence is true. In his transcribed interview, Mr. Brady’s statement clearly confirmed the truth of both of them. He explained that in August 2020 he agreed to the FBI’s request to “close that assessment because there was no further investigative work for them to do under that tasking.”¹⁰

Mr. Brady’s quarrel is not with my actual statements but with his erroneous “understanding” of my statements. Mr. Brady stated:

*My understanding of Mr. Raskin’s public statements is that, based on the determination that I and my team found the allegations in the 1023 not credible or other information not credible, we did not escalate the assessment to a limited or full investigation.*¹¹

I do not know how Mr. Brady developed his “understanding” of my statements, but I never stated that he found the “allegations in the 1023 not credible or other information not

Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20Wray-FBI%20re%20Subpoena%20Briefing%20FINAL.pdf>); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement Following Review of Debunked FBI Tip* (June 5, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-following-review-of-debunked-fbi-tip>); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on the Facts Following FBI Briefing and In-Person Document Review* (June 7, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-the-facts-following-fbi-briefing-and-in>); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Oversight Republicans’ Decision to Accept Accommodation of In-Person Review of FBI Document for All Committee Members* (June 7, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-oversight-republicans-decision-to-accept-0>); Committee on Oversight and Accountability, *Press Release: After Repeated Republican Misrepresentations about the Form FD-1023, Ranking Member Raskin Requests FBI Reiterate Briefing Information in Writing for All Committee Members* (June 16, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/after-repeated-republican-misrepresentations-about-the-form-fd-1023-ranking>); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on GOP Release of FBI Document* (July 20, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-gop-release-of-fbi-document>); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Chairman Comer and Senator Grassley’s Decision to Publicly Release FBI Form FD-1023* (July 24, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-24.Dem%20Memo%20re%20Comer%20Grassley%20Letter%20FD-1023_.pdf).

⁹ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Ranking Member Jamie Raskin, Committee on Oversight and Accountability (Oct. 26, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/10/2023-10-26-Letter-to-RM-Raskin.pdf>).

¹⁰ Committee on the Judiciary, Transcribed Interview of Scott Brady, at 149 (Oct. 23, 2023).

¹¹ *Id.* at 102 (emphasis added).

credible.”¹² I would have had no basis to opine on his specific opinion of the credibility of the Form FD-1023. I simply stated that, as the FBI briefers explained to us, Mr. Brady’s probe did not yield sufficient evidence to escalate the “assessment” to a full-blown “investigation” or even to the level of a “preliminary investigation” under FBI standard procedure.¹³ And this statement was indisputably true: while Mr. Brady explained that “the nomenclature of the FBI was immaterial to [him],” he conceded that “under the lexicon of the FBI” the assessment was never escalated to a preliminary or full investigation.¹⁴

Because you are desperate for even a thin reed to hang your hat on, you place a lot of weight on Mr. Brady’s ambiguous statement that the Form FD-1023 had “some indicia of credibility” and that he decided to pass the information on to Mr. Weiss’s separate investigation in Delaware—ignoring that Mr. Brady also acknowledged that there were “conflicting statements that were in the public” undermining the credibility of the allegations in the Form FD-1023.¹⁵

But let’s take a step back. Attorney General Barr tasked Mr. Brady with this assessment in the first place because he distrusted the information Rudy Giuliani was trying to pass on to the Justice Department and refused to open a full-blown investigation based on Mr. Giuliani’s Ukrainian (dis)information alone.¹⁶ As Attorney General Barr warned, “[t]here are a lot of agendas in the Ukraine, there are a lot of crosscurrents, and we can’t take anything we receive from the Ukraine at face value.”¹⁷ Yet Mr. Brady freely admitted that he made *no* independent effort to assess the credibility of the purported source of the allegations relayed by a CHS in the Form FD-1023, Mykola Zlochevsky, the Ukrainian owner of Burisma:

Q: Okay. And I think that you had have made this clear, but I just want to be very, very clear here. You’ve talked about indicia of reliability, or credibility, as you put it, that were in the [Form FD-]1023. But you did not make an effort to, during the course of your investigation, to determine whether Mr. Zlochevsky himself was a credible witness, correct?

A: Yes, that’s fair. Yes, that’s correct.¹⁸

¹² Letter from Chairman James Comer, Committee on Oversight and Accountability, to Ranking Member Jamie Raskin, Committee on Oversight and Accountability (Oct. 26, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/10/2023-10-26-Letter-to-RM-Raskin.pdf>).

¹³ *E.g.*, Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20WrayFBI%20re%20Subpoena%20Briefing%20FINAL.pdf>).

¹⁴ Committee on the Judiciary, Transcribed Interview of Scott Brady, at 102 (Oct. 23, 2023).

¹⁵ *Id.* at 71, 123, 180.

¹⁶ *Id.* at 171–172; see also *DOJ Taps U.S. Attorneys to Coordinate Ukraine Investigations*, Associated Press (Feb. 18, 2020) (online at <https://apnews.com/article/26ecd17c8fcf7fc26b9e2df44325a83a>).

¹⁷ Committee on the Judiciary, Transcribed Interview of Scott Brady, at 102 (Oct. 23, 2023).

¹⁸ *Id.* at 179.

As you well know, Mr. Chairman, had Mr. Brady decided to “make an effort” to determine the veracity of the allegations attributed to Mr. Zlochevsky in the Form FD-1023, he almost certainly would have uncovered that the allegations he was passing on to Mr. Weiss were totally baseless.¹⁹

For example, when he personally interviewed Mr. Giuliani, Mr. Brady failed to learn that Mr. Giuliani’s associates had just interviewed Mr. Zlochevsky in 2019, the previous year.²⁰ In that 2019 interview, Mr. Zlochevsky flatly denied the allegations reported in the Form FD-1023.²¹ Upon reading Mr. Zlochevsky’s definitive interview transcript, Mr. Giuliani yelled at his associate, Lev Parnas: ““What is this shit? This is bullshit. Make sure nobody sees this. Bury this.””²²

Mr. Parnas himself—Rudy Giuliani’s own right-hand man—would also have corroborated that the allegations in the Form FD-1023 were worthless. In a recent letter to you, he straightforwardly stated that “everyone, from Giuliani . . . to the people at FOX News, knew that these allegations against the Bidens were false.”²³

Devon Archer, Hunter Biden’s business associate and fellow member on the board of Burisma, would have provided Mr. Brady with vital context that the allegations in the Form FD-1023 were a kind of brag, exaggeration, and fib that are common among Ukrainian businessmen and cannot reasonably be considered evidence that Joe Biden was bribed by Mykola Zlochevsky.²⁴

¹⁹ See, generally, Committee on Oversight and Accountability, *Fact vs. Fiction: FBI Form FD-1023* (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FD-1023%20Fact%20Sheet%20FINAL%20PDF.pdf>).

²⁰ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (June 29, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-29.JBR%20to%20Comer%20re%20Form-1023.pdf>); *The GOP ‘Bribery’ Allegations Against Biden Remain Transparently Thin*, Washington Post (June 13, 2023) (online at www.washingtonpost.com/politics/2023/06/13/gop-biden-allegation-analysis/); *Former Giuliani Associate Raises Questions About Hunter Biden’s ‘Hard Drive from Hell’*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108); Committee on the Judiciary, Transcribed Interview of Scott Brady, at 57–60, 179 (Oct. 23, 2023).

²¹ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (June 29, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-29.JBR%20to%20Comer%20re%20Form-1023.pdf>); Vitaly Pruss, *VPanswers July7th2019* (Word Document) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf>).

²² Letter from Lev Parnas to Chairman James Comer, Committee on Oversight and Accountability (July 18, 2023) (online at <https://docs.house.gov/meetings/GO/GO00/20230719/116254/HHRG-118-GO00-20230719-SD008.pdf>).

²³ *Id.*

²⁴ Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>);

Even Senator Ron Johnson (R-WI) would have admitted that the allegations attributed to Mr. Zlochevsky in the Form FD-1023 should be taken, as he put it, “with a grain of salt” and “could be coming from a very corrupt oligarch who could be making this stuff up.”²⁵

These are all facts that would have been available to Mr. Brady had he decided to “make an effort,” and which have been laid out for you, repeatedly. However, instead of owning up to the facts and recognizing that the allegations in this Form FD-1023 have been utterly debunked, you have decided to promote baseless accusations, going so far as to tell *Fox News* viewers that “according to the FBI and according to Bill Barr, Joe Biden is currently under investigation for bribery, and this gets lost in translation because the media is so focused on Donald Trump.”²⁶

Your statements about this Form FD-1023 are just one illustrative example of your misrepresentations and distortions of key investigative facts in this investigation. For example, you have also:

- Falsely claimed that witness interviews actually conducted by Committee staff never happened;²⁷
- Referred to a fugitive from justice charged with multiple felonies as a “very credible witness;”²⁸
- Suggested you were present at a transcribed interview that you did not attend;²⁹
- Repeatedly mischaracterized the statements of witnesses in interviews while refusing to publicly release interview transcripts;³⁰

Committee on Oversight and Accountability, Transcribed Interview of Devon Archer, at 111–112 (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>).

²⁵ *Non-Men*, The Vicki McKenna Show (June 13, 2023) (online at www.listennotes.com/podcasts/the-vicki-mckenna/the-vicki-mckenna-show-non-men-aqpGXnv4FsL).

²⁶ Rep. James Comer (@RepJamesComer), X (June 12, 2023) (online at <https://x.com/RepJamesComer/status/1668255433864167426?s=20>).

²⁷ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Sept. 19, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-09-19.JBR%20to%20Comer%20re%20Schwerin%20Interview.pdf>); see also *House Republicans Downplay Meeting with Key Biden Aide*, HuffPost (Sept. 19, 2023) (online at www.huffpost.com/entry/eric-schwerin-oversight-committee-joe-biden_n_65098430e4b0d98f39e80e1d).

²⁸ Letter from Ranking Member Jamie Raskin and Rep. Dan Goldman, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 11, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-11.JBR%20Goldman%20to%20Comer%20re%20Luft.pdf>); Rep. James Comer (@RepJamesComer), X (July 7, 2023) (online at <https://twitter.com/RepJamesComer/status/1677414170411560962?s=20>).

²⁹ Rep. Dan Goldman (@RepDanGoldman), X (Aug. 7, 2023) (online at <https://x.com/RepDanGoldman/status/1688667691584737280?s=20>).

³⁰ Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Transcribed Interview of Former FBI Supervisory Special Agent* (Aug. 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-16.Democratic%20Member%20Memorandum%20re%20FBI%20SSA%20Transcript.pdf>); *Transcript of Devon Archer Testimony Doesn't Back Key Claims About Joe and Hunter Biden*, PolitiFact (Aug. 4, 2023) (online at

- Claimed that the National Archives and Records Administration failed to turn over records to the Committee when they were actively cooperating;³¹
- Wrongly claimed that a transcribed interview suggested the President was involved in his family's business dealings;³²
- Incorrectly asserted that suspicious activity reports, which you routinely mischaracterize as "bank violations," implicate President Biden in wrongdoing;³³
- Dishonestly suggested that the President had the prosecutor of Ukraine fired as part of a bribery scheme;³⁴

www.politifact.com/article/2023/aug/04/transcript-of-devon-archer-testimony-doesnt-back-k/); *Devon Archer Said the Opposite of What Republicans Claimed*, Washington Post (Aug. 3, 2023) (online at www.washingtonpost.com/politics/2023/08/03/devon-archer-transcript-biden/); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Oversight Committee Investigation into Presidential and Classified Records and Transcribed Interview of Former Executive Assistant to then-Vice President Biden* (May 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/5.3.2023%20Chung%20Memo%20-%20FINAL.pdf>).

³¹ *Rep. Comer to Newsmax: Impeachment Inquiry Vote Possible Mid-Sept.*, NewsMax (Sept. 7, 2023) (online at www.newsmax.com/Politics/newsmax-tv-biden-impeachment-inquiry/2023/09/07/id/1133671/); Committee on Oversight and Accountability Democrats (@OversightDems), X (Sept. 8, 2023) (online at <https://x.com/OversightDems/status/1700178556175692271?s=20>).

³² *Transcript of Devon Archer Testimony Doesn't Back Key Claims About Joe and Hunter Biden*, PolitiFact (Aug. 4, 2023) (online at www.politifact.com/article/2023/aug/04/transcript-of-devon-archer-testimony-doesnt-back-k/); *Devon Archer Said the Opposite of What Republicans Claimed*, Washington Post (Aug. 3, 2023) (online at www.washingtonpost.com/politics/2023/08/03/devon-archer-transcript-biden/); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

³³ *The Faulkner Focus*, Fox News (Apr. 21, 2023) (online at www.foxnews.com/video/6325510578112); Chairman James Comer (@RepJamesComer), X (Apr. 16, 2023) (online at <https://twitter.com/jamescomer/status/1647645180260958211?s=46>); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Chairman Comer's Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>); *Comer Releases Biden Family Probe Update Without Showing Link to President*, Politico (May 10, 2023) (online at www.politico.com/news/2023/05/10/james-comer-biden-probe-00096067).

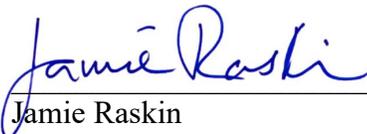
³⁴ *Fox and Friends*, Fox News (Mar. 31, 2023) (online at <https://video.snapstream.net/Play/8cJmJQ9KSgTuI2622JTEza?accessToken=cr1lk3ctb7qf0>); *Jesse Watters Primetime*, Fox News (July 3, 2023) (online at www.foxnews.com/video/6330534582112); *My Fellow Republicans: One Disgraceful Impeachment Doesn't Deserve Another*, Washington Post (Sept. 15, 2023) (online at www.washingtonpost.com/opinions/2023/09/15/congressman-ken-buck-biden-impeachment/); *Debunking 4 Viral Rumors About the Bidens and Ukraine*, New York Times (Oct. 29, 2019) (online at www.nytimes.com/2019/10/29/business/media/fact-check-biden-ukraine-burisma-china-hunter.html); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Chairman Comer and Senator Grassley's Decision to Publicly Release FBI Form FD-1023* (July 24, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-24.Dem%20Memo%20re%20Comer%20Grassley%20Letter%20FD-1023_.pdf).

- Falsely accused the Biden-Harris Administration of obstructing the Committee's investigation and interfering in U.S. Attorney Weiss's investigation;³⁵ and
- Falsely denied the existence of bank records in the Committee's possession.³⁶

I hope that you will follow my example of engaging in a substantive reply and do me the courtesy of providing a specific substantive response to the multitude of concerns about truth and falsehood I have raised with you throughout this year. I am attaching all one dozen of my unanswered letters for your convenience and sharing them with the Republican Members of the Committee whom you invited to sign on to your letter.

I eagerly await your reply and remain,

Very truly yours,



Jamie Raskin
Ranking Member

Enclosure

³⁵ *Sunday Morning Futures*, Fox News (Aug. 20, 2023) (online at www.foxnews.com/video/6334869612112); *Kudlow*, Fox Business (June 29, 2023) (online at www.foxbusiness.com/video/6330314725112); *The Daily*, New York Times (Sept. 15, 2023) (online at www.nytimes.com/2023/09/15/podcasts/the-daily/biden-impeachment.html?showTranscript=1); *McCarthy Launches Biden Impeachment Inquiry—With Zero Evidence*, New Republic (Sept. 12, 2023) (online at <https://newrepublic.com/post/175504/mccarthy-biden-impeachment-inquiry-no-evidence-not-enough-votes>); Memorandum from Democratic Staff to Democratic Members, Committee on the Judiciary and Committee on Oversight and Accountability, *IRS and FBI Witnesses Debunk Republicans' False Claims About Political Interference in Special Counsel Weiss's Investigation* (Sept. 27, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-09-27%20Joint%20Democratic%20Memorandum%20re%20IRS%20and%20FBI%20Witnesses%20Debunk%20Political%20Interference%20Claims.pdf>).

³⁶ *Mornings with Maria*, Fox Business (Oct. 25, 2023) (online at www.youtube.com/watch?v=gFkB5qFBhaQ); Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Oct. 26, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.10.26.%20JBR%20to%20Comer%20re.%20Subpoenas.pdf>); *GOP Touts Bombshell Biden Payments—But Records Suggest Otherwise*, Messenger (Oct. 26, 2023) (online at <https://themessenger.com/politics/gop-touts-bombshell-biden-payments-but-records-suggest-otherwise>); *Another GOP "Bombshell" About Joe Biden Turns Out to Be a Dud*, HuffPost (Oct. 23, 2023) (online at www.huffpost.com/entry/james-biden-payment-joe-biden_n_6536badee4b0689b3fbd8cf1).

Attachment

Letters from Ranking Member Jamie Raskin
to Chairman James Comer

118th Congress

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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January 27, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington D.C. 20515

Dear Mr. Chairman:

I write to express my sincere desire to work with you on responsible oversight this Congress. In our new roles as leaders of the Committee, we have a unique opportunity to develop an agenda that will meaningfully improve the lives of millions of Americans.

Your previous statements about the importance of responsible oversight give me great hope that we can define a shared vision. For example, two years ago, when you were elected Ranking Member, you stated that “our role should be to seek the truth.”¹ And, last December, as you prepared to become Chair of our Committee you pledged to use the gavel to “conduct credible oversight, identify problems, and propose reforms.”² I share these important goals and welcome the opportunity to partner with you on fair and even-handed investigations aimed at seeking the truth and informing commonsense legislation.

However, I am deeply concerned that, despite this pledge, you have already launched investigations that may be viewed by the public as partisan and one-sided. For example, although you recently stated in a press interview that “it’s going to be my job to try and have a credible investigation based on facts that is fair and balanced,” you have launched an aggressive investigation into “President Biden’s mishandling of classified information” but are not seeking to obtain the same facts regarding the hundreds of classified records uncovered at former President Trump’s Mar-a-Lago Club, which he refused to turn over to the government voluntarily.³ Any fair and even-handed investigation that seeks information from the U.S. Secret

¹ Rep. James Comer, *Press Release: Comer Tapped as Top Republican on House Oversight* (June 29, 2020) (online at <https://comer.house.gov/2020/6/comer-tapped-serve-top-republican-house-oversight>).

