

November 28, 2023

VIA ELECTRONIC MAIL

Representative James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
2157 Rayburn HOB
Washington, DC 20515

Re: *Response to Subpoena Request to Hunter Biden*

Dear Chairman Comer:

This letter is in response to your November 8, 2023, subpoena and letter (and that from the Judiciary Committee) seeking a December 13, 2023, deposition of our client, Robert Hunter Biden, as part of your proclaimed impeachment inquiry of President Biden.

Even before taking leadership roles in 2023 (in fact before the 2022 election), you and your colleagues announced your intention to pursue an “impeachment first, justification later” crusade. Disposing of any possible confusion as to your motives, you agreed with a Fox News journalist on May 22, 2023, that yours was an improper political purpose to “absolutely” move the needle of political support for the 2024 election.¹ Here we are, eleven months into your so-called investigation, and *every* objective review of your “revelations”—including by some of your colleagues—has declared your exploration as one turning up only dry holes. As one commentator noted, addressing the drawn-out and dried-up nature of your inquiry as well as the “debacle” that was your first hearing, it “takes longer to make progress when you’re not moving forward at all.”²

Your Committee has been working for almost a year—without success—to tie our client’s business activities to his father. You state that one of your purposes is to review how a President’s family’s business activities raise ethics and disclosure concerns to inform the basis for a legislative

¹ In response to a question posed as to whether the investigation had “moved this needle with the media,” you stated: “Absolutely. There’s no question. You look at the polling, and right now Donald Trump is seven points ahead of Joe Biden and trending upward; Joe Biden’s trending downward. And I believe that the media is looking around, scratching their head, and they’re realizing the American people are keeping up with our investigation.” Jennifer Bendery, *GOP Rep. James Comer Implies Biden Family Probe Is Really About Helping Trump in 2024*, HUFFPOST (May 22, 2023), www.huffpost.com/entry/james-comer-biden-probe-trump-2024_n_646b9106e4b0005c605afc8b.

² Philip Bump, *The Biden Impeachment Inquiry Nears Its End Game, While Also Not Moving*, WASH. POST (Nov. 16, 2023), <https://www.washingtonpost.com/politics/2023/11/16/johnson-biden-impeachment-republicans>.

solution. But *all* your focus has been on *this* President's family while turning a blind eye toward former President Trump and his family's businesses, some of which the family maintained while serving in office—an area ripe to inform your purported legislative pursuits. Unlike members of the Trump family, Hunter is a private person who has never worked in any family business nor ever served in the White House or in any public office. Notwithstanding this stark difference, you have manipulated Hunter's legitimate business dealings and his times of terrible addiction into a politically motivated basis for hearings to accuse his father of some wrongdoing.

In spite of our misgivings about your motives and purpose, we have offered, on more than one occasion, to meet or speak with your Committee to discuss whether there was something we could do to understand the basis of your inquiry, provide relevant information, or expedite its conclusion.³ You *never* responded, but now, in what appears to be a Hail Mary pass with your team behind in the score and time running out, you have subpoenaed or demanded interviews of Hunter Biden; his uncle James; James's wife, Sara; Hunter's brother's widow, Hallie; Hallie's sister, Elizabeth Secundy; Hunter's spouse, Melissa Cohen; his lawyer Kevin Morris; the art gallerist who endeavors to help Hunter earn a living; an acquaintance who purchased a painting of Hunter's; three of Hunter's former business partners; two Biden-campaign donors; an inmate convicted for his involvement in a tribal bond scheme that never involved Hunter; and last, but certainly not least, a disgruntled and incredible "whistleblower" (Tony Bobulinski), from whom Hunter disassociated almost as fast as he met him. Your fishing expedition has become Captain Ahab chasing the great white whale. It is no wonder so many news articles report your own Republican colleagues criticizing your proceedings and commenting that your time would be better spent on critical issues facing the country.⁴

However, with the likelihood that you will not listen to the many trying to end your partisan crusade, we respond specifically to your subpoena to Hunter Biden. We have seen you use closed-door sessions to manipulate, even distort the facts and misinform the public. We therefore propose opening the door. If, as you claim, your efforts are important and involve issues that Americans

³ See Feb. 9, 2023, Letter From Abbe Lowell to Chairman James Comer (transmitted via e-mail); Sept. 13, 2023, Letter From Abbe Lowell to Chairman James Comer (transmitted via e-mail).

