

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
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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/202008225hpscideutschebanksubpoenamemo.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).

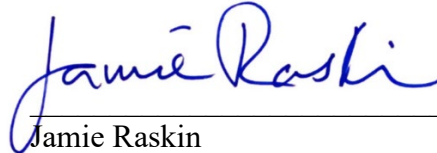
¹⁵ *Mornings with Maria*, Fox Business (Oct. 25, 2023) (online at <https://x.com/MorningsMaria/status/1717170394799436042?s=20>).

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