² Rep. James Comer, *Get Ready for Republican Oversight*, Wall Street Journal (Dec. 11, 2022) (online at www.wsj.com/articles/get-ready-for-republican-oversight-government-transparency-democrats-gop-border-fentanyl-energy-inflation-majority-covid-11670789661).

³ *Republican Leading Oversight Committee Discusses Plans to Investigate Biden*, PBS News Hour (Jan. 20, 2023) (online at www.pbs.org/newshour/show/republican-leading-oversight-committee-discusses-plans-to-investigate-biden); *Trump Had More Than 300 Classified Documents at Mar-a-Lago*, New York Times (Aug. 22,

Service regarding potential visitors who had access to President Biden’s Delaware home should also seek information about the visitors to Mar-a-Lago, a property frequented by hundreds of members, guests, and employees—many of them foreign nationals.⁴

If our role, as you rightly claimed, is to “seek the truth,” we must pursue all facts—no matter how inconvenient—to understand the complete context in which the incidents under investigation by the Committee occurred. The Committee cannot conduct a credible investigation into the mishandling of classified information without examining the circumstances surrounding the discovery of classified records at the home of former President Trump—or even the recent discovery of classified materials at the home of former Vice President Mike Pence. These two cases, despite their differences, involve similarities that any fair, even-handed, and thorough Committee inquiry must examine. We must resist cherry-picking information, witnesses, and targets which would serve only to uncover a distorted and incomplete version of the truth.

We are at our best when we find issues on which we agree and work together to pursue broad, meaningful reforms for the American people. In the 114th Congress, Chairman Chaffetz and Ranking Member Cummings—despite their ideological differences—found common ground to conduct bipartisan investigations. Together, they crafted legislation and sent over 600 bipartisan letters—a rare but attainable feat. To this end, I invite you to join me in sending the attached letter to the Secret Service—which is modeled after your January 23, 2023, letter to the Secret Service seeking visitor information for President Biden’s Wilmington home—so that together, we can fully understand what additional steps, including legislative solutions, are needed to ensure presidential records are preserved and classified records are secured. My hope is that, with your commitment, this can be the first of many bipartisan letters we send together.

2022) (online at www.nytimes.com/2022/08/22/us/politics/trump-mar-a-lago-documents.html); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Acting Archivist of the United States Debra Steidel Wall, National Archives and Records Administration (Jan. 26, 2023); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Director Kimberly Cheatle, U.S. Secret Service (Jan. 23, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-23-Letter-Secret-Service-visitor-logs.pdf>); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Acting Archivist of the United States Debra Steidel Wall, National Archives and Records Administration (Jan. 19, 2023); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Mary Magill, President of the University of Pennsylvania (Jan. 18, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-18-Letter-UPenn-Penn-Biden-Center.pdf>); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Ron Klain, White House Chief of Staff (Jan. 15, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-15-Letter-Klain-Classified-Docs.pdf>); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Stuart Delery, White House Counsel (Jan. 13, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-13-Letter-WHCO-Biden-confidential-docs.pdf>); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Stuart Delery, White House Counsel (Jan. 10, 2023) (<https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-10-Letter-WHCO-Biden-confidential-docs.pdf>); Letter from Chairman James Comer, Committee on Oversight and Accountability, to Acting Archivist of the United States Debra Steidel Wall, National Archives and Records Administration (Jan. 10, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-10-Letter-NARA-Biden-classified-docs.pdf>).

⁴ E.g., *Trump’s Mar-a-Lago Resort Posed Rare Security Challenges, Experts Say*, Reuters (Aug. 13, 2022) (online at www.reuters.com/legal/trumps-mar-a-lago-security-nightmare-that-housed-classified-documents-2022-08-13/); *Inside Mar-a-Lago, Where Thousands Partied Near Secret Files*, New York Times (Dec. 15, 2022) (online at www.nytimes.com/interactive/2022/12/15/us/mar-a-lago-trump-documents.html).

Please let me know by Monday, January 30, 2023, if you will join me on the attached letter, and do not hesitate to contact me directly if you have any questions. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Jamie Raskin". The signature is written in a cursive style with a large initial "J" and "R".

Jamie Raskin
Ranking Member
Committee on Oversight and Accountability

Enclosure

Congress of the United States

House of Representatives

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February 13, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington D.C. 20515

Dear Mr. Chairman:

Greetings and, again, many thanks for your supportive words about my medical journey.

As I have repeatedly expressed to you, most recently in my January 27, 2023, letter, it is my sincere and ardent desire to work with you closely in conducting responsible bipartisan oversight this Congress.

That is why I was so delighted to hear you earlier this week on ABC's *This Week* explaining that you "don't disagree with the Democrats and their criticism of the previous administration." I was also heartened to see you recognize publicly the need for meaningful legislative solutions to weaknesses in our government ethics and disclosure laws.¹

I am writing because I know you agree that, in order to conduct effective oversight and identify such commonsense legislative solutions, we must pursue all facts relevant to the problems we are seeking to address. It is in this spirit that I invite you now to join a letter to Jared Kushner seeking information about the profoundly serious ethics problems raised by Mr. Kushner and the receipt by his fund, A Fin Management (Affinity), of \$2 billion from the sovereign investment fund of a foreign power, Saudi Arabia, just a few months after he left high government service working on the Middle East in his father-in-law's presidential administration.

As you may recall, Committee Democrats launched this investigation last Congress.² However, Mr. Kushner and his fund failed to cooperate with our investigative demands for

¹ *This Week* Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>).

² See Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management, (June 2, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-06-02.CBM%20to%20Kushner-A%20Fin%20Management%20LLC%20re%20Saudi%20Arabia%20Conflicts.pdf>).

relevant documents shedding light on the extraordinary \$2 billion investment he took from the Saudi government. For nearly eight weeks, Mr. Kushner failed to produce any documents, and when he did finally produce a small subset, they were largely publicly-available reports or materials that completely failed to respond in a substantive way to the Committee's requests.

Most importantly, Mr. Kushner did not produce a single communication relating to why the Saudi government decided to invest \$2 billion in Affinity or how he solicited this investment. When pressed about this failure to produce responsive documents, Mr. Kushner's representatives simply failed to respond at all.³ Mr. Kushner's defiance and lack of material compliance follow his own and his father-in-law's general refusal to respond to this Committee's requests during the Trump Administration, including on related matters such as Kushner's potential foreign business conflicts and activities and his controversial and fraught receipt of his government security clearance.

I would be remiss if I failed to correct a factual error that you made during yesterday's *This Week* interview. In particular, you stated that the "difference between Jared Kushner and Hunter Biden is that Jared Kushner actually sat down with was interviewed. He was interviewed by investigators. So he's already been investigated." You also stated that "[h]opefully the Biden family will be as cooperative as Jared Kushner with our investigation as they were with the January 6th investigation and all the other investigations of the Trump administration."⁴

Mr. Kushner has never been interviewed by the Oversight Committee or, to the best of my knowledge, any other Congressional committee about his extraordinary business dealings with Saudi Arabia. Mr. Kushner was indeed interviewed by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, a panel on which I served, about his knowledge of the violent insurrection at the Capitol—a completely different episode of wrongdoing. As a Member of the Select Committee who interviewed Mr. Kushner, I can assure you that he was not asked a single question about his Saudi Arabian business activities as this would have been outside the scope of our investigative questioning. The transcripts will certainly bear this out.

I feel compelled to clarify this significant point, which underscores the need for our Committee—working in tandem, I hope—to obtain the facts about Mr. Kushner's foreign business dealings and the ethical problems they raise for our system of government.

I agree that passing legislation to, in your words, "set a line as to where you can be with relatives of high-ranking government officials with respect to doing business with adversaries

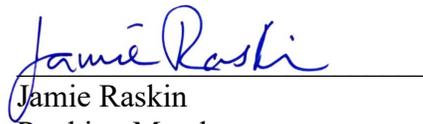
³ Email from Majority Staff, Committee on Oversight and Reform, to Chad Mizelle, Chief Legal Officer, Affinity Partners (Oct. 12, 2022).

⁴ *'This Week' Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar*, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>).

overseas” is absolutely worthy of the Committee’s time and resources.⁵ However, as I hope you would agree, we cannot “set a line” without the critical facts giving rise to bipartisan concern. The Committee cannot conduct credible oversight without examining the plethora of actual and potential ethical violations of the previous Administration, including the fact that Mr. Kushner, a senior White House official, received \$2 billion from Saudi Arabia’s sovereign wealth fund shortly after leaving a position he used to reshape U.S. foreign policy toward Saudi Arabia.⁶

Kindly please let me know by Tuesday, February 14, 2023, if you will join me in sending the attached letter and do not hesitate to contact me directly if you have any questions. Thank you in advance for your thoughtful consideration.

Very truly yours,



Jamie Raskin
Ranking Member
Committee on Oversight and Accountability

Enclosure

⁵ *‘This Week’ Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar*, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>).

⁶ *U.S.-Saudi Ties Were Especially Close Under Trump. Under Biden, That Looks Likely to Change*, NBC News (Nov. 12, 2020) (online at www.nbcnews.com/news/world/less-privileged-personal-how-u-s-saudi-ties-may-soon-n1247439).

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March 12, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I write to you to express my deep concern with the manner in which the Committee is conducting its investigation into presidential ethics. It has come to my attention that you may have acted in league with attorneys for former President Donald Trump to block the Committee from receiving documents subpoenaed in its investigation of unauthorized, unreported, and unlawful payments by foreign governments and others to then-President Trump. You appear to have engaged in these efforts to prevent the production of evidence of former President Trump's misconduct during his time in office while simultaneously issuing an invasive and overbroad subpoena to private individuals as part of an investigation targeting the business dealings of family members of President Biden who have never held public office.

These events call into sharp question the purpose of our Committee's investigations this Congress. You have represented that the Committee "intends to develop legislation that would strengthen reporting requirements related to foreign transactions involving senior elected officials' family members," but that general statement is hard to reconcile with your apparent decision to allow President Trump's lawyers, on your apparent or implied authority, to release Mazars USA LLP (Mazars) from its legal obligation, pursuant to a Committee subpoena and court-supervised settlement, to produce documents and information about the very type of misconduct you claim to be investigating.¹ If, behind closed doors, you are working to prevent the Committee from receiving relevant information simply because it relates to Donald Trump, it raises the question of whether you are using the tremendous powers of this Committee not to pursue a general legislative purpose but to run a political fishing expedition to turn up any flotsam and jetsam that might be reeled in relating to members of President Biden's family, in the hopes of attacking the President and boosting former President Trump's reelection efforts.

The substantive incoherence of this approach is exacerbated by the breach of Committee process created by the direct involvement of private lawyers for Donald Trump. You appear to

¹ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Brian Moynihan, Chairman and Chief Executive Officer, Bank of America (Feb. 27, 2023); *Trump v. Committee on Oversight and Reform*, No. 1:19-cv-01136-APM, Order, Doc. 81 (D.D.C. Sept. 12, 2022).

have allowed former President Trump's own legal representatives to speak on behalf of the Committee to the subpoena target and prevent the production of further relevant documents showing President Trump's financial misconduct. If this is true, your coordination with former President Trump's attorneys in this matter raises questions about not only the origin and character of the sweeping subpoena issued relating to business associates of President Biden's son, but also the very institutional integrity and independence of our Committee as we are operating in the 118th Congress.

For the past four years, Committee Democrats have pursued an investigation into President Trump's unprecedented conflicts of interest, self-dealing, and foreign financial ties, focusing on potential unlawful foreign government payments to President Trump while he was Chief Executive. Since taking over as Chair of the Committee two months ago, you have recognized both the need for meaningful legislative solutions to weaknesses in our government ethics and disclosure laws, particularly with regard to foreign transactions, and the specific ethical issues raised by former President Trump's Administration.² Yet, you have worked with attorneys for President Trump to block the disclosure of documents directly relevant to these issues, in spite of a court-supervised settlement agreement and a lawful Committee subpoena, reviewed by every level of the federal courts, including the Supreme Court of the United States.

By last fall, the Committee had begun receiving documents from Mazars. These first few thousand pages of documents revealed that authoritarian foreign governments—including Saudi Arabia, Turkey, and the People's Republic of China—spent hundreds of thousands of dollars at Trump-owned properties while Donald Trump was President. Some of these expenditures came at sensitive times for those countries' relations with the United States. All appear to violate the foreign emoluments clause of the Constitution, which is designed to prevent financial entanglements between foreign princes, kings, and governments with the President and other federal officials.³

In the face of mounting evidence that foreign governments sought to influence the Trump Administration by playing to President Trump's financial interests, you and President Trump's representatives appear to have acted in coordination to *bury* evidence of such misconduct. On January 19, 2023, Patrick Strawbridge, counsel for Donald Trump, wrote to counsel for Mazars, stating "I do not know the status of Mazars [*sic*] production, but my understanding is that the Committee has no interest in forcing Mazars to complete it and is willing to release it from further obligations under the settlement agreement."⁴ When counsel for Mazars sought

² E.g., 'This Week' Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>).

³ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration (Nov. 14, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-29.CBM%20and%20GEC%20to%20NARA%20re%20Bush%20Presidential%20Library.pdf>); U.S. Const. art. I, § 9, cl. 8.

⁴ Email from Patrick Strawbridge, Consovoy McCarthy PLLC, on behalf of Donald Trump, to Counsel for Mazars USA LLP, (Jan. 19, 2023).

clarification, Mr. Strawbridge confirmed this direction had been provided to him, twice, by the Acting General Counsel of the House of Representatives, in his capacity as counsel to the Committee.⁵

Your apparent decision to permit former President Trump's attorneys to speak on behalf of the Committee and allow Mazars to stop producing evidence of President Trump's own misconduct is, by itself, an astonishing delegation of the legislative power of the Chair to a twice-impeached former President whose Executive Branch actions are still actively under Committee investigation. Yet I fear your actions may also reveal that your priority is catering to former President Trump's demands that Congressional Republicans use our Committee's power to seek any and all information that could be used to politically weaken and embarrass President Biden, his family, or, seemingly, anyone they have ever associated with, in service of President Trump's recently announced bid to recapture the presidency.

Last year, former President Trump vowed that "when Republicans retake Congress, the Biden corruption will be investigated and exposed by Congress" before telling the crowd at a Conroe, Texas political rally, "We're going to kick the Biden crime family out of the White House in 2024."⁶ This promise to exact political "retribution" as a key part of his efforts to seek reelection has been echoed by other Republican Members, including Judiciary Committee Chair and Oversight Committee member Jim Jordan, who, in a speech at the Conservative Political Action Conference last August explained that investigations into Hunter Biden would "frame up the 2024 race, when I hope and I think President Trump is going to run again. And we need to make sure he wins."⁷

Your own actions suggest that, as with your apparent decision not to enforce the terms of the settlement agreement with Mazars and former President Trump, you are working to advance former President Trump's reelection efforts. Over the last two years, first as Ranking Member and now as Chair, you have sent over 70 letters to virtually anyone who you believe can provide information on any aspect of Hunter Biden's life despite a complete lack of evidence that any of these individuals or their financial transactions personally benefitted a government official or

⁵ Email from Patrick Strawbridge, Consovoy McCarthy PLLC, on behalf of Donald Trump, to Counsel for Mazars USA LLP, (Jan. 20, 2023). After receiving these communications, Minority staff repeatedly sought written confirmation from Mazars that you, as Chair of the Committee, had agreed to release it from its obligations under the subpoena and court-supervised settlement agreement. According to counsel for Mazars, despite multiple requests, Mazars has not received such a release nor was any filed with the court, which has retained jurisdiction over the matter. Subsequent to these communications, Mazars informed Minority staff that, as a result of Mr. Strawbridge's representations, it would cease production following the delivery of a small tranche of documents that it had identified as responsive to the subpoena.

⁶ *Trump: "We're Going to Kick the Biden Crime Family Out of the White House in 2024"*, RealClear Politics (Jan. 29, 2022) (online at www.realclearpolitics.com/video/2022/01/29/trump_were_going_to_kick_the_biden_crime_family_out_of_the_white_house_in_2024.html).

⁷ *Sean Hannity, Rep. Jim Jordan & Others at CPAC Conference in Texas* (Aug. 4, 2022) (online at www.c-span.org/video/?522151-109/conservative-political-action-conference-rep-jim-jordan); see also *Lauren Boebert Reminded of Trump's Saudi Ties After CPAC Remarks*, Newsweek (Mar. 5, 2023) (online at www.newsweek.com/lauren-boebert-reminded-trumps-saudi-ties-after-cpac-remarks-1785613).

influenced, in any manner whatsoever, U.S. government policy. You have also sent a request letter to the estranged mother of Hunter Biden's child who has sued him for paternity and child support. Most recently, you have baselessly suggested that President Joe Biden's other son, Beau Biden, who passed from cancer seven years ago, should have been investigated by federal authorities, a shocking posthumous cheap shot that has caused pain and controversy in the country.⁸

You have now also begun to use the Committee's subpoena power to compel at least one financial institution to turn over personal bank account records of private individuals. The subpoena you issued, after giving Committee Democrats mere hours of notice despite long-standing Committee practice of providing at least 48-hour notice, required Bank of America to produce "all financial records" for three private individuals from January 20, 2009, to the present—a staggering 14-year period.⁹ To justify this roving congressional inquisition into the affairs of at least one private American citizen, you have offered that, "[b]y 2017, Biden family members and their associates, including John R. Walker, formed a joint venture with CEFC China executives," a reference to a now-bankrupt Chinese energy conglomerate.¹⁰ Despite this limited justification, you compelled the production of and obtained thousands of pages of Mr. Walker's private financial information, including statements of his and his wife's joint checking account for a decade.

