

Congress of the United States
Washington, DC 20515

December 1, 2023

Abbe D. Lowell
Winston & Strawn LLP
1901 L Street NW
Washington, D.C. 20036

Dear Mr. Lowell:

We received your letter dated November 28, 2023, concerning the deposition subpoenas issued to your client, Robert Hunter Biden.¹ We appreciate your confirmation that Mr. Biden is available and willing to testify on December 13. Pursuant to the terms of the subpoenas, the Rules of the House of Representatives,² and the respective Committee rules,³ this testimony will occur initially in a deposition setting, as has been the consistent practice of Committees of the House of Representatives in recent Congresses—during both Republican and Democrat majorities—as well as these Committees during this inquiry. We also appreciate your confirmation that Mr. Biden is willing to testify at a public hearing. We look forward to his testimony in a hearing at the appropriate time.

Your recent letter makes several baseless and misleading assertions that we are compelled to clarify. It implies that the Committees have no valid legislative purpose for these subpoenas. Any such assertion is incorrect. The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”⁴ As we have explained, the Committees require Mr. Biden’s testimony to inform potential legislative reforms relating to federal ethics and financial disclosure laws.⁵ In addition, the Committees are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden based on evidence received to date showing that President Biden was aware of at least some of his family’s business ventures and sought to influence potential business deals that financially benefited his family.⁶

You also suggest that there is no evidence to support a finding that Mr. Biden’s business dealings implicate the official actions of his father. This is contrary to the facts already established through the investigation. As we have detailed in the memorandum explaining the scope of the impeachment inquiry, witnesses have testified not only that Mr. Biden sold the Biden “brand,” but also to how Mr. Biden placed his father on speaker phone twenty times with

¹ Letter from Abbe Lowell to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Nov. 28, 2023).

² Rules of the House of Representatives, Rule XI.2(m)(1)(B).

³ Rules of the H. Committee on Oversight & Accountability, Rule 12(g); Rules of the H. Comm. on the Jud., Rule IV(a).

⁴ *Trump v. Mazars*, 140 S. Ct. 2019, 2031 (2020) (internal quotation marks omitted).

⁵ *See, e.g.*, Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Hon. Jim Jordan, Chairman, H. Comm. on the Jud., to Abbe D. Lowell (Nov. 8, 2023).

⁶ *See, e.g., id.*

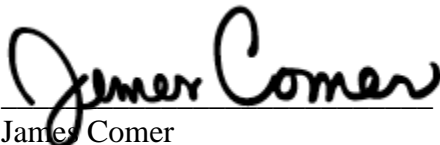
business associates, and how he introduced his father in-person during business meetings with foreign business partners. Furthermore, records from an FBI confidential human source detailed a bribery scheme in which President Biden allegedly participated with his son. Despite your bluster, the evidence remains undisputed.

Your letter is merely an extension of your coordinated campaign to discredit the allegations against Mr. Biden, distort the truth, and attack the integrity of witnesses against Mr. Biden. In June 2023, you wrote to the Ways and Means Committee asserting without evidence that two IRS whistleblowers had violated federal law by making protected whistleblower disclosures.⁷ You slandered these brave IRS whistleblowers as “disgruntled agents” with an “axe to grind,” and suggested—again without evidence—that these men were responsible for leaks to media outlets.⁸ You and Mr. Biden’s former attorney, Chris Clark, also demanded that senior Justice Department officials—federal employees who serve at the pleasure of Mr. Biden’s father—criminally investigate and prosecute witnesses against Mr. Biden.⁹ Your attempts to now bully and intimidate the Committees will not stand.

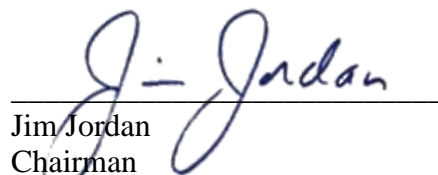
Mr. Biden’s attempt to avoid sitting for a deposition pursuant to the terms of the subpoenas—by offering instead to testify at a public hearing—amounts to a demand that he receive special treatment from the Committees. Mr. Biden will not succeed in attempting to dictate to the Committees how they conduct their investigation. The subpoenas Mr. Biden has received compel him to appear before the Committees for a deposition; they are not mere suggestions open to Mr. Biden’s interpretation or preference. Several Justice Department, FBI, and IRS officials have testified in transcribed interview and deposition settings, as has Devon Archer, Mr. Biden’s business associate. Notably, other Hunter Biden business associates are also cooperating with our subpoenas and not demanding a public hearing first. Mr. Biden seems to believe that he should be treated differently than other witnesses before the Committees. Nonetheless, if it helps to alleviate your stated concerns, you should be aware that, consistent with House and Committee rules and practice, we intend to videotape the deposition and release the deposition transcript soon after its completion.

The Committees’ investigation will proceed apace without interference or obstruction. Please confirm by December 4, 2023, your client’s attendance at the deposition scheduled for December 13, 2023, in the Rayburn House Office Building.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary

⁷ Letter from Abbe Lowell, to Rep. Jason Smith, Chairman, H. Comm. on Ways & Means (June 30, 2023).

⁸ *Id.*

⁹ Letter from Chris Clark to David Weiss, U.S. Att’y, Dist. of Del., at 2, 15-17 (Oct. 31, 2022); Letter from Abbe Lowell to David Weiss, U.S. Att’y, Dist. of Del. (Aug. 14, 2023); Letter from Abbe Lowell, to Matthew M. Graves, U.S. Att’y, U.S. Dep’t of Just. (Oct. 7, 2023).

Mr. Abbe D. Lowell

December 1, 2023

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cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Jerrold Nadler, Ranking Member
Committee on the Judiciary