

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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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 you recently 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 already 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 letter seeking documents and information 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 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

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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 about 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,



Jamie Raskin
Ranking Member