These documents go well beyond any business deal with Hunter Biden or CEFC. They intrude into private details of Mr. Walker's and his family's finances: how much he pays for his child's dance lessons, when he has been to the hospital, how many parking tickets he has paid, how often he eats at Papa John's or has coffee at Starbucks, and how much he spends on groceries at Safeway.¹¹ I fear this wildly overbroad subpoena suggests that your interest in this investigation is not in pursuing defined facts or informing public legislation but conducting a dragnet of political opposition research on behalf of former President Trump.

While I concur that the ethics and disclosure laws governing Executive Branch officials demand reform, as the actions of the Trump Administration have demonstrated, the actions you have taken are inconsistent with a good faith interest in this matter. The Committee simply cannot coordinate with former President Trump's attorneys to obstruct a lawful subpoena investigating his demonstrated corruption, then issue an invasive and overbroad subpoena based on an investigation of the business dealings of his political rival's son, who has never served in government.

⁸ *House Republicans Hang Oversight Chair James Comer Out to Dry After Shocking Beau Biden Remarks*, Independent (Mar. 2, 2023) (online at www.independent.co.uk/news/world/americas/us-politics/james-comer-beau-biden-cpac-b2293231.html).

⁹ Subpoena to Mr. Brian Moynihan, Bank of America (Feb. 27, 2023).

¹⁰ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Brian Moynihan, Chairman and Chief Executive Officer, Bank of America (Feb. 27, 2023). While there is no evidence that Joe Biden ever received any money from CEFC China, the Mazars documents in your possession, as you are aware, demonstrate that Donald Trump received thousands of dollars every month from CEFC China for a significant period of time *while* he was President of the United States.

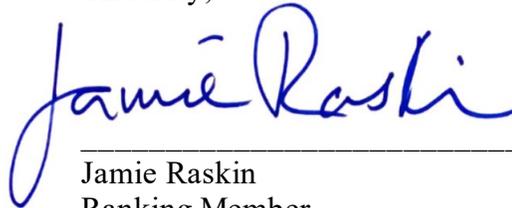
¹¹ HCOA_00000001 to HCOA_00002398.

Chairman James Comer

Page 5

As I have repeatedly expressed to you, including in my statements during the February 28, 2023, business meeting, it is my sincere and ardent desire to work with you to conduct responsible and effective oversight this Congress. To the extent you are serious in working on commonsense reforms to ethics and disclosure laws governing Executive Branch officials, let us fully investigate the flagrant and well-established transgressions and failures of the Trump Administration, including the actions of former President Trump and Jared Kushner who, together, have collected billions of dollars from foreign governments, princes and kings. As always, I stand ready and willing to partner with you on fair and even-handed investigations aimed at seeking the truth and informing commonsense legislation to help our country.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Raskin". The signature is fluid and cursive, with a large initial "J" and "R".

Jamie Raskin
Ranking Member

Congress of the United States
House of Representatives

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April 6, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

It has been nearly three months since you assumed responsibility of the Committee, and in that time, I have grown increasingly alarmed by your efforts to shield information from Committee Democrats, including information collected as part of your investigation into members of the President's family. I am also troubled by your apparent public misrepresentations about certain investigative steps Committee Republicans have taken in this matter—a probe you have deemed your “top priority” in the 118th Congress.¹

Our Committee has always adhered to the principle that equal access to information is the cornerstone of legitimate congressional oversight. This bedrock principle ensures that the Committee's Majority and Minority can equally assess the weight of evidence and credibility of witnesses in pursuit of facts and serious legislative insight. Therefore, I am profoundly disappointed by your ongoing violations of this principle and your apparent decision to abandon the long-standing bipartisan agreement between Committee Republicans and Democrats that expressly protects the Minority's right to equal access to information, including whistleblower information used as part of a Committee investigation.

I fear you have repeatedly offended this core understanding of our Committee's work by going on cable television to tout investigatory steps undertaken in secret or, more disturbingly, which may not have been taken at all. For example, on March 6, 2023, you announced on Fox News, to the surprise of Committee Democrats, that multiple individuals had recently provided the Committee with a range of information, stating:

We are fortunate though, that, last week we had a very good week in our, in the early stages of our investigation, we had four different people come in who are affiliated with what I call the Biden influence peddling all across the globe, they came in and they shared

¹ E.g., *Oversight Chair Comer Reignites GOP's “Top Priority” Probe into Hunter Biden, Sets Hearing with Twitter Execs*, Fox News (Jan. 11, 2023) (online at www.foxnews.com/politics/oversight-chair-comer-reignites-gops-top-priority-probe-hunter-biden-hearing-twitter-execs).

information with us that has been very helpful.²

When following up with your staff to ensure Committee Democrats had equal access to this newly announced information, Democratic staff were told that no new witness information, including from whistleblowers, had actually been provided to Committee Republicans and that your statements in fact referred only to *two* individuals: Eric Schwerin and Kathy Chung.³ Democratic staff were also assured that all existing witness information had already been shared with the Minority. Filing away these obviously discordant representations, Democratic staff did not raise the issue further. Less than a week later, however, you doubled down on your claims that at least “four individuals” had provided information to Committee Republicans, stating that you had even met with some of them personally. As you announced during a March 13, 2023, Fox News interview:

We have individuals who are working with our Committee. In the last two weeks, we’ve met with either these individuals personally or with their attorneys. And that would be four individuals who had ties in with the Biden family on their various schemes around the world.⁴

Just this week, in a statement to *Breitbart*, you once again stated, “We are in communication with **four** former Biden family business associates.” This time, however, you reportedly characterized them as “whistleblowers.”⁵ As you are aware, Mr. Schwerin and Ms. Chung, the two individuals your staff specifically identified as the individuals they understood to have been referenced during your March 6 Fox News interview, are not whistleblowers.⁶ Indeed, neither Ms. Chung nor Mr. Schwerin have claimed to have—nor have they provided—any information about any wrongdoing by President Biden or his family.

Your repeated statements about “four people” suggest that either you have intentionally misrepresented the Committee’s investigative progress to your conservative audience or that key

² *Oversight Republicans to Hold Eight Hearings on Biden Admin in Three Days: ‘Accountability Is Coming’*, Fox News (Mar. 6, 2023) (online at www.foxnews.com/politics/oversight-republicans-hold-eight-hearings-biden-admin-three-days-accountability-coming).

³ Neither Mr. Schwerin nor Ms. Chung had “come in” to share information with the Committee at the time of your remarks.

⁴ *Comer Closing In: Oversight Finally Has Bank Records, Knows How Bidens Worked with CCP*, Hannity (Mar. 13, 2023) (online at <https://hannity.com/media-room/comer-closing-in-oversight-finally-has-bank-records-knows-how-bidens-worked-with-ccp/>).

⁵ *James Comer: Four Biden Family Business Associates Cooperating With Investigation Into Joe Biden*, Breitbart (Apr. 3, 2023) (online at www.breitbart.com/politics/2023/04/03/james-comer-four-biden-family-business-associates-cooperating-investigation-joe-biden/) (emphasis added). The same day, on Fox Business News, you stated “We are in communication with four former Biden family business associates”—yet you never once mentioned that they were “whistleblowers.” *Mornings With Maria*, Fox Business News (Apr. 3, 2023) (online at <https://twitter.com/MorningsMaria/status/1642863807432097794>).

⁶ Nor can Ms. Chung reasonably be considered a “Biden family business associate[.]” *James Comer: Four Biden Family Business Associates Cooperating With Investigation Into Joe Biden*, Breitbart (Apr. 3, 2023) (online at www.breitbart.com/politics/2023/04/03/james-comer-four-biden-family-business-associates-cooperating-investigation-joe-biden/).

investigative steps have been deliberately withheld from Committee Democrats. In either case, this failure to act transparently and candidly, and to provide the Minority with equal access to Committee information, undermines your pledge to pursue “a credible investigation based on facts that is fair and balanced.”⁷ Indeed, your misrepresentations and refusal to disclose relevant information to the Committee call into serious question your investigative techniques, the “facts” you have uncovered, and the narratives you appear intent on composing.

Your evasive treatment of witness information also permeates your handling of physical evidence. For the past ten months, you have refused to share with the Minority a copy of the “hard drive” reportedly obtained from Hunter Biden’s missing laptop even as you repeatedly refer to it in letters and reports, and frequently invoke documents purportedly obtained from it.⁸ You have even used this information to seek the personal financial information of private citizens—dating as far back as January 2009—through the use of compulsory process.⁹

Rather than provide the Minority with equal access to this drive, you have directed us to obtain the information from other sources—including from a questionable public website or from John Paul Mac Isaac, the owner of the computer repair shop that allegedly obtained Hunter Biden’s laptop. But Mr. Mac Isaac has called into serious question the integrity of the same hard drive he reportedly unlawfully disseminated, stating that it may have been compromised by its mysterious chain of custody and some information now attributed to it cannot be verified or authenticated.¹⁰ You have therefore directed Committee Democrats to unconfirmed sources

⁷ *Republican Leading Oversight Committee Discusses Plans to Investigate Biden*, PBS News Hour (Jan. 20, 2023) (online at www.pbs.org/newshour/show/republican-leading-oversight-committee-discusses-plans-to-investigate-biden).

⁸ See, e.g., *FBN Interview of Rep. James Comer (R-KY)*, Fox Business Network (June 28, 2022) (transcript on file with Committee Democrats) (stating “We have the laptop. Of course, we all know now that [it] is in fact Hunter Biden’s laptop.”); Letter from Ranking Member James Comer, Committee on Oversight and Reform, to Eric D. Schwerin, Institute for Ethical Awareness (Nov. 17, 2022) (online at <https://oversight.house.gov/wp-content/uploads/2022/11/2022-11-17-Schwerin-follow-up.pdf>) (citing “[d]ocuments on file with the Comm[ittee]”); Letter from Ranking Member James Comer, Committee on Oversight and Reform, to the Honorable Janet Yellen, Department of the Treasury (Sept. 20, 2022) (online at <https://oversight.house.gov/wp-content/uploads/2022/09/Letter-to-Treasury-09-20-2022-FINAL-REDACTED.pdf>) (citing emails and WhatsApp messages of Hunter Biden); Minority Staff, Committee on Oversight and Reform, *A President Compromised: The Biden Family Investigation* (Nov. 17, 2022) (online at <https://republicans-oversight.house.gov/report/interim-staff-report-a-president-compromised-the-biden-family-investigation/>) (stating that Republican Committee staff “obtained a copy of the laptop” and repeatedly cited emails from the laptop as being “on file with the Committee”); *Rep. James Comer: Hunter Biden Was ‘Knee-Deep’ with China*, Fox Business (Feb. 15, 2023) (online at <https://video.foxbusiness.com/v/6320417388112#sp=show-clips>) (asserting “there is very damaging evidence within that hard drive”); Committee on Oversight and Accountability, *Hearing on Protecting Speech from Government Interference and Social Media Bias, Part 1: Twitter’s Role in Suppressing the Biden Laptop Story* (Feb. 8, 2023) (online at <https://oversight.house.gov/hearing/protecting-speech-from-government-interference-and-social-media-bias-part-1-twiters-role-in-suppressing-the-biden-laptop-story/>) (stating “the reason the laptop is important is because there is evidence on there about potential corruption”).

⁹ E.g., Letter from Chairman James Comer, Committee on Oversight and Accountability, to Brian Moynihan, Chairman and Chief Executive Officer, Bank of America (Feb. 27, 2023) (citing emails “on file with Committee staff”).

¹⁰ *Now Warning About Hunter Biden-Laptop Disinfo: The Guy Who Leaked It*, Washington Post (Apr. 12, 2022) (online at www.washingtonpost.com/politics/2022/04/12/now-warning-about-hunter-biden-laptop-disinfo-

without validating their contents and have refused to confirm that the drive in the possession of Committee Republicans was provided to the Majority by Mr. Mac Isaac, making it impossible to understand what version of the several purported laptop hard drives in circulation Committee Republicans are relying on to support their various requests and subpoenas. These actions are incompatible with long-standing Committee practice on information-sharing and cast doubt on the motivations for your “top-priority” investigation.¹¹

The irony of this pattern of concealment and obfuscation is that, while Committee Republicans are putatively focused on the question of financial entanglements of presidential family members as a legislative inquiry, they categorically refuse to investigate the outrageous official misconduct by former President Trump and his family, especially his son-in-law Jared Kushner, who brought home more than \$2 billion dollars from Saudi Arabia and other Middle East governments to a corporation he registered the day after the Trump Administration ended.¹² This refusal to investigate *blatant* government misconduct while violating the most cherished traditions of this Committee in pursuit of dirt on the President’s family suggests this investigation is an act of political retribution rather than a legitimate exercise of congressional oversight.

Committee tradition and institutional integrity compel you to share any and all information you have collected as part of this investigation with Committee Democrats. In light of the issues described herein, I am requesting that you provide the following:

1. Access to all documents and materials relating to your investigation of Hunter Biden, including that obtained from the hard drive in Committee Republicans’ possession;
2. Information regarding when Majority staff received the hard drive, how it received the hard drive, from whom it received the hard drive, and any additional

guy-who-leaked-it/). Notably, Mr. Mac Isaac was reportedly responsible for accessing the contents of Mr. Hunter Biden’s laptop, copying it, and disseminating it to various individuals, including Rudy Giuliani.

¹¹ See, e.g., *Inside the Backchannel Communications Keeping Donald Trump In The Loop On Republican Investigations*, CNN (Mar. 28, 2023) (online at www.cnn.com/2023/03/28/politics/trump-gop-investigations-backchannel/index.html) (“The decision of what to investigate also underscores the extent to which Republican-led committees are willing to act as a shield for the embattled former president, as well as attempt to inflict damage on Biden ahead of the 2024 presidential election.”); see also Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BoFA%20Subpoena.pdf>).

¹² *Kushner Firm Got Hundreds of Millions From 2 Persian Gulf Nations*, New York Times (Mar. 30, 2023) (online at www.nytimes.com/2023/03/30/us/politics/jared-kushner-qatar-united-arab-emirates.html) (revealing that “[t]he Emiratis invested more than \$200 million with Mr. Kushner’s firm, Affinity Partners” and that “A Qatari entity invested a similar sum.”); see also Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BoFA%20Subpoena.pdf>).

information that will allow the Minority to evaluate its authenticity;¹³

3. Access to any witness information you have relied on in any public statements or Committee work product, including letters or reports; and
4. The names of the “four individuals” you have repeatedly referenced on national television and the dates on which they met with Committee Republicans or staff.¹⁴

I hope you will provide this information swiftly and ensure the Minority has full access to information collected by Committee Republicans as part of this and other investigations. Failing to do so would violate a fundamental principle of our shared fact-finding mission and mark a significant break from long-standing Committee practice. I hope and trust we can resolve these issues to ensure that these investigations are conducted transparently and fairly.

Sincerely,



Jamie Raskin
Ranking Member
Committee on Oversight and Accountability

¹³ Your November 17, 2022, interim staff report was also based on “other evidence obtained by Committee investigators.” Minority Staff, Committee on Oversight and Reform, *A President Compromised: The Biden Family Investigation* (Nov. 17, 2022) (online at <https://republicans-oversight.house.gov/report/interim-staff-report-a-president-compromised-the-biden-family-investigation/>). As stated above, in the interest of fairness and a balanced review of the facts, Committee Republicans should immediately provide Committee Democrats with access to all documents they are relying on in this investigation.

¹⁴ Despite your apparent decision to abandon the long-standing bipartisan agreement between Committee Republicans and Democrats, to the extent any of these individuals are, in fact, whistleblowers, Committee Democrats will abide by the agreement’s whistleblower protocol, including all confidentiality provisions.

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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April 20, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I understand from public statements that you intend to hold a press conference or issue a report discussing the substance of Suspicious Activity Reports (SARs) that you, other Republican Committee Members, and your staff reviewed at the U.S. Department of Treasury as part of your investigation into the President and his family members. This past weekend, on a Fox News appearance, and in subsequent interviews, you began providing descriptions of the content of SARs filed by financial institutions, in apparent disregard of the strict confidentiality provisions contained in the Bank Secrecy Act (BSA), which prohibit the unauthorized disclosure of information contained in SARs.¹ Based on press statements by you and other Republican Members, therefore, I write to share my profound concerns about your actions and urge the utmost caution going forward.

I have noted, with some amazement, that in your public appearances, you refer to these SARs as “bank violations.”² However, SARs do “not reflect any finding by the bank that a crime has been committed,” much less do they reflect such a finding by a Department of Treasury official or a federal court.³ Indeed, SARs are nothing but “preliminary and unverified tip-and-lead information.”⁴ This means that, by definition, they are not evidence of wrongdoing; they are not even evidence of an existing investigation.

The sheer number of existing SARs demonstrates that SARs cannot rationally be described as “bank violations.” In 2020 alone, financial institutions submitted 2.5 million SARs

¹ Rep. James Comer (@RepJamesComer), Twitter (Apr. 16, 2023) (online at <https://twitter.com/jamescomer/status/1647645180260958211?s=46>); 31 U.S.C. §§ 5318(g)(2), 5321, and 5322.

² *Id.*

³ Bank Policy Institute, *The Truth About Suspicious Activity Reports*, (Sept. 22, 2020) (online at <https://bpi.com/the-truth-about-suspicious-activity-reports/>).