⁴ Annie Grayer & Melanie Zanona, *Biden Impeachment Inquiry End Game Comes Into Focus, but Moderate Republicans Still Not Sold*, CNN (Nov. 6, 2023), <https://www.cnn.com/2023/11/06/politics/impeachment-inquiry-house-republicans/index.html> (**Rep. Don Bacon** stated: "I think it's better to let the election solve this . . . I know a lot of people say they want revenge. I don't think it's right for the country"; **Rep. Doug LaMalfa** stated: "It probably isn't quite in the nice package with the bowtie on top of it yet"; **Rep. Steve Womack** echoed a similar sentiment: "I've got so many other things to worry about. That ain't one of them"; **Rep. Mike Rogers** stated about the inquiry, "I don't think anything about it."); Aaron Blake, *7 Skeptical Republicans to Watch on Impeaching Biden*, WASH. POST (Sept. 13, 2023), <https://www.washingtonpost.com/politics/2023/09/13/7-republicans-watch-impeaching-biden/> (**Rep. Ken Buck** stated: "The time for impeachment is the time when there's evidence linking President Biden—if there's evidence linking President Biden—to a high crime or misdemeanor. That doesn't exist right now"; **Rep. Mike Lawler** stated: "For me, with respect to impeachment, we're not there yet. . . . It is not about focusing on the impeachment; it is a question of, do the facts and evidence warrant any further action."); Alexander Bolton, *House Conservatives Face Deeply Skeptical Senate GOP on Biden Impeachment*, THE HILL (Sept. 13, 2023), <https://thehill.com/homenews/senate/4203181-house-investigators-skeptical-senate-republicans-impeachment-inquiry/> (according to **one Republican senator** who requested anonymity to comment frankly on the Oversight inquiry, "I don't see what the evidence is, what the charge is . . . I hate to see an impeachment every other year.").

should know about, then let the light shine on these proceedings. Indeed, even *you* stated that “Hunter Biden *is more than welcome to come in front of the committee*. If he wants to clear his good name—if he wants to come and say, you know, these weren’t 20 shell companies, they actually did something—he’s invited today. We will drop everything.”⁵

Mr. Chairman, we take you up on your offer. Accordingly, our client will get right to it by agreeing to answer any pertinent and relevant question you or your colleagues might have, but—rather than subscribing to your cloaked, one-sided process—he will appear at a public Oversight and Accountability Committee hearing. To quote your November 8, 2023, letter accompanying the subpoena, “Given your client’s willingness to address this investigation *publicly* up to this point, we would expect him to be willing to testify *before Congress*.”⁶ He is, Mr. Chairman. A public proceeding would prevent selective leaks, manipulated transcripts, doctored exhibits, or one-sided press statements.

Your empty investigation has gone on too long wasting too many better-used resources. It should come to an end. Consequently, Mr. Biden will appear at such a public hearing on the date you noticed, December 13, or any date in December that we can arrange. From all the individuals you have requested depositions or interviews, all you will learn is that your accusations are baseless. However, the American people should see that for themselves.

We look forward to working out the schedule.

Sincerely,



Abbe David Lowell
Counsel for Robert Hunter Biden

cc: Rep. Jim Jordan, Chairman, House Committee on the Judiciary
Rep. Jamie Raskin, Ranking Member, House Committee on Oversight and Accountability
Rep. Jerrold Nadler, Ranking Member, House Committee on the Judiciary

⁵ @Newsmax at 3:05, X (Sept. 13, 2023) (emphasis added), available at <https://twitter.com/newsmax/status/1701928094003511311?s=46&t=a0UGYR3ho6S39dDafp8SGg>.

⁶ Nov. 8, 2023, Letter From Chairmen James Comer and Jim Jordan to Abbe D. Lowell, Esq., at 6 (emphases added).