⁴ Letter from Assistant Secretary Jonathan Davidson, Department of the Treasury, to the Honorable James Comer, Ranking Member, Committee on Oversight and Reform (Sept. 2, 2022) (online at <https://oversight.house.gov/wp-content/uploads/2022/09/09.02.2022-Response-to-Representative-Comer.pdf>).

to the U.S. government, a vast universe of reports of financial activity which produces only a tiny number of actionable leads that are actually pursued by the government.⁵ As the Bank Policy Institute (BPI) has explained, “Since banks are subject to enforcement action if they fail to file a SAR when they should have, but suffer no sanction if they file a useless SAR, the general presumption is to file a SAR.”⁶ In fact, according to a BPI study, only 4% of SARs result in any follow-up action from law enforcement agencies.⁷

SARs contain information that could be used to unfairly and permanently damage the reputation of potentially millions of our constituents—individuals and businesses who rely on the Bank Secrecy Act and the integrity of the banking system—who have done absolutely nothing wrong.

Moreover, these “tip and lead” documents often contain sensitive and confidential information that the Treasury Department warns would be dangerous in the hands of criminals. If unlawfully accessed or disclosed, this information could not only expose individual customers to various kinds of fraudulent and predatory activity but allow criminals to learn about the SARs process at financial institutions and undermine potential or ongoing law enforcement investigations or proceedings. Committee Democrats are also mindful of the Executive Branch’s warnings that “disclosure or improper use of this highly sensitive information can undermine the BSA’s statutory purposes and the Executive Branch’s conduct of law enforcement, intelligence, and national security activities.”⁸ For all of these reasons, federal law prohibits the unauthorized disclosure of a SAR, including by government officials to media outlets.⁹

I therefore urge you not to take any actions that would set a dangerous precedent for this Committee regarding the potentially unlawful disclosure of confidential and law enforcement information—not just in this investigation but in others going forward. Violating the confidentiality provisions of the Bank Secrecy Act, particularly to release unverified information about the finances of private citizens, poses a danger not only to the integrity of our financial reporting systems, of which SARs are one component, but also to the integrity of this Committee’s work and methods.

Given the legal regime in this field and the important policy considerations dictating strict confidentiality, I urge you to exercise extreme caution with regard to this confidential law

⁵ *Suspicious Activity Reports Related to Cash Transactions Surge*, Wall Street Journal, (Feb. 9, 2021) (online at www.wsj.com/articles/suspicious-activity-reports-related-to-cash-transactions-surge-11612900800).

⁶ Bank Policy Institute, *The Truth About Suspicious Activity Reports* (Sept. 22, 2020) (online at <https://bpi.com/the-truth-about-suspicious-activity-reports/>).

⁷ *Id.*

⁸ Letter from Assistant Secretary Jonathan Davidson, Department of the Treasury, to the Honorable James Comer, Ranking Member, Committee on Oversight and Reform (Sept. 2, 2022) (online at <https://oversight.house.gov/wp-content/uploads/2022/09/09.02.2022-Response-to-Representative-Comer.pdf>).

⁹ 31 U.S.C. §§ 5318(g)(2), 5321 and 5322; *United States v. Edwards*, No. 1:19-cr-00064-GHW (S.D.N.Y. Oct. 16, 2018) (Complaint).

Chairman James Comer
Page 3

enforcement information and avoid characterizing or mischaracterizing the unverified allegations within these documents.

Sincerely,



Jamie Raskin
Ranking Member

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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June 29, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

All Members of the Committee have now had an opportunity to review the June 2020 Form FD-1023, which you subpoenaed from the Federal Bureau of Investigation (FBI). When discussing the second-hand allegations made by a Ukrainian oligarch that are memorialized in that form, it is important that Committee Members appreciate and convey the full context of what we know about those allegations. In particular, I write today to remind you that in attempting to gather information damaging to the Biden family from Ukrainian sources during 2019 and 2020, Rudy Giuliani received evidence that directly contradicts the allegations in the Form FD-1023. This evidence was turned over to Congress—and made available to both Republicans and Democrats—by Mr. Giuliani’s associate, Lev Parnas, as part of the impeachment inquiry against then-President Trump.¹

As both the FBI and Mr. Giuliani himself have stated, the allegations relayed to the FBI by the confidential human source (CHS), based on his conversations with a Ukrainian oligarch, in the June 2020 Form FD-1023, largely repeated allegations Mr. Giuliani had previously shared with the FBI.² In 2019 and 2020, Congress thoroughly reviewed and debunked Mr. Giuliani’s

¹ Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf>) (This document was provided to Congress as part of a complete extraction of Lev Parnas’s iPhone, which was seized by the government upon his arrest on October 9, 2019. The extraction of Mr. Parnas’s phone was turned over to Congress as part of the impeachment inquiry against then-President Trump, in response to an October 10, 2019, subpoena. The document was sent as a Word document attached to iMessages from Mr. Parnas to Rudy Giuliani and to Victoria Toensing on July 8, 2019. The Word document’s metadata indicates it was originally created by Vitaly Pruss.); see also *Former Giuliani Associate Raises Questions About Hunter Biden’s ‘Hard Drive from Hell’*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108).

² See Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20Wray-FBI%20re%20Subpoena%20Briefing%20FINAL.pdf>); *Giuliani to Newsmax: DOJ Overlooked Evidence of Biden Bribery*, Newsmax (June 10, 2023) (Rudy Giuliani stated in an interview: “[Special counsel Jack] Smith said that in the United States, there’s one system of laws and it ... applies equally to everyone. Well, of course, that’s the most

allegations, which were based on a theory that then-Vice President Biden caused the dismissal of Ukrainian prosecutor Viktor Shokin in order to thwart an investigation of Ukrainian energy company Burisma Holdings (Burisma) and its founder, Mykola Zlochevsky, while Hunter Biden served on Burisma's board.³

As the FBI explained, the allegations were also thoroughly investigated by Donald Trump's own Justice Department as part of a formal assessment, which Attorney General Barr assigned to Scott Brady, the U.S. Attorney for the Western District of Pennsylvania. That assessment was closed in August 2020 after eight months of investigative efforts, which included interviewing Mr. Giuliani and the CHS, as well as reviewing suspicious activity reports (SARs) filed by banks. Mr. Brady's team found insufficient evidence to warrant escalating this assessment to a preliminary or full investigation, and it was closed with the concurrence of Mr. Brady and high-level Department of Justice (DOJ) officials.⁴

As part of the impeachment inquiry against then-President Trump, Congress learned that Mr. Zlochevsky, the Ukrainian oligarch and the owner of Burisma, whom Republican Committee Members appear to have identified as the source of the allegations memorialized in the Form FD-1023, squarely rebutted these allegations in 2019.⁵ Despite being interviewed as part of a campaign by Mr. Giuliani and his proxies in 2019 and 2020 to procure damaging information about the Biden family, Mr. Zlochevsky explicitly and unequivocally denied those allegations.⁶ Specifically, Mr. Zlochevsky denied (1) that anyone at Burisma had "any contacts" with then former Vice President Biden or his representatives while Hunter Biden served on the Burisma board, and (2) that former Vice President Biden or his staff "in any way" assisted Mr. Zlochevsky or Burisma.⁷

ridiculous idiotic statement to make on a day in which we find out that the Bidens took a \$10 million bribe from a Ukrainian Mykola Zlochevsky, which I could have told you, you know, and did tell [the DOJ] three years ago.") (online at www.newsmax.com/newsmax-tv/joe-biden-bribery-ukraine/2023/06/10/id/1123109/).

³ Committee on the Judiciary, *Impeachment of Donald J. Trump President of the United States*, 116th Cong. (2019) H. Rept. 116-346; 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).

⁴ Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin's Statement on the Facts Following FBI Briefing and In-Person Document Review* (June 7, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-the-facts-following-fbi-briefing-and-in>).

⁵ *The GOP 'Bribery' Allegations Against Biden Remain Transparently Thin*, Washington Post (June 13, 2023) (online at www.washingtonpost.com/politics/2023/06/13/gop-biden-allegation-analysis/); *Former Giuliani Associate Raises Questions About Hunter Biden's 'Hard Drive from Hell'*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108).

⁶ *The Complex Network Pushing for Ukraine Dirt—with Rudy Giuliani at Its Center*, Washington Post (Jan. 16, 2020) (online at www.washingtonpost.com/politics/2020/01/16/complex-network-pushing-ukraine-dirt-with-rudy-giuliani-its-center/).

⁷ Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf>).

Mr. Zlochevsky's statements are recorded in a written document produced by Mr. Giuliani's associate, Lev Parnas, to the House Committees overseeing the first impeachment inquiry concerning former President Trump in January 2020.⁸ Thus, this information has been available to the Oversight Committee since that date. Moreover, the FBI obtained the document when it seized Mr. Parnas's phone pursuant to a warrant in 2019.⁹ It was therefore in the possession of the DOJ at the time Mr. Brady was evaluating Mr. Giuliani's allegations regarding Burisma and the Biden family.

According to reports, Mr. Giuliani was eager to get information directly from Mr. Zlochevsky regarding Hunter Biden's work as a member of Burisma's board of directors. Mr. Giuliani charged one of his associates, Lev Parnas, with sending a series of questions for Mr. Zlochevsky to Vitaly Pruss, another long-time associate of Mr. Giuliani who was a close friend of Mr. Zlochevsky.¹⁰ Mr. Zlochevsky's answers to those questions were memorialized in a document titled "VPanswers July7th 2019." The metadata for the document indicates that it was created by Mr. Pruss.¹¹

After receiving Mr. Zlochevsky's responses, Mr. Parnas forwarded the document via text messages on July 8, 2019, respectively, to Mr. Giuliani and to Victoria Toensing, an attorney working in conjunction with Mr. Giuliani on his Ukrainian efforts to gather damaging information about the Bidens. Mr. Giuliani reportedly was "not satisfied" with Mr. Zlochevsky's answers, and according to Mr. Parnas, was "furious" that Mr. Zlochevsky did not provide the factual support he wanted.¹² The questions and answers by Mr. Zlochevsky set forth in the document include the following:

Were you aware that Hunter Biden had met at [sic] with State Department officials in both May 2015 (Blinken) and December 2015? What did you understand the purpose of those contacts were?

WE NEVER APPROVED OR ASKED HIM TO CONDUCT THOSE MEETINGS ON BEHALF OF BURISMA

⁸ Order, The Honorable J. Paul Oetken, U.S. District Court for the Southern District of New York (Jan. 3, 2020) (authorizing production of materials by Mr. Parnas to U.S. House of Representatives Permanent Select Committee on Intelligence).

⁹ Letter from Joseph A. Bondy, Attorney for Lev Parnas, to J. Paul Oetken, U.S. District Judge (Dec. 30, 2019); see also *Giuliani Associate Lev Parnas Asks Court for Permission to Turn Over Records to House*, CBS News (Dec. 31, 2019) (online at www.cbsnews.com/news/lev-parnas-rudy-giuliani-associate-asks-court-for-permission-to-turn-over-records-to-house/).

¹⁰ *Former Giuliani Associate Raises Questions About Hunter Biden's 'Hard Drive from Hell'*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108).

¹¹ Vitaly Pruss, *VPanswers July7th2019* (Word Document) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf>).

¹² *Former Giuliani Associate Raises Questions About Hunter Biden's 'Hard Drive from Hell'*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108).

Did you ever learn why VP Joe Biden asked for Shokin to be fired as PG?

WE LEARNED ABOUT IT FROM NEWSPAPERS AND INTERNET. WE NEVER HAD CONTACTS WITH VP BIDEN DURING HIS VISITS TO UKRAINE

Please detail any contacts you had with VP Joe Biden and his office from 2013 through 2019. Did Hunter ever facilitate any of those contacts?

NO ONE FROM BURISMA EVER HAD ANY CONTACTS WITH VP BIDEN OR PEOPLE WORKING FOR HIM DURING HUNTER BIDEN'S ENGAGEMENT

Did VP Biden or his staff assist you or your company in any way with business deals or meetings with world leaders or any other assistance?

NO

Did you ever become aware of documents suggesting \$900k was paid to Hunter Biden for "lobbying" his father?

NO¹³

These statements directly contradict and refute the allegations in the Form FD-1023. They are further evidence of former Attorney General Barr's own warning that "[t]here are a lot of agendas in the Ukraine, there are a lot of cross-currents, and we can't take anything we receive from the Ukraine at face value."¹⁴ As Senator Johnson who, as Chair of the Senate Homeland Security and Governmental Affairs Committee, led Senate Republicans' 2020 investigation into the allegations involving Burisma recently conceded in discussing the information in the Form FD-1023: "That's what this person says, but again, take that with a grain of salt. This could be coming from a very corrupt oligarch who could be making this stuff up."¹⁵

Mr. Zlochevsky's statements are just one of the many that have debunked the corruption allegations against President Biden that were first leveled by Rudy Giuliani and have been reviewed by former President Trump's own Justice Department. Indeed, as part of their own investigation into these allegations in 2020, Republican Members of the Senate Homeland Security and Governmental Affairs and Finance Committees interviewed State Department officials who confirmed that calls for Mr. Shokin's dismissal were based not on any investigation

¹³ Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf>).

¹⁴ *Barr Confirms Justice Department Is Receiving Giuliani Information About Ukraine*, CNN (Feb. 10, 2020) (online at www.cnn.com/2020/02/10/politics/justice-department-rudy-giuliani-ukraine/index.html).

¹⁵ *Non-Men*, The Vicki McKenna Show (June 14, 2022) (online at www.listennotes.com/podcasts/the-vicki-mckenna/the-vicki-mckenna-show-non-men-aqpGXnv4FsL).

of Burisma, but rather, on his failure to pursue corruption in Ukraine, including at Burisma.¹⁶ Moreover, Shokin was dismissed by the Ukrainian Parliament in 2016 with the broad support of the U.S. and other Western nations, as well as international organizations such as the International Monetary Fund, based on his failure to prosecute corruption in Ukraine and his continued protection of Ukrainian oligarchs.¹⁷ Further, as has been widely reported, any probe by Ukrainian authorities into Burisma became dormant once Mr. Shokin was appointed prosecutor general in early 2015.¹⁸ Senior State Department officials also confirmed in the Senate investigation that U.S. policy in Ukraine was in no way influenced by, and did not benefit, Hunter Biden.¹⁹

The Form FD-1023 reports unsubstantiated, second-hand hearsay allegations. During his June 2020 interview recounting conversations with a Ukrainian oligarch years after they took place, the CHS explicitly noted that it is not unusual for Ukrainian business executives to brag and show off and that he could not offer any opinion supporting the veracity of the allegations he was relaying. For this reason, the full factual context surrounding the form—including Mr. Zlochevsky's statements contradicting the reported information—is crucial to properly understanding these allegations. In this case, that context includes not just repeated and failed efforts in 2019 and 2020 by Mr. Giuliani, Senate Republicans, and Trump's Justice Department to find support for these allegations, but also clear evidence that then-Vice President Biden's actions carried out the policy of the United States, its allies, and its international partners to combat corruption in Ukraine.

Very truly yours,



Jamie Raskin
Ranking Member

¹⁶ 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).

¹⁷ *Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance*, New York Times (Mar. 29, 2016) (online at www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html).

¹⁸ E.g., *Was Ukrainian Prosecutor Viktor Shokin Prosecuting Burisma?*, CNN (online at www.cnn.com/factsfirst/politics/factcheck_3fae078e-8724-4c28-9340-2c154688af43) (accessed June 11, 2023); FactCheck.Org, *Trump Revives False Narrative on Biden and Ukraine* (Oct. 15, 2020) (online at www.factcheck.org/2020/10/trump-revives-false-narrative-on-biden-and-ukraine/).

¹⁹ 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).

Congress of the United States
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July 11, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

We write in connection with yesterday’s shocking revelation that Gal Luft, a supposed “whistleblower” in your political probe into President Biden’s family, has been charged with several felonies by the U.S. Attorney for the Southern District of New York, including arms trafficking, operating as an unregistered foreign agent for the Chinese Communist Party (CCP), and making false statements to federal agents.¹

According to a statement by the Department of Justice, Mr. Luft was “engaged in multiple, serious criminal schemes” including allegedly evading Foreign Agents Registration Act (FARA) registration while conspiring with others to “advance the interests of the People’s Republic of China” in the United States through an adviser to then-President-elect Trump. The indictment also charges Mr. Luft with illegally trafficking CCP-manufactured weapons to Iran in exchange for Iranian oil provided to China.² Finally, the false statements charges against Mr. Luft eviscerate any credibility this individual may have.³

We are concerned that an official committee of the House of Representatives has been manipulated by an apparent con man who, while a fugitive from justice, attempted to fortify his defense by laundering unfounded and potentially false allegations through Congress.

¹ *Republican’s ‘Whistleblower’ Charged as Unregistered Foreign Agent*, Rolling Stone (July 10, 2023) (online at www.rollingstone.com/politics/politics-news/gal-luft-doj-charged-unregistered-foreign-agent-1234785971/); James Comer (@RepJamesComer), Twitter (July 7, 2023) (online at <https://twitter.com/RepJamesComer/status/1677414170411560962>).

² United States Attorney’s Office, Southern District of New York, *Press Release: U.S. Attorney Announces Charges Against Co-Director of Think Tank for Acting as an Unregistered Foreign Agent, Trafficking in Arms, Violating U.S. Sanctions Against Iran, And Making False Statements To Federal Agents* (July 10, 2023) (online at www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-co-director-think-tank-acting-unregistered).

³ *Id.*

Although Mr. Luft has been on the run for months, you touted him as a “potential witness” and even prepared to interview him as part of your investigation.⁴ As recently as Friday, you described Mr. Luft as “a very credible witness” about matters relating to the President’s son’s financial dealings with Chinese companies.⁵

Mr. Luft purportedly shared his allegations about Hunter Biden with officials from the Federal Bureau of Investigation and the Department of Justice in a March 2019 meeting in Brussels.⁶ The indictment alleges that Mr. Luft repeatedly lied to federal agents during that very same meeting.⁷

In May, in response to statements that you “lost” Mr. Luft, you further acknowledged Mr. Luft’s duplicity, stating: “Remember, these informants are kind of in the spy business, so they don't make a habit of being seen a lot or being high-profile or anything like that.”⁸ Indeed, Mr. Luft has now been charged with being an unregistered foreign agent of the CCP’s interests in the United States.

Despite previous public reporting about Mr. Luft’s evasion of the serious criminal charges unsealed yesterday,⁹ Senator Ron Johnson demanded that Mr. Luft be granted immunity from prosecution in order to help Republicans attack President Biden, asserting that “he’s

⁴ ‘Missing’ Biden Corruption Case Witness Dr. Gal Luft Details Allegations Against President’s Family in Extraordinary Video, New York Post, (July 5, 2023) (online at <https://nypost.com/2023/07/05/missing-biden-corruption-case-witness-dr-gal-luft-details-allegations-against-presidents-family-in-extraordinary-video/>).

⁵ James Comer (@RepJamesComer), Twitter (July 7, 2023) (online at <https://twitter.com/RepJamesComer/status/1677414170411560962>); see also, e.g., *Guest: Rep. James Comer*, The Glenn Beck Program (May 22, 2023) (online at www.iheart.com/podcast/the-glenn-beck-program-23014384/episode/best-of-the-program-guest-115666145/) (Chairman Comer stated in an interview: “The Israeli whistleblower, informant—whatever you want to call him—that has been in the news for several years and he is missing.”); *Biden Is Now Prioritizing Illegal Migrants Over Homeless Vets... and Our Media Isn’t Being Honest About Trump’s Ukraine Comments*, Fox Across America with Jimmy Failla (May 15, 2023) (online at www.listennotes.com/podcasts/fox-across-america/biden-is-now-prioritizing-VbSZA4wU5nW/). (Chairman Comer stated in an interview: “There are many whistleblowers. Okay, we've got whistleblowers that—there's the IRS whistleblower. There's the—there's what I call the Grassley whistleblower. This is the one you and I were just talking about. Then there are other whistleblowers. The whistleblower that I was talking about was the one in Israel that's currently missing, Luft – what was his name? Hold on one second. It's Gal Luft. That's who I was talking about that's missing.”).

⁶ ‘Missing’ Biden Corruption Case Witness Dr. Gal Luft Details Allegations Against President’s Family in Extraordinary Video, New York Post, (July 5, 2023) (online at <https://nypost.com/2023/07/05/missing-biden-corruption-case-witness-dr-gal-luft-details-allegations-against-presidents-family-in-extraordinary-video/>).

⁷ United States Attorney’s Office, Southern District of New York, *Press Release: U.S. Attorney Announces Charges Against Co-Director of Think Tank for Acting as an Unregistered Foreign Agent, Trafficking in Arms, Violating U.S. Sanctions Against Iran, And Making False Statements To Federal Agents* (July 10, 2023) (online at www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-co-director-think-tank-acting-unregistered).

⁸ *Republican Admits Key 'Informant' Against Joe Biden Now Missing*, Newsweek, (May 14, 2023) (online at www.newsweek.com/republican-admits-key-informant-against-joe-biden-now-missing-1800209).

⁹ *Israeli Professor Arrested on Suspicion of Arms Trafficking to China, Libya*, Jerusalem Post (Feb. 19, 2023) (online at www.jpost.com/israel-news/article-732050).

literally fleeing for his life right now. He's on the run. He's an important witness. He needs to be granted immunity to be able to testify and tell his story."¹⁰

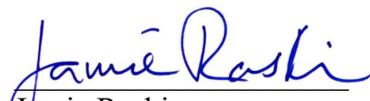
It appears as if Mr. Luft sought "whistleblower" status from you in an effort to defend himself from criminal prosecution while a fugitive from justice. Worse yet, this latest episode also raises concerns that Mr. Luft may be manipulating your investigation not only for his own self-interest but perhaps also in furtherance of the CCP's efforts to undermine U.S. security interests and the President of the United States.

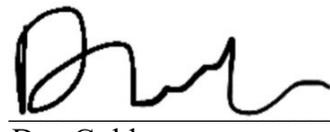
These recent revelations naturally raise broader concerns about the credibility and motivations of other purported whistleblowers that Congressional Republicans have relied on to support unfounded and baseless allegations. Sadly, the Luft episode severely undermines the credibility of the critical function of whistleblowers in this body.

We further note that you have refused to share any documents or information that you have received from Mr. Luft with Oversight Committee Democrats. Given your own public endorsements of Mr. Luft's information, there is no plausible basis for you to withhold from Committee Democrats any and all information that Mr. Luft has provided to the Committee, including any information that led you to conclude that he is "a very credible witness" despite being under indictment and a fugitive from justice.

In order to protect the Congress's institutional credibility and to reassure the American people that the CCP is not using Republicans' investigations as a vehicle to undermine the United States government, we urge you to immediately initiate an investigation into whether the Committee may have been unwittingly duped by Mr. Luft in furtherance of the CCP's interests, as well as any potentially false statements made by Mr. Luft to Members of Congress or congressional staff. In addition, we request that you immediately provide Committee Democrats with all materials and information provided by Mr. Luft to the Committee.

Sincerely,


Jamie Raskin
Ranking Member


Dan Goldman
Member of Congress

¹⁰ Sen. Ron Johnson: "Important Witness" Gal Luft Needs Immunity To Tell His Story About Biden Family Business, Real Clear Politics (July 9, 2023) (online at www.realclearpolitics.com/video/2023/07/09/sen_ron_johnson_important_witness_gal_luft_needs_immunity_to_tell_his_story_about_biden_family_business.html) (During an interview with Maria Bartiromo, Senator Johnson acknowledged that Mr. Luft had been arrested by INTERPOL in Cyprus back in February 2023 on suspicion of trafficking arms to China and Libya).

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July 26, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

During an Oversight and Accountability Committee hearing last week, Representative Marjorie Taylor Greene publicly displayed multiple nude photographs of Hunter Biden and other persons engaged in sex acts.¹ If Rep. Greene's completely gratuitous and irrelevant display of pornographic images at our televised hearing does not violate the Congressional rules of decorum, then we have no rules of Congressional decorum. This type of display is a violation of House rules, and, as you yourself have recognized, also "counter to a credible investigation."²

Graphic unauthorized pictures of private citizens engaging in intimate sex acts were irrelevant to the putative subject of last Wednesday's hearing which was unsubstantiated claims of improper political influence on federal charging decisions related to Hunter Biden. How did these pictures advance the stated purpose of the hearing? Surely, they did not. The pictures were entirely irrelevant.

These pictures were displayed across America for purely voyeuristic, sensationalistic, and sadistic purposes. Our Committee, which was once chaired by heroes of the public interest like Henry Waxman and Elijah Cummings, is rapidly being reduced to the level of a 1970s-era dime store peep show.

Your failure to halt Rep. Greene's display of pornographic photography during Committee proceedings undermines the integrity of this Committee and the House of Representatives. The official Oversight Committee Twitter account (@GOPoversight) further promoted Rep. Greene's display of pornographic images by retweeting her clip.³ During an

¹ Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

² *Inside House Republicans' Plan to Investigate Hunter Biden as a 'National Security Threat'* (Oct. 3, 2022) (<https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

³ Oversight Committee Republicans (@GOPoversight) (July 19, 2023) (online at

interview, you had an opportunity to disavow her lewd display, but instead you further undermined the integrity of this Committee by dismissing its significance and expressing only support for her actions.⁴ Just today, when asked about a picture of Rep. Greene’s graphic posters that showed you in the background, you glibly told a *Politico* journalist you “wished that it had been taken from the opposite angle and gotten Glen[n] Grothman in the background instead of me.”⁵

I would like to remind you that under House rules, as Chair of this Committee you have an obligation to enforce the rules of decorum fairly and equitably.⁶ It is incumbent upon you to make clear that Rep. Greene’s use of pornographic images at a public hearing clearly violated House rules and to ensure that we are not subject to repeated incidents or similarly unacceptable actions in future hearings. If this was acceptable for Rep. Greene, you are establishing it as acceptable for all Members.

I therefore urge you to publicly reprimand Rep. Greene by issuing a statement condemning her actions as an affront to the dignity, propriety, and decorum of the Committee. I also ask that you declare that explicit pornographic images of people engaging in sex acts like the ones displayed on Wednesday will not be allowed to be displayed in future Committee proceedings absent clear legislative relevance, prior approval from both the Majority and Minority, and written consent from any individual featured in the exhibit and that you remind all Committee Members of their responsibility to adhere to the rules of decorum and to conduct official business in a manner that is befitting of the United States House of Representatives.

Thank you for your time and consideration, and I look forward to your response.

Very truly yours,



Jamie Raskin
Ranking Member

cc: The Honorable Kevin McCarthy, Speaker
United States House of Representatives

The Honorable Hakeem Jeffries, Minority Leader
United States House of Representatives

<https://twitter.com/gopoversight/status/1681753183641583616?s=46>).

⁴ *Fox Business Live*, Fox Business (July 20, 2023) (online at <https://twitter.com/atrupar/status/1682138119070515204?s=20>).

⁵ Olivia Beavers (@Olivia_Beavers) (July 26, 2023) (online at https://twitter.com/Olivia_Beavers/status/1684253669892534272?s=20).

⁶ House rule I, clause 2.

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July 28, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I write regarding your failure to provide the American public with the transcript of the transcribed interview with a former Supervisory Special Agent with the Federal Bureau of Investigation (FBI) that took place last Monday, July 17, 2023. This interview occurred less than a week after you issued a secret subpoena for his appearance as part of your probe into the Biden family. In his interview with Republican and Democratic Committee staff, this former FBI Supervisory Special Agent, who was assigned to the Hunter Biden investigation, discredited House Republicans' claim of political interference in the prosecution of President Biden's son by a Trump-appointed United States Attorney selected by then-Attorney General William Barr.

This failure to release a transcript is the latest in your troubling pattern of concealing key evidence in order to advance a false and distorted narrative about your "investigation of Joe Biden" that has not only failed to develop any evidence of wrongdoing by President Biden but has, in fact, uncovered substantial evidence to the contrary.¹ Just this week, you once again referenced documents purportedly from Hunter Biden's laptop, despite your months-long refusal

¹ *E.g.*, Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>) (Republican Rep. Chuck Edwards stated: "And I've heard over and over that President Biden has not been implicated or proven for any wrongdoing here, and I acknowledge that for now, but I know that it is the intent of this Oversight Committee to continue to look at the evidence that we have here."); *James Comer: Biden Lied, Was 'Involved' in Hunter Business Schemes*, Fox News (May 11, 2023) (online at www.foxnews.com/video/6327216678112) (*Fox News* host Steve Doocy stated: "You don't actually have any facts to that point. You've got some circumstantial evidence, and the other thing is of all those names, the one person who didn't profit—there's no evidence that Joe Biden did anything illegally."); *House Republicans Vow to Investigate Biden and His Family's Business Dealings*, CNN (Nov. 17, 2022) (online at www.cnn.com/2022/11/17/politics/house-republicans-white-house-hunter-biden/index.html) (quoting Chairman Comer: "I want to be clear: This is an investigation of Joe Biden"); *James Comer: This Is Good News for the Biden Investigation*, Fox Business (July 27, 2023) (online at www.youtube.com/watch?v=jNhEwZZc6uk) ("And that's what our investigation has been about from day one. It's always been about Joe Biden.").

to provide a copy of the hard drive you received containing these documents.² Your conduct flies in the face of the Committee’s traditional commitment to transparency and underscores the illegitimacy of an investigation that you have described as your “top priority” and that has recently devolved into a voyeuristic obsession with salacious aspects of Hunter Biden’s life, despite your admission, last fall, that such a focus would be “very counter to a credible investigation.”³

I. FAILURE TO RELEASE TRANSCRIPT OF INTERVIEW WITH FORMER FBI SUPERVISORY SPECIAL AGENT

Last Monday, July 17, Republican and Democratic Committee staff interviewed a former FBI Supervisory Special Agent, who, until he retired in June 2022, was assigned to the FBI’s Wilmington office and the Hunter Biden investigation led by David Weiss, the Trump-appointed U.S. Attorney who was entrusted with this responsibility by Trump Attorney General William Barr. This interview followed a secret subpoena you issued for the former Supervisory Special Agent’s testimony just six days before his interview.⁴

Over the course of more than two hours of questioning by both Republican and Democratic staff, this former FBI Supervisory Special Agent’s statements directly undermined Committee Republicans’ narrative of political interference with the Hunter Biden investigation and provided important context necessary to understanding the testimony of the two Internal Revenue Service (IRS) witnesses who testified at the full Committee hearing on Wednesday, July 19, 2023. Though it has been nearly two weeks since this interview, you have yet to publicly release the interview transcript, despite my call for you to do so and your claim that you would “love” to release it.⁵

² *Hannity*, Fox News (July 24, 2023) (online at <https://twitter.com/RepJamesComer/status/1683654565873303556?s=20>); Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³ Oversight Committee Republicans (@GOPoversight) (July 19, 2023) (online at <https://twitter.com/gopoversight/status/1681753183641583616?s=46>); *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat’* (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>); *Oversight Chair Comer Reignites GOP’s “Top Priority” Probe into Hunter Biden, Sets Hearing with Twitter Execs*, Fox News (Jan. 11, 2023) (online at www.foxnews.com/politics/oversight-chair-comer-reignites-gops-top-priority-probe-hunter-biden-hearing-twitter-execs).

⁴ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Transcribed Interview with Former FBI Supervisory Special Agent* (July 17, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-transcribed-interview-with-former-fbi>).

⁵ Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Transcribed Interview with Former FBI Supervisory Special Agent* (July 17, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-transcribed-interview-with-former-fbi>); Reese Gorman (@reesejgorman) (July 18, 2023) (online at <https://twitter.com/reesejgorman/status/1681295324621557762?s=20>) (Reese Gorman of the *Washington Examiner*

During the transcribed interview, the former FBI Supervisory Special Agent, whom IRS Supervisory Special Agent Gary Shapley, one of the witnesses at the July 19 hearing, described as someone he “respect[s],” undercut several key claims you and other Committee Republicans have made about U.S. Attorney Weiss’s investigation of Hunter Biden.⁶

First, he debunked the idea that political influence played any part in the investigation and testified that over his decade of experience with the Delaware U.S. Attorney’s Office, he never knew the Assistant U.S. Attorneys in the office or U.S. Attorney Weiss to allow any political considerations to influence their prosecutorial decisions in any case.⁷ The former FBI Supervisory Special Agent thus supported Mr. Weiss’s repeated confirmation that, far from being stymied by political interference, he was “granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges.”⁸ In his last press conference before stepping down in December 2020, Attorney General Barr confirmed his own belief that U.S. Attorney Weiss could complete his investigation without interference in explaining that it was “being handled responsibly and professionally, and to this point I have seen no reason to appoint a special counsel, and I have no plan to do so before I leave.”⁹ Further, even the IRS witnesses at the July 19, 2023, hearing conceded that they did not claim that President Biden or Attorney General Garland interfered in their investigation.¹⁰

Second, the former FBI Supervisory Special Agent undermined the notion that the disagreement between agents and prosecutors assigned to the Hunter Biden investigation was evidence of political interference. Rather, he acknowledged, it is routine for agents and Department of Justice (DOJ) prosecutors to disagree about investigative steps and charging

quoted Chairman Comer as saying he “would ‘love’ to release the full transcript of the FBI Agent’s whistleblower testimony before tomorrow’s hearing with the IRS whistleblowers.”)

⁶ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>) (IRS Supervisory Special Agent Gary Shapley stated: “Yes, I respect the FBI SSA.”).

⁷ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

⁸ Letter from U.S. Attorney David Weiss, Department of Justice, to Chairman Jim Jordan, Committee on the Judiciary (June 7, 2023) (online at www.documentcloud.org/documents/23854516-20230607-out-jordan-investigation); *see also* Letter from U.S. Attorney David Weiss, Department of Justice, to Chairman Jim Jordan, Committee on the Judiciary (June 30, 2023) (online at <https://static.foxnews.com/foxnews.com/content/uploads/2023/07/2023.06.30-David-Weiss-1.pdf>); Letter from U.S. Attorney David Weiss, Department of Justice, to Ranking Member Lindsey Graham, Senate Judiciary Committee (July 10, 2023) (online at www.politico.com/f/?id=00000189-403e-d0a8-a59b-dffe47490000).

⁹ *Barr Says No Need for Special Counsel for Hunter Biden Probe, Election Fraud Claims*, NPR (Dec. 21, 2020) (online at www.npr.org/2020/12/21/948787251/barr-says-no-need-for-special-counsel-for-hunter-biden-probe-election-fraud-clai).

¹⁰ Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

decisions, and in his 20-year career, he witnessed this happen frequently.¹¹ The witnesses at the July 19 hearing also conceded this point, and Mr. Shapley even admitted that attorneys at the IRS's Office of Criminal Tax Counsel, which reviews agents' assessments of criminal tax cases, disagreed with him and his team "90 percent" of the time.¹²

Mr. Shapley and IRS Special Agent Joseph Ziegler, the second witness at the July 19 hearing, told the Committee on Ways and Means that at each step of the process, reviewers and prosecuting attorneys expressed doubts regarding the strength of the evidence in the Hunter Biden investigation. Both witnesses explained that the first-level IRS reviewer, the line attorney in the IRS's Office of Criminal Tax Counsel, expressed "caution" about the proposed charges by assigning them a "yellow light."¹³ Subsequent IRS reviewers recommended "a declination for all of the tax years at hand."¹⁴ Reviewers at DOJ's Tax Division did not give the charges "full-on approval" and instead "gave what's called discretion," meaning that prosecutors should exercise discretion in deciding whether or not the charges should be brought.¹⁵ With regard to at least one of the proposed charges, Mr. Shapley himself recognized he "could see some issues with that that would preclude it from being charged."¹⁶ And, as Mr. Ziegler explained, U.S. Attorney Weiss had concerns about potentially bringing charges regarding the 2014 and 2015 tax years after DOJ's Tax Division raised some potential issues:

And at that meeting, David says to us—and this is from my recollection—that he agrees with us regarding the 2014, 2015 tax year. They're great. Yes, we investigated it. We figured it out. But he has been getting concerns from DOJ Tax regarding the tax years because they viewed that, at a trial—that it could affect the later years. That the information regarding the subject's brother's death, the substance abuse—that all those things could play a huge role and cause

¹¹ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

¹² Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

¹³ Committee on Ways and Means, Transcribed Interview of Mr. X at 33–34, 86–88 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); see also Committee on Ways and Means, Transcribed Interview of Gary Shapley at 23 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf).

¹⁴ Committee on Ways and Means, Transcribed Interview of Mr. X at 33 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf).

¹⁵ *Id.* at 39; see also Ian M. Comisky, et al., *Tax Fraud and Evasion*, Vol. 1 (6th ed.) (Apr. 2014) at ¶ 4.07[1] Prosecution Authorization ("A recommendation for prosecution forwarded by [IRS] CI [Criminal Investigation] is reviewed by a Tax Division CES [Criminal Enforcement Sections] attorney assigned to the applicable geographical area. The CES attorney will prepare a memorandum that, upon further review, will result in the Tax Division: (1) directing a prosecution be initiated; (2) requesting further investigation be undertaken by CI, which may be done using the Grand Jury process; (3) referring the case to the appropriate U.S. Attorney with discretion to indict or take some other action determined to be appropriate; or (4) returning the case to the IRS as declined.") (emphasis added).

¹⁶ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 93 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf).

the jury to say essentially—to have sympathy for him and to not convict on the charges. At the time, David is telling us, well, I’m still weighing it.”¹⁷

Third, the former FBI Supervisory Special Agent explained that, in determining whether to seek a warrant, it is not only proper, but indeed DOJ policy, for prosecutors to consider additional factors beyond whether probable cause exists, where the warrant involves the property of a political candidate or an attorney or may raise election year sensitivities.¹⁸ Mr. Shapley and Mr. Ziegler criticized Assistant U.S. Attorney Lesley Wolf for refusing to seek a warrant in October 2020 to search the guest house at “the Bidens’ Delaware residence where Hunter Biden stayed for a time,” and in December 2020 for a storage unit with records from Hunter Biden’s law firm, Owasco.¹⁹ These decisions, which were made during the Trump Administration, both reflect longstanding DOJ and IRS policy that, with regard to search warrants involving the property of lawyers, public officials, or political candidates, prosecutors are required to consider “whether the particular evidence at issue can be secured without a search warrant (*i.e.*, whether a search warrant is the ‘least-intrusive means’ to obtain the evidence)” and “whether there is a reasonable need for the evidence (*i.e.*, whether the case can be investigated and prosecuted with other evidence, with no significant delay in completing the investigation and no significant diminution in the likelihood of conviction).”²⁰ In fact, in the context of a search warrant involving the property of an attorney, DOJ policy explicitly requires agents and prosecutors to consider “obtaining information from other sources or through the use of a subpoena,” which, according to Mr. Ziegler, is precisely what Assistant U.S. Attorney Wolf did.²¹

Mr. Shapley also complained about Assistant U.S. Attorney Wolf’s concern about “the ‘optics’ of executing a search warrant at President Biden’s residence” during the 2020

¹⁷ Committee on Ways and Means, Transcribed Interview of Mr. X at 39 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf).

¹⁸ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

¹⁹ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 14, 17 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf); Transcribed Interview of Mr. X at 27 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

²⁰ Department of Justice, *Criminal Tax Manual* at 1.05[3][b] Search Warrants (Aug. 2022) (online at www.justice.gov/media/1239301/dl?inline); Internal Revenue Service, *Internal Revenue Manual* at 9.4.9.2, General Search Warrant Procedures (Feb. 11, 2013) (online at www.irs.gov/irm/part9/irm_09-004-009#idm140285508502512).

²¹ Department of Justice, *Justice Manual* at 9-12.420 Searches of Premises of Subject Attorneys (online at www.justice.gov/jm/jm-9-13000-obtaining-evidence#9-13.420) (accessed July 27, 2023); Committee on Ways and Means, Transcribed Interview of Mr. X at 39 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf) (referring to a subpoena as a “request for records”).

presidential campaign.²² However, once again, this decision was in line with both longstanding DOJ practice and then-Attorney General Barr’s February 5, 2020, memorandum regarding sensitive investigations. DOJ’s policies require prosecutors to consult with the Department’s Public Integrity Section with regard to “[a]ny action likely to raise an issue or the perception of an issue” with regard to ongoing elections.²³ Then-Attorney General Barr’s February 2020 memorandum reminded DOJ prosecutors that “the Department has long recognized that it must exercise particular care regarding sensitive investigations and prosecutions that relate to political candidates, campaigns, and other politically sensitive individuals and organizations—especially in an election year.”²⁴

Fourth, the former FBI Supervisory Special Agent explained that it was necessary for FBI headquarters to alert the U.S. Secret Service of its intent to interview Hunter Biden for the safety of agents on the investigative team seeking to approach a Secret Service protectee. He also stated that, while he was told an unspecified “transition team” would also be notified by FBI headquarters, he was not provided any actual details as to what transition team this referred to, and he did not know anything about whether they were actually notified. He further clarified that he did not suspect any political purpose or improper motivation behind FBI headquarters’ putative decision in December 2020—once again, during the Trump Administration—to notify a “transition team” and U.S. Secret Service headquarters prior to Hunter Biden’s interview.²⁵

Fifth, the former FBI Supervisory Special Agent acknowledged that leaks about an ongoing criminal investigation are harmful to the investigation’s integrity.²⁶ He did not specifically discuss the October 6, 2022, *Washington Post* article entitled “Federal Agents See Chargeable Tax, Gun-Purchase Case Against Hunter Biden,”²⁷ which Mr. Shapley acknowledged was a “leak” that “appeared to come from the agent’s level” and from someone “who was critical of the prosecutors for not charging the case.”²⁸ However, the former FBI Supervisory Special Agent acknowledged that under certain circumstances, it would be

²² Committee on Oversight and Accountability, Testimony of Supervisory Special Agent Gary Shapley, Internal Revenue Service, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/07/Shapley-Testimony.pdf>).

²³ Department of Justice, *Justice Manual* at 9-85.500 Actions that May Have an Impact on an Election (online at www.justice.gov/jm/jm-9-85000-protection-government-integrity#9-85.500) (accessed July 27, 2023).

²⁴ Memorandum from Attorney General William Barr to All United States Attorneys, All Department Component Heads, and All Law Enforcement Agency Heads, *Additional Requirements for the Opening of Certain Sensitive Investigations* (Feb. 5, 2020) (online at <https://docs.house.gov/meetings/JU/JU00/20200624/110836/HHRG-116-JU00-20200624-SD009-U19.pdf>).

²⁵ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

²⁶ *Id.*

²⁷ *Federal Agents See Chargeable Tax, Gun-Purchase Case Against Hunter Biden*, *Washington Post* (Oct. 6, 2022) (online at www.washingtonpost.com/national-security/2022/10/06/hunter-biden-tax-gun-charges/).

²⁸ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 150 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf); *see also* Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

justifiable to remove an entire investigative team where there was reason to suspect someone on the investigative team was leaking information to the press and the specific source of the leak could not be identified.²⁹ In the case of the Hunter Biden investigation, the investigative team was removed following the October 6, 2022, *Washington Post* article. According to Mr. Ziegler, “99.9 percent” of the investigative work had been completed by that point.³⁰

Each of these statements by the former FBI Supervisory Special Agent provides necessary context to understanding the testimony of the two IRS agents before the Committee on July 19, 2023. They directly undermine the notion that Hunter Biden was given preferential treatment and instead establish that Mr. Weiss and his team of prosecutors carefully considered the voluminous evidence gathered during the five-year investigation and proceeded in accordance with longstanding DOJ policy in making decisions regarding investigative steps.

Yet, in refusing to release the transcript of the former FBI Supervisory Special Agent’s interview, you have advanced a false, distorted, and grossly incomplete narrative based on cherry-picked facts and deprived the American people of the opportunity to come to their own conclusion in light of all the evidence.

II. A PATTERN OF CONCEALING KEY EVIDENCE

Your refusal to release the transcript of the former FBI Supervisory Special Agent’s interview is part of a pattern of suppressing key evidence in your “investigation of Joe Biden.”³¹ In April, I wrote you regarding your efforts to keep information from Committee Democrats and your apparent misrepresentations about certain investigative steps Committee Republicans had taken in this matter.³² Since then, you have continued to refuse to provide Democratic Members and staff with a copy of the hard drive purportedly obtained from Hunter Biden’s laptop or explain when and from whom you received it, even as you continue to refer to documents you assert are from the laptop.³³ Further, you have repeatedly referenced claims and allegations you

²⁹ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

³⁰ Committee on Ways and Means, Transcribed Interview of Mr. X at 14–15 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

³¹ E.g., *House Republicans Vow to Investigate Biden and His Family’s Business Dealings*, CNN (Nov. 17, 2022) (online at www.cnn.com/2022/11/17/politics/house-republicans-white-house-hunter-biden/index.html) (quoting Chairman Comer: “I want to be clear: This is an investigation of Joe Biden”); *James Comer: This Is Good News for the Biden Investigation*, Fox Business (July 27, 2023) (online at www.youtube.com/watch?v=jNhEwZZc6uk) (“And that’s what our investigation has been about from day one. It’s always been about Joe Biden.”).

³² Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³³ E.g., *Hannity*, Fox News (July 24, 2023) (online at <https://twitter.com/RepJamesComer/status/1683654565873303556?s=20>); Letter from Ranking Member Jamie

have attributed to whistleblowers without providing any information about those whistleblowers to Democratic Members or staff.³⁴

Just a couple of weeks ago, we learned that one of these secret whistleblowers, an individual you had identified as a “very credible witness,” turned out to be Gal Luft, a fugitive from justice charged with several felonies by the U.S. Attorney for the Southern District of New York, including arms trafficking, sanctions violations, operating as an unregistered foreign agent to “advance the interests of the People’s Republic of China” in the United States through an adviser to then-President-elect Trump, and making false statements to federal agents.³⁵

You have also held out years-old, unverified, second-hand allegations attributed to Mykola Zlochevsky, a Ukrainian oligarch who owns Burisma Holdings, which were memorialized in an FBI Form FD-1023, as evidence of wrongdoing by President Biden. However, you have repeatedly failed to mention that for over four years, the Committee has had in its possession a document recording statements by Mr. Zlochevsky that directly contradict the statements attributed to him in the Form FD-1023.³⁶ As *Fox News* host Steve Doocy explained this week: “Here’s the problem . . . is [sic] the 1023 form makes a damning case against the Bidens, but it’s completely unverified. And in fact, there are certain critical parts of the story that have been refuted by the people in the story. So—so it’s problematic.”³⁷

You have likewise refused to acknowledge that in a June 5, 2023, briefing to the two of us for over an hour, senior FBI officials explained that the allegations in the Form FD-1023 had been previously provided to the FBI by Rudy Giuliani, and were thoroughly investigated by Donald Trump’s own Justice Department as part of a formal assessment, which then-Attorney

Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³⁴ See, e.g., Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>); *Rep. Comer Makes Stunning Prediction Over Docs Alleging Biden Bribery Schemes*, Fox Business (June 1, 2023) (online at <https://www.youtube.com/watch?v=r34wTrj1ws0>).

³⁵ Letter from Ranking Member Jamie Raskin and Rep. Dan Goldman, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 11, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-11.JBR%20Goldman%20to%20Comer%20re%20Luft.pdf>).

³⁶ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (June 29, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-29.JBR%20to%20Comer%20re%20Form-1023.pdf>); Letter from Lev Parnas to Chairman James Comer, Committee on Oversight and Accountability (July 18, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/Parnas%2C%20COA%20Letter%2C%20July%2018%2C%202023.pdf>).

³⁷ *Fox News Host Summarizes the GOP’s Shaky Impeachment Push Against Biden*, Washington Post (July 26, 2023) (online at www.washingtonpost.com/politics/2023/07/26/fox-news-doocy-biden-impeachment/).

General Barr assigned to Scott Brady, then the U.S. Attorney for the Western District of Pennsylvania. That assessment was closed in August 2020 after eight months of investigative efforts, which included interviewing Mr. Giuliani and the confidential human source who reported Mr. Zlochevsky's allegations to the FBI, as well as reviewing suspicious activity reports (SARs) filed by banks. The FBI officials further confirmed during the briefing that Mr. Brady's team found insufficient evidence to warrant escalating this assessment to a preliminary or full investigation, and it was closed with the concurrence of Mr. Brady and high-level DOJ officials.³⁸

Similarly, despite issuing multiple subpoenas to banks seeking the financial information of private citizens and business entities—all, once again, issued in secret and without providing proper prior notice to the Committee's Minority—you have failed to establish any financial link between President Biden and any of Hunter Biden's, or his associates', business ventures, let alone any wrongdoing by the President.³⁹ Further, despite demanding and conducting, in March of this year, an interview of Eric Schwerin, who performed a number of administrative and bookkeeping tasks for then-Vice President and Hunter Biden between 2009 and 2017, you have refused to acknowledge that Mr. Schwerin expressly rejected your claim that President Biden was involved in Hunter Biden's businesses based on his first-hand knowledge. Specifically, Mr. Schwerin, who explained that he had the ability to view President Biden's bank account transactions from 2009 to 2017, told Republican and Democratic Committee staff that he was not aware of any involvement by President Biden in the financial conduct of his relatives' businesses, much less any transactions into or out of the then-Vice President's bank account related to business conducted by any Biden family member.⁴⁰

Both you and other Republican Committee Members have also mischaracterized the information contained in SARs filed by banks. Committee Members were provided the opportunity to review any SARs mentioning a number of individuals, including Hunter Biden and a number of his family members and business associates.⁴¹ Although SARs are merely "preliminary and unverified tip-and-lead information" and are not evidence of a crime,

³⁸ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20Wray-FBI%20re%20Subpoena%20Briefing%20FINAL.pdf>).

³⁹ *E.g.*, Memorandum from Minority Staff to Members of the Committee on Oversight and Accountability, *Committee Republicans Conducting Investigation into Biden Family Behind Veil of Secrecy* (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.04.06%20Memo%20re%20Secretive%20Investigation.pdf>).

⁴⁰ *See* Memorandum from Minority Staff to Members of the Committee on Oversight and Accountability, *Chairman Comer's Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>).

⁴¹ Committee on Oversight and Accountability, *Press Release: Comer: Treasury Department Caves, Provides Access to Biden Family & Their Associates' SARs* (Mar. 14, 2023) (online at <https://oversight.house.gov/release/comer-treasury-department-caves-provides-access-to-biden-family-their-associates-sars/>); *see also* Letter from Chairman James Comer, Committee on Oversight and Accountability, to Treasury Secretary Janet Yellen, (Jan. 11, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-11-Treasury.pdf>).

wrongdoing, or even evidence of an existing investigation, you have repeatedly and erroneously referred to them as “bank violations.”⁴² Further, you have falsely claimed that the SARs implicate “the entire [Biden] family,” despite the fact that none of the SARs reviewed by Committee staff allege, or even suggest, any potential misconduct by President Biden. Nor do they show President Biden’s involvement, in any respect, in Hunter Biden’s financial or business relationships.⁴³

Just this month, during a recent *Fox News* appearance, you chose to target President Biden’s granddaughter, noting that her name appeared in a SAR and claiming, without any evidence, that President Biden used her account to launder money. You went on to say, “When that poor girl goes to get a mortgage or apply for a credit card, she’s going to have problems because she has a bank violation, a major bank violation.”⁴⁴ Your decision to publicize details of a confidential SAR and speculate about President Biden’s grandchild, who was a minor for much of the time period covered by the SAR, suggests that the aim of your investigation is simply to smear President Biden and his family.

Last year, you vowed to conduct “a sober investigation” if you became Chair.⁴⁵ Instead, your investigation has been characterized throughout by the active concealment of key evidence, the refusal to share Committee information with the Minority, a total lack of transparency, repeated reliance on fraudulent and discredited sources, baseless and outlandish allegations, constant innuendo, and a refusal to consider any facts in evidence that debunk your precooked theories. Indeed, the integrity of this investigation has so degenerated that during the July 19 hearing, you allowed Representative Marjorie Taylor Greene to exhibit lurid pornographic images of Hunter Biden and other individuals in the Committee Room.⁴⁶ I would invoke your

⁴² Memorandum from Minority Staff to Members of the Committee on Oversight and Accountability, *Chairman Comer’s Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>); Bank Policy Institute, *The Truth About Suspicious Activity Reports*, (Sept. 22, 2020) (online at <https://bpi.com/the-truth-about-suspicious-activity-reports/>); see, e.g., *China Bought Joe Biden*, *The Great America Show with Lou Dobbs* (July 19, 2023) (online at www.listennotes.com/podcasts/the-great-america/china-bought-joe-biden-01a8JKHiZL6/) (Chairman Comer stated: “[The Oversight Committee has] already gotten, you know, overwhelming amount of evidence in the form of bank records and *bank violations*.”) (emphasis added).

⁴³ Memorandum from Minority Staff to Members of the Committee on Oversight and Accountability, *Chairman Comer’s Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>).

⁴⁴ *Rep. James Comer: This is a Terrible Example of Leadership in the White House*, *Fox News* (July 3, 2023) (online at www.foxnews.com/video/6330534582112).

⁴⁵ *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat’* (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

⁴⁶ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 26, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.07.26.%20JBR%20to%20Comer%20re%20MTG%20Use%20of%20Explicit.pdf>); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>);

own suggestion from long ago that such an erratic and polemical performance is “very counter to a credible investigation.”⁴⁷

III. CONCLUSION

I urge you to stop concealing key evidence and to instead commit to making public *all* the investigative steps undertaken and *all* materials gathered as part of this investigation. The American people deserve to be able to make their own determination, free of constant political spin, by reviewing for themselves *all* of the facts. After all, a half-truth can often function as a complete lie. As a first step toward real transparency, I urge you to release immediately the transcript of the July 17, 2023, interview of the former FBI Supervisory Special Agent.

Thank you for your time and consideration, and I look forward to your response and a serious change in the practices of the Committee.

Very truly yours,



Jamie Raskin
Ranking Member

Oversight Committee Republicans (@GOPoversight) (July 19, 2023) (online at <https://twitter.com/gopoversight/status/1681753183641583616?s=46>).

⁴⁷ *Inside House Republicans' Plan to Investigate Hunter Biden as a 'National Security Threat'*, TIME (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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August 31, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I write to request that you issue a subpoena to Jared Kushner’s investment firm, A Fin Management LLC (Affinity), to compel the production of documents regarding the extraordinary funding it received from foreign governments—including billions of dollars from sovereign wealth funds controlled by Saudi Arabia, Qatar, and the United Arab Emirates (U.A.E)—shortly after Mr. Kushner left government service, working as senior adviser to his father-in-law, then-President Donald Trump, overseeing U.S. foreign policy in the Middle East.

Shortly after leaving the White House, Mr. Kushner raised \$2 billion from the Saudi Public Investment Fund (PIF), the sovereign wealth fund of Saudi Arabia, which is chaired by Mohammed bin Salman, the Crown Prince of the Kingdom of Saudi Arabia. On June 2, 2022, then-Chairwoman Maloney wrote to Mr. Kushner and Affinity about allegations that Mr. Kushner’s personal financial interests may have improperly influenced U.S. foreign policy during the Trump Administration.¹ Yet, despite Committee Democrats’ repeated efforts to obtain relevant documents to understand the full scope of Mr. Kushner’s foreign business dealings and the legal, constitutional, and ethical problems they create, Mr. Kushner and his fund have refused to cooperate with our requests.

I am encouraged by your recent acknowledgement that “what Kushner did crossed the line of ethics” and your repeated assertions that our Committee is “investigating foreign nationals’ attempts to target and coerce high-ranking U.S. officials’ family members by providing money or other benefits in exchange for certain actions.”² I therefore urge you to use the

¹ Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (June 2, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-06-02.CBM%20to%20Kushner-A%20Fin%20Management%20LLC%20re%20Saudi%20Arabia%20Conflicts.pdf>).

² *E.g.*, Letter from Chairman James Comer, Committee on Oversight and Accountability, to Matthew Schwartz, Boies Schiller Flexner, Counsel to Devon Archer (June 12, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/06/Letter-to-Archer-061223.pdf>); ‘*What Did the President Do Wrong?*’: Tapper Presses Republican Probing Biden, CNN (Aug. 11, 2023) (online at www.cnn.com/videos/politics/2023/08/11/james-comer-house-oversight-committee-biden-tapper-lead-vpx.cnn);

Committee’s subpoena power to compel Affinity to produce the information this Committee needs to conduct a full and fair investigation into whether Mr. Kushner improperly used his position as a senior government official to benefit his personal financial and business interests—information Mr. Kushner and Affinity have unjustifiably refused to produce for over a year.

At the time Mr. Kushner transitioned from the White House to the private sector, diplomats and ethics experts raised their concerns about the glaring potential conflicts of interest arising from Mr. Kushner’s financial interests in the Gulf region. Moreover, his extensive and successful courting of sovereign wealth funds raises significant legal, constitutional, and ethical questions, given his key governmental role shaping U.S. foreign policy during the Trump Administration.³

Since Committee Democrats launched this investigation last Congress, additional facts have come to light that only added to the plethora of actual and potential legal, constitutional, and ethical violations already suggested by Mr. Kushner’s conduct. According to news reports, the U.A.E. and Qatar each also invested \$200 million with Affinity.⁴ In March 2023, Affinity reported that it had over \$3 billion of assets under management, 99% of which was “attributable to clients who are non-United States persons.”⁵

As Committee Democrats have repeatedly insisted, Crown Prince Mohammed bin Salman’s direct personal involvement in ensuring Mr. Kushner received \$2 billion from Saudi Arabia’s PIF—plus a \$25 million a year management fee—raises the significant possibility that there was a large *quid pro quo* shaping Mr. Kushner’s official actions in the White House, where

letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Feb. 13, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022.02.13%20JBR%20to%20Comer%20re%20Jared%20Kushner%20Foreign%20Conflicts.pdf>); letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (June 2, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-06-02.CBM%20to%20Kushner-A%20Fin%20Management%20LLC%20re%20Saudi%20Arabia%20Conflicts.pdf>); letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (Feb. 15, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-02-15.%20JBR%20to%20Kushner%20re%20Saudi%20Arabia.fnl_.pdf).

³ *Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts*, New York Times (Apr. 10, 2022) (online at www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html).

⁴ *Kushner Firm Got Hundreds of Millions from 2 Persian Gulf Nations*, New York Times (Mar. 30, 2023) (online at www.nytimes.com/2023/03/30/us/politics/jared-kushner-qatar-united-arab-emirates.html); *Jared Kushner’s Money from Saudi Arabia Comes into Sharper Focus*, MSNBC (Aug. 14, 2023) (online at www.msnbc.com/morning-joe/watch/jared-kushner-s-money-from-saudi-arabia-comes-into-sharper-focus-190793797835).

⁵ A Fin Management LLC, Form ADV (Mar. 31, 2023) (online at <https://reports.adviserinfo.sec.gov/reports/ADV/315482/PDF/315482.pdf>); *Jared Kushner’s Money from Saudi Arabia Comes into Sharper Focus*, MSNBC (Aug. 14, 2023) (online at www.msnbc.com/morning-joe/watch/jared-kushner-s-money-from-saudi-arabia-comes-into-sharper-focus-190793797835).

he helped dramatically recast U.S. foreign policy toward Saudi Arabia.⁶ In 2021, PIF's own investment committee advised PIF *against* investing with Affinity, expressing concerns about Affinity's "excessive" management fees, as well as "the inexperience of the Affinity Fund management."⁷ The committee highlighted Mr. Kushner's lack of private equity experience and the "inability for Affinity to provide any quantifiable investment track record for their founding team," concluding that due diligence showed Affinity's operations were "unsatisfactory in all respects."⁸ Crown Prince Mohammed bin Salman overruled these substantial objections and decided to invest \$2 billion with Affinity.⁹ Two years after receiving billions of dollars from Saudi Arabia and receiving tens of millions of dollars in management fees each year, Mr. Kushner has made few investments.¹⁰ As one ethics expert noted, "It appears to be money for nothing. In the absence of material transactions, this goes beyond a raised eyebrow to profound concerns about possible impropriety and *quid pro quos*."¹¹

As his memoir makes clear, Mr. Kushner pushed for former President Trump's first foreign trip as President to be to Saudi Arabia over the advice of senior diplomats in the State Department and after consulting directly with the Crown Prince.¹² This trip represented the first of "many boons" he would deliver to the homicidal Crown Prince while serving as a senior official of the U.S. government.¹³

In October 2018, Saudi agents brutally killed and dismembered journalist and regime-critic Jamal Khashoggi, a murder which U.S. intelligence assessments determined was likely ordered by the Crown Prince himself. In the aftermath of Mr. Khashoggi's grisly murder, Mr. Kushner "became the prince's most important defender inside the White House" and reportedly

⁶ *U.S.-Saudi Ties Were Especially Close Under Trump. Under Biden, That Looks Likely to Change*, NBC News (Nov. 12, 2020) (online at www.nbcnews.com/news/world/less-privileged-personal-how-u-s-saudi-ties-may-soon-n1247439); *Jared Kushner Reveals Rare Details About Ties with Saudi Crown Prince*, Wall Street Journal (July 28, 2022) (online at www.wsj.com/articles/jared-kushner-reveals-rare-details-about-ties-with-saudi-crown-prince-11659003014) (detailing Mr. Kushner's description of efforts to prioritize a state visit to Saudi Arabia and his sense that the reforms made by the Crown Prince outweighed the "terrible" situation involving the Saudi government assassination of a U.S. based journalist); *Jared Kushner Pushed to Inflate Saudi Arms Deal to \$110 Billion: Sources*, ABC News (Nov. 26, 2018) (online at <https://abcnews.go.com/Politics/kushner-pushed-inflate-saudi-arms-deal-110-billion/story?id=59418244>).

⁷ *Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts*, New York Times (Apr. 10, 2022) (online at www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Jared Kushner's Deal-Making Career Off to Sluggish Start*, Wall Street Journal (Aug. 18, 2023) (online at www.wsj.com/world/middle-east/jared-kushners-deal-making-career-off-to-sluggish-start-d245fea8).

¹¹ *Id.* (quoting Norm Eisen, a senior fellow in Governance Studies at the Brookings Institution).

¹² *After Helping Prince's Rise, Trump and Kushner Benefit from Saudi Funds*, Washington Post (Feb. 12, 2023) (online at www.washingtonpost.com/politics/2023/02/12/after-helping-princes-rise-trump-kushner-benefit-saudi-funds).

¹³ *Id.*; *The Top 11 Favors the Trump Administration Has Done for Saudi Arabia*, NBC News (July 25, 2019) (online at www.nbcnews.com/politics/national-security/top-11-favors-trump-administration-has-done-saudi-arabia-n1026926).

“offered the crown prince advice about how to weather the storm, urging him to resolve his conflicts around the region and avoid further embarrassments.”¹⁴

In another instance, Mr. Kushner met privately—without U.S. diplomats present—with government officials from Saudi Arabia and the U.A.E. and reportedly discussed those nations’ planned blockade of Qatar, an ally that hosts the largest U.S. military base in the Middle East. When Saudi Arabia and the U.A.E. initiated the blockade, then-President Trump publicly supported their actions—once again, over the objections of senior U.S. officials, including Secretary of State Rex Tillerson—putting the U.S. at odds with its longtime ally in the region.¹⁵

Mr. Kushner’s support for Saudi Arabia and U.A.E.’s blockade of Qatar followed unsuccessful efforts by Mr. Kushner to secure a billion-dollar bailout from Qatar’s sovereign wealth fund for Kushner Companies, his family’s real estate firm. Following the blockade, Kushner Companies ultimately succeeded in securing a bailout from a U.S. entity, Brookfield Property Management, in a deal funded by a significant investment from the Qatar Investment Authority, Qatar’s sovereign wealth fund. This transaction is also the subject of an investigation by congressional Democrats, launched last Congress by then-Chairwoman Maloney and Senator Ron Wyden, Chairman of the Senate Committee on Finance.¹⁶

These and other actions taken by Mr. Kushner both during and after his time in the White House raise significant concerns that he repeatedly and primarily used his role as a senior government official to benefit his own personal financial interests.

Despite multiple requests from then-Chairman Maloney and myself, Mr. Kushner’s firm, Affinity, has refused to provide any relevant documents to the Committee.¹⁷ Affinity initially

¹⁴ *After Helping Prince’s Rise, Trump and Kushner Benefit from Saudi Funds*, Washington Post (Feb. 12, 2023) (online at www.washingtonpost.com/politics/2023/02/12/after-helping-princes-rise-trump-kushner-benefit-saudi-funds/); *The Wooing of Jared Kushner: How the Saudis Got a Friend in the White House*, New York Times (Dec. 8, 2018) (online at www.nytimes.com/2018/12/08/world/middleeast/saudi-mbs-jared-kushner.html); Office of the Director of National Intelligence, *Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi* (Feb. 11, 2021) (online at <https://int.nyt.com/data/documenttools/the-report-on-jamal-khashoggi-killing/ddc9578e0994f690/full.pdf>).

¹⁵ Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Ron Wyden, Senate Committee on Finance, to Secretary Antony Blinken, Department of State (Dec. 6, 2022) (online at <https://oversightdemocrats.house.gov/news/press-releases/house-oversight-and-senate-finance-committees-seek-documents-from-state-and>).

¹⁶ Committee on Oversight and Reform, *Press Release: House Oversight and Senate Finance Committees Seek Documents from State and Defense Departments On Kushner’s Conflicts of Interest, Improper Influence on U.S. Foreign Policy* (Dec. 7, 2022) (online at <https://oversightdemocrats.house.gov/news/press-releases/house-oversight-and-senate-finance-committees-seek-documents-from-state-and>); *Democrats Ramp Up Investigation of Kushner Family Business Dealings*, New York Times (Dec. 7, 2022) (online at www.washingtonpost.com/politics/2022/12/07/kushner-democrats-congressional-probe-bailout/).

¹⁷ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (Feb. 15, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-02-15.%20JBR%20to%20Kushner%20re%20Saudi%20Arabia.fnl_.pdf).

asserted it had “nothing to hide” and confirmed that it was “committed to working with the Committee to provide appropriate details, documents, and information to help inform your investigation.”¹⁸ Despite these specific assurances of cooperation, Affinity failed to produce any documents responsive to our repeated requests. Since October 12, 2022, Affinity’s counsel has simply ignored all requests and communications from the Committee’s Democratic staff.¹⁹

You have previously stated that you “don’t disagree with the Democrats and their criticism of the previous administration” and you have said that this Committee will “have some questions for Trump and some of his family members, including Jared Kushner.”²⁰ I trust that you will recognize that the Committee cannot claim to be “investigating foreign nationals’ attempts to target and coerce high-ranking U.S. officials’ family members by providing money or other benefits in exchange for certain actions” without examining the former Administration’s plethora of foreign financial entanglements, including President Trump’s receipt of millions of dollars from foreign governments while in office, a blatant violation of the foreign emoluments clause of the Constitution, and Ivanka Trump’s corresponding receipt of fast-tracked trademark approvals from China and Japan while serving as a White House senior advisor.²¹

In light of these glaring likely violations of American law, I urge you to pursue a serious and objective investigation by issuing a subpoena to Affinity and requiring the firm to comply with my February 15, 2023, request for documents regarding its receipt of billions of dollars from Gulf monarchies shortly after Mr. Kushner left a senior White House position he used to reshape U.S. foreign policy toward Saudi Arabia and the Middle East in Saudi Arabia’s favor—a request you have thus far allowed Mr. Kushner to ignore and defy.²²

¹⁸ Call with Chad Mizelle et al., Affinity Partners, and Democratic Staff, Committee on Oversight and Reform (June 13, 2022); Email from Chad Mizelle, Chief Legal Officer, Affinity Partners, to Majority Staff, Committee on Oversight and Reform (June 17, 2022).

¹⁹ Email from Democratic Staff, Committee on Oversight and Reform, to Chad Mizelle, Chief Legal Officer, Affinity Partners (Oct. 12, 2022).

²⁰ *This Week’ Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar*, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>); CNN Primetime (Apr. 18, 2023) (online at www.realclearpolitics.com/video/2023/04/20/house_oversight_chairman_comer_we_found_a_lot_of_things_that_should_be_illegal_in_hunter_biden_probe.html).

²¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration (Nov. 14, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-29.CBM%20and%20GEC%20to%20NARA%20re%20Bush%20Presidential%20Library.pdf>); letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BofA%20Subpoena.pdf>); *Ivanka’s Trademark Requests Were Fast-Tracked in China after Trump Was Elected*, Forbes (Sept. 22, 2020) (online at www.forbes.com/sites/tommybeer/2020/09/22/ivankas-trademark-requests-were-fast-tracked-in-china-after-trump-was-elected/).

²² Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (Feb. 15, 2023) (online at

Very truly yours,



Jamie Raskin
Ranking Member

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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September 19, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I know that some Members—though by no means all—on your side of the aisle are eager to launch the GOP’s formal “impeachment inquiry” against President Biden. However, I am writing to express my profound concern about baffling and increasingly embarrassing efforts on the part of you and your staff to completely misrepresent and deny basic and easily verifiable facts about the eight-month long investigation that has already taken place. This is no way to launch a presidential impeachment drive, especially one still lacking any evidence of wrongdoing by the President.¹

Last Thursday, September 14, 2023, a *Fox News* story featured a statement from your spokesperson falsely claiming that Eric Schwerin, whom you described as a “close personal and professional associate of Robert Hunter Biden—the President’s son—and then-Vice President Biden,” had never been interviewed by Committee staff.² You have repeatedly insisted that your approach to this probe has been to “follow the evidence and deliver the transparency that the American people demand and deserve.”³ I fail to understand how that commitment to transparency can be reconciled with lying to the American people about basic elements of the investigation, including making the astonishing statement that an interview which was conducted by both Republicans and Democrats several months ago never took place.

¹ Committee on Oversight and Accountability, *Press Release: As the House Returns to Session, Ranking Member Raskin Releases Statement on the ‘Overwhelming Failure’ of Republicans’ ‘Top Priority’ Investigation* (Sept. 11, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/as-the-house-returns-to-session-ranking-member-raskin-releases-statement-on-the>).

² *Oversight Dems Admit Hunter's Longtime Business Partner Handled Biden's Finances throughout VP Tenure*, *Fox News* (Sept. 14, 2023) (online at www.foxnews.com/politics/oversight-dems-admit-hunter-business-partner-handled-bidens-finances-throughout-vp-tenure).

³ E.g., *House Oversight Committee Asks White House What Is It ‘Hiding’ In Wake of Memo Calling for More Scrutiny Over Impeachment*, *The Messenger* (Sept. 13, 2023) (online at <https://themessenger.com/politics/house-oversight-committee-asks-white-house-what-is-it-hiding-wake-memo-calling-more-scrutiny-over-impeachment>).

On March 31, 2023, at 9:30 a.m., Eric Schwerin sat for a lengthy interview with Republican and Democratic Committee Staff in a conference room at the O’Neill House Office Building, together with his counsel.⁴ Mr. Schwerin spent hours answering substantive questions from Republican and Democratic staff about his relationship with Hunter Biden, as well as the history, structure, and operations of Hunter Biden’s various business entities. During the interview, Mr. Schwerin explained that, between 2009 and 2017, he performed a number of administrative and bookkeeping tasks for then-Vice President and Hunter Biden. He further stated that he had the ability to view President Biden’s bank account transactions and that he was not aware of any involvement by President Biden in the financial conduct of his family members’ businesses.⁵

In a comment to *Fox News*, your spokesperson simply denied that this interview ever took place, saying: “The Committee never interviewed Schwerin.” The spokesperson subsequently sought to qualify this bold lie by adding: “There was a meeting but it was about document production. There has never been a transcribed interview or deposition.”⁶ This spokesperson’s deceptive statement followed your own failure to acknowledge Mr. Schwerin’s March 31 interview in an August 10, 2023, *Fox News* appearance, when you stated:

There have been some initial communication between Schwerin and our office but, you know, he holds a lot of answers to our questions. He obviously met with the president countless times in the White House when Joe Biden was vice president, when Obama was president. He did the books for Joe Biden. He apparently had the authority to deposit checks and write checks on behalf of Joe Biden and his name is also affiliated with some of these shell companies, so Schwerin has a lot of knowledge.⁷

But all of this obfuscation and evasion mask one central fact: Mr. Schwerin appeared for an hours-long substantive interview before the Committee, answered numerous detailed questions from Republican and Democratic Committee staff, and stated unequivocally that President Biden did *not* receive any money from any business conducted by Hunter Biden.

⁴ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Eric Schwerin (Feb. 8, 2023) (online https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-08-Letter-Schwerin_.pdf). Based on an agreement between the Committee’s Republican staff and Mr. Schwerin’s counsel, the interview was not transcribed.

⁵ Memorandum from Democratic Staff to Democratic Members of the Committee on Oversight and Accountability, *Chairman Comer’s Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>).

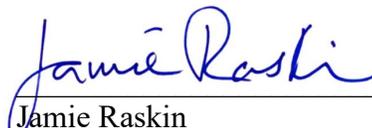
⁶ *Oversight Dems Admit Hunter’s Longtime Business Partner Handled Biden’s Finances throughout VP Tenure*, Fox News (Sept. 14, 2023) (online at www.foxnews.com/politics/oversight-dems-admit-hunter-business-partner-handled-bidens-finances-throughout-vp-tenure).

⁷ *‘He Holds A Lot of Answers’: Comer Teases Upcoming Testimony From Another Hunter Biden Business Associate*, Daily Caller (Aug. 10, 2023) (online at <https://dailycaller.com/2023/08/10/james-comer-teases-upcoming-testimony-from-another-hunter-biden-business-associate/>).

As you know, all the other voluminous evidence that the Committee has collected as part of its months-long investigation corroborates Mr. Schwerin's statements. The Committee has pored over 12,000 pages of bank records and more than 2,000 pages of suspicious activity reports made available by the Department of the Treasury, none of which show any payments to President Biden or involvement in his son's business relationships. The evidence collected by the Committee also includes the statements of Devon Archer in his transcribed interview that confirm President Biden was not involved in his son's business ventures and that he had never seen any "wire transfer to Joe Biden." Furthermore, the testimony of two Internal Revenue Service agents assigned to the Department of Justice's Hunter Biden investigation also acknowledged that they had no evidence that President Biden was involved in his son's business dealings.⁸

Chairman Comer, I urge you to honor your respectable pledge to "follow the evidence" and to be honest and transparent with the American people. After months of laborious investigation by this Committee, which followed previous dogged and meticulous efforts by Senate Republicans in 2020, the evidence fails to show that President Biden received a dime from any business conducted by Hunter Biden. Misrepresenting the investigative record by falsely and brazenly denying that a witness has appeared before the Committee will not change the facts. It is also a really bad way to start the first week of the new "impeachment inquiry." Please correct the record at your soonest convenience.

Very truly yours,



Jamie Raskin
Ranking Member

⁸ Committee on Oversight and Accountability, *Press Release: As the House Returns to Session, Ranking Member Raskin Releases Statement on the 'Overwhelming Failure' of Republicans' 'Top Priority' Investigation* (Sept. 11, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/as-the-house-returns-to-session-ranking-member-raskin-releases-statement-on-the>); Memorandum from Democratic Staff to Democratic Members of the Committee on Oversight and Accountability, *Chairman Comer's Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>); Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer at 135* (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

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October 26, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

Last month, at the conclusion of the first hearing on the impeachment inquiry declared by former Speaker Kevin McCarthy, you announced that you and Chairman Jim Jordan were issuing three subpoenas to obtain bank records for Hunter Biden, James Biden, Eric Schwerin, and their business entities. These subpoenas seek a decade's worth of personal financial information of private citizens and are completely untethered to any plausible theory of an impeachable offense. Your decision to issue a blanket demand for "all financial records" from 2014 to the present, without any effort to define or tailor the request, makes obvious that these subpoenas are nothing but a fishing expedition many miles away from the legislative shore and thus an egregious abuse of this Committee's authority.¹ This continuing random search for content approach is profoundly troubling, especially in light of your blatant misrepresentations about the contents of these bank records and willingness to use this investigation to promote salacious and baseless accusations against the President's children and grandchildren.² All of these actions are, in your words distantly spoken before the start of this Congress, "very counter to a credible investigation."³

¹ Letters from Chairman James Comer, Committee on Oversight and Accountability, and Chairman Jim Jordan, Committee on the Judiciary, to [redacted recipients] (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Subpoenas.pdf>).

² E.g., *Another GOP 'Bombshell' About Joe Biden Turns Out to Be a Dud*, HuffPost (Oct. 23, 2023) (online at www.huffpost.com/entry/james-biden-payment-joe-biden_n_6536badee4b0689b3fbd8cf1); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin's Statement on Bank Records that Show No Wrongdoing by President Biden* (Oct. 20, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-bank-records-that-show-no-wrongdoing-by>); *James Comer Says Biden's Granddaughter 'Scarred for Life' with 'Major Bank Violation'* (online at www.washingtonexaminer.com/news/white-house-james-comer-biden-granddaughter-major-bank-violation); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin Urges Chairman Comer to Reprimand Rep. Marjorie Taylor Greene for Public Display of 'Gratuitous and Irrelevant' Pornographic Photographs During Committee Hearing* (July 27, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-urges-chairman-comer-to-reprimand-rep-marjorie-taylor>).

³ *Inside House Republicans' Plan to Investigate Hunter Biden as a 'National Security Threat'*, Time (Oct. 3, 2022) (<https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

In your opening statement at the September 28, 2023, hearing, you asserted that our Committee had “uncovered a mountain of evidence revealing how [President] Joe Biden abused his public office for his family’s financial gain.”⁴ Your own witnesses strongly disagreed. One Republican expert testified he did “not believe that the current evidence would support articles of impeachment” against President Biden, while another explained he had no basis “to even suggest that that there was corruption, fraud, or any wrongdoing.”⁵ Indeed, more than 14,000 pages of bank records already subpoenaed and received by the Committee, over 2,000 pages of suspicious activity reports (SARs) made available by the Department of the Treasury, hours of testimony from two of Hunter Biden’s business partners as well as seven federal agents assigned to the investigation of Hunter Biden and the U.S. Attorney for the District of Columbia, and hundreds of pages of cherry-picked documents from the Hunter Biden investigation released by the Committee on Ways and Means have all failed even to suggest any wrongdoing by the President, let alone an impeachable offense.

However, rather than acknowledge, at the conclusion of the hearing, that there is no basis for an impeachment inquiry targeting President Biden, you decided to issue three new and grossly overbroad subpoenas.

You justified these subpoenas by referencing former Speaker McCarthy’s unilateral directive to three Committees to open an impeachment inquiry, asserting that the records sought would “help the Committees determine whether Joe Biden abused his office by selling access and/or by receiving payments or other benefits in exchange for official acts.” You also claimed these subpoenas would assist the Committee in drafting “legislation that provides more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with Presidential or Vice-Presidential family members, discourages such family members from profiting from their relative’s public service, and ensures the nation is safe from our foreign adversaries.”⁶

Setting aside the fact that, in light of Congressman McCarthy’s sudden ouster as Speaker at the hands of the Republican Conference, there is no longer any discernible procedural basis for an impeachment inquiry, your subpoenas are in no way tailored to seek information relevant to your asserted legislative purpose. Instead, each of the new subpoenas demands nearly ten years of documents, dating back to January 1, 2014, including “[a]ll financial records” for each of the

⁴ Committee on Oversight and Accountability, *The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/hearing/the-basis-for-an-impeachment-inquiry-of-president-joseph-r-biden-jr/>).

⁵ Committee on Oversight and Accountability, Testimony of Professor Jonathan Turley, George Washington University Law School, *The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Turley-Testimony-Biden-Inquiry.pdf>); Committee on Oversight and Accountability, Testimony of Bruce Dubinsky, Dubinsky Consulting, *The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Dubinsky-Written-Testimony-1.pdf>).

⁶ Letters from Chairman James Comer, Committee on Oversight and Accountability, and Chairman Jim Jordan, Committee on the Judiciary, to [redacted recipients] (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Subpoenas.pdf>).

named individuals and entities throughout that time period, as well as “[a]ll documents and internal and external communications” that refer to, or merely “relat[e] to” the listed individuals and entities, with no limiting criteria linking the requested materials to any specific legislative purpose.⁷ The subpoenas do not identify or seek documents pertaining to any particular transactions, counterparties, countries, or any other specific category of records that might bear on the alleged transactions upon which you have claimed your “investigation” is based. Furthermore, they cover periods during which President Biden was neither in office nor seeking office, despite the fact that your own handpicked expert testified that the “relevant office [for purposes of an impeachment inquiry] should remain the presidency, not the vice presidency, of Joe Biden.”⁸

Your willingness to issue these wandering subpoenas without any effort to tie the requested documents to the Committee’s stated purpose is in sharp contrast to House Democrats’ extensive and careful efforts to tailor and justify subpoenas seeking financial records related to former President Trump in light of the Supreme Court’s July 9, 2020, ruling in *Trump et al. v. Mazars USA, LLP et al.*⁹

Further, the ludicrous overbreadth of the documents that they seek is made obvious by the more than 1,400 pages provided by the subpoenaed banks as part of their initial productions. These records, once again and predictably, show no wrongdoing by the President and no involvement of the President whatsoever in his family’s business ventures. They also show that, as has long been widely known, President Biden has helped family members in times of need, including his son and brother. Specifically, these records show that in 2017 and 2018, while President Biden was not in office, he provided two short-term loans to his brother, James, who repaid each loan within two months. These interest-free personal loans between family members are entirely irrelevant to the putative aims of your impeachment inquiry. Even further from the mark are the thousands of personal transactions of the President’s family members, including payments for routine consumer expenses such as life insurance policies, doctor visits, holiday

⁷ *Id.*

⁸ Committee on Oversight and Accountability, Testimony of Professor Jonathan Turley, George Washington University Law School, *The Basis for an Impeachment Inquiry of President Joseph R. Biden, Jr.* (Sept. 28, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/09/Turley.Testimony.Biden-Inquiry.pdf>).

⁹ Memorandum from Chairman Adam Schiff, House Permanent Select Committee on Intelligence, to Members of the House Permanent Select Committee on Intelligence, *Update on the Committee’s Investigation of Counterintelligence Risks Arising from President Trump’s Foreign Financial Ties* (Aug. 25, 2020) (online at <https://democrats-intelligence.house.gov/uploadedfiles/202008225hpscideutschebanks subpoena memo.pdf>); Memorandum from Chairwoman Carolyn Maloney, Committee on Oversight and Reform, to Members of the Committee on Oversight and Reform, *Update on Committee Subpoena to Mazars and Subsequent Litigation* (Aug. 26, 2020) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/MASTER%20Mazars%20Memo%2008.28.2020%20R3.pdf>).

and birthday presents, groceries, vet visits and pet care, and plumbing repairs, and the references to multiple college savings accounts and one youth bank account for grandchildren of the President.¹⁰

This is not the first time that, as part of your Biden family probe, you have subpoenaed—and banks have produced—the personal financial transactions of private citizens that have no relevance to any legitimate congressional inquiry. Earlier this year, the Committee received over 2,000 pages of John R. Walker’s financial information, including a decade’s worth of statements from a checking account he held jointly with his wife. These statements covered information such as how much Mr. Walker pays for his child’s dance lessons, when he has been to the hospital, how many parking tickets he has paid, how often he eats at Papa John’s or has coffee at Starbucks, and how much he spends on groceries at Safeway.¹¹ Then, as now, the Committee’s Democratic staff has been excluded from the Majority Staff’s calls with banks regarding their approach to responding to the subpoenas you have issued.

Prior to the start of this Congress, you vowed to conduct a sober investigation and eschew focusing on the personal life of the President’s family members, which you agreed would be “very counter to a credible investigation.”¹² Instead, however, you have allowed Committee members to display pornographic images of the President’s son in the Committee room and cast baseless aspersions on the President’s grandchildren.¹³ The overbreadth of these subpoenas—

¹⁰ Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Bank Records that Show No Wrongdoing by President Biden* (Oct. 20, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-bank-records-that-show-no-wrongdoing-by>).

¹¹ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BofA%20Subpoena.pdf>); Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Committee Republicans Conducting Investigation into Biden Family Behind Veil of Secrecy* (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.04.06%20Memo%20re%20Secretive%20Investigation.pdf>).

¹² *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat,’* Time (Oct. 3, 2022) (<https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

¹³ Memorandum from Democratic Staff to Democratic Members, Committee on Oversight and Accountability, *Chairman Comer’s Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>) (“Chairman Comer has also stated that President Biden’s grandchildren were involved in alleged “influence peddling” and such involvement is demonstrated in the SARs. Yet only one SAR mentioned any of President Biden’s seven grandchildren, and the grandchild mentioned was a minor during much of the time period covered by the SAR. Importantly, the SAR does not describe any potential wrongdoing by that grandchild.”); *James Comer Says Biden’s Granddaughter ‘Scarred for Life’ with ‘Major Bank Violation’* (July 3, 2023) (online at www.washingtonexaminer.com/news/white-house/james-comer-biden-granddaughter-major-bank-violation); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin Urges Chairman Comer to Reprimand Rep. Marjorie Taylor Greene for Public Display of ‘Gratuitous and ‘Irrelevant’ Pornographic Photographs During Committee Hearing* (July 27, 2023) (online at

and their invasion of the personal affairs of private citizens—is particularly concerning given your willingness to engage in such antics.

Of even greater concern is your willingness to cherry-pick and misrepresent the content of these bank records. For example, on Friday, October 20, you released a check dated March 1, 2018, in the amount of \$200,000 from James Biden to his brother marked “loan repayment.” Despite clear evidence that this transaction was a short-term, interest-free loan between brothers, which occurred while President Biden was also a private citizen, you told *Fox News* viewers you “don’t believe” that “Joe Biden did give his brother a loan.”¹⁴

Just yesterday, you told *Fox Business* viewers, “there is no document that shows there was a loan.”¹⁵ Yet the bank records provided to the Committee clearly show that President Biden had \$200,000 wired to his brother on January 12, 2018.¹⁶ Despite this clear evidence that James Biden received a loan from his brother on January 12, 2018, and paid him back 48 days later with a check for the same amount marked “loan repayment,” you continue to misrepresent the facts.

In 2019, in response to the Committee’s decision to issue a subpoena to then-President Trump’s accounting firm, Mazars—issued after the Committee had already received evidence that the former President routinely lied on financial statements—then-Ranking Member Jordan expressed outrage at what he described as then-Chairman Cummings’s “unprecedented abuse of the Committee’s subpoena authority to target and expose the private financial information of the President of the United States.”¹⁷ Yet now, four years later, you and Chairman Jordan have issued subpoenas seeking a decade’s worth of private information—not of the President, but of his family members and other private citizens—despite having no evidence of any wrongdoing by the President and having heard repeatedly from several witnesses that the President was not involved in their business ventures.

The sweeping overbreadth of these subpoenas makes clear their true purpose: to continue this baseless and voyeuristic fishing expedition; heckle the President with distortions and cherry-

<https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-urges-chairman-comer-to-reprimand-rep-marjorie-taylor>).

¹⁴ *James Comer: We Now Have Evidence Joe Biden Benefitted Directly*, Fox News (Oct. 20, 2023) (online at www.foxnews.com/video/6339564012112).

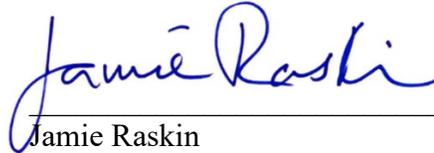
¹⁵ *Mornings with Maria*, Fox Business (Oct. 25, 2023) (online at <https://x.com/MorningsMaria/status/1717170394799436042?s=20>).

¹⁶ Document 00001219 (on file with Committee); *Another GOP ‘Bombshell’ About Joe Biden Turns Out to Be a Dud*, HuffPost (Oct. 23, 2023) (online at www.huffpost.com/entry/james-biden-payment-joe-biden_n_6536badee4b0689b3fbd8cf1); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Bank Records that Show No Wrongdoing by President Biden* (Oct. 20, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-bank-records-that-show-no-wrongdoing-by>).

¹⁷ Letter from Ranking Member Jim Jordan, Committee on Oversight and Reform, to Chairman Elijah Cummings, Committee on Oversight and Reform (Apr. 15, 2019) (online at <https://oversight.house.gov/wp-content/uploads/2019/04/2019-04-15-JDJ-to-EEC-re-Mazars-Subpoena.pdf>).

picked facts; distract from Donald Trump's four criminal indictments on 91 different felony criminal charges and recent judgments that he sexually assaulted a woman in New York and fraudulently inflated the value of his businesses; and attempt to boost Mr. Trump's prospects for election in 2024. These subpoenas represent a stunning abuse of the Committee's subpoena authority and create a deeply troubling precedent of using the power of the gavel to demand unfettered access to private citizens' irrelevant financial records.

Very truly yours,



Jamie Raskin
Ranking Member