

# Congress of the United States

Washington, DC 20515

December 27, 2023

Mr. Edward Siskel  
Assistant to the President and White House Counsel  
1600 Pennsylvania Ave. N.W.  
Washington, DC 20500

Dear Mr. Siskel:

The House Committee on Oversight and Accountability (Oversight Committee) and the House Committee on the Judiciary (Judiciary Committee, and with the Oversight Committee, the Committees) are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House.<sup>1</sup> Along with House Ways and Means Chairman Jason Smith, we set forth in a September 27, 2023 memorandum the evidence justifying the inquiry and the scope of this impeachment investigation.<sup>2</sup> On December 13, 2023, the House of Representatives directed the Committees to continue this investigation.<sup>3</sup> In light of an official statement from the White House that President Biden was aware in advance that his son, Hunter Biden, would knowingly defy two congressional subpoenas, we are compelled to examine as part of our impeachment inquiry whether the President engaged in a conspiracy to obstruct a proceeding of Congress.

The Committees issued subpoenas to Hunter Biden for a deposition to be conducted on December 13, 2023.<sup>4</sup> In correspondence with Mr. Biden's attorney prior to the scheduled date of the depositions, the Committees addressed and rejected Mr. Biden's justifications for not complying with the terms of the subpoenas, as well as Mr. Biden's demand for special treatment from the Committees.<sup>5</sup> The Committees specifically notified Mr. Biden, via his attorney, that his failure to appear for the deposition as required by the subpoenas would lead to the Committees initiating contempt of Congress proceedings.<sup>6</sup>

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<sup>1</sup> See H.R. Res. 918, 118th Cong. (2023); Memorandum from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry (Sept. 27, 2023) [Impeachment Inquiry Memorandum].

<sup>2</sup> Impeachment Inquiry Memorandum, *supra* note 1.

<sup>3</sup> See H.R. Res. 918, *supra* note 1.

<sup>4</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Jim Jordan, Chairman, H. Comm. on the Jud., to Abbe D. Lowell (Nov. 8, 2023).

<sup>5</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Jim Jordan, Chairman, H. Comm. on the Jud., to Abbe D. Lowell (Dec. 1, 2023); Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Jim Jordan, Chairman, H. Comm. on the Jud., to Abbe D. Lowell (Dec. 6, 2023).

<sup>6</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Jim Jordan, Chairman, H. Comm. on the Jud., to Abbe D. Lowell (Dec. 6, 2023).

On December 13, Mr. Biden did not appear for the deposition as required by the Committees' subpoenas. Instead, Mr. Biden appeared on the grounds of the U.S. Capitol with his attorney and Representative Eric Swalwell.<sup>7</sup> Mr. Biden gave a lengthy public statement to an assembly of reporters in which he made several statements that are relevant to the House's impeachment inquiry, including representations about his business activities, assertions about President Biden's awareness and "financial" involvement in these activities, and attacks on the Committees' inquiry.<sup>8</sup> Mr. Biden indicated that he would not appear for the deposition as required by the subpoenas and that he would only testify in a public forum, a demand for special treatment that the Committees had previously rejected.<sup>9</sup> Although Mr. Biden professed an interest in answering questions about his actions, he departed the Capitol grounds without taking any questions.<sup>10</sup> The Committees subsequently recorded Mr. Biden's non-appearance at his deposition.

Later on December 13, when asked whether President Biden had watched Mr. Biden's statement, White House Press Secretary Karine Jean-Pierre stated that President Biden was "certainly familiar with what his son was going to say."<sup>11</sup> Ms. Jean-Pierre declined, however, to provide any further details about the President's actions or whether the President approved of his son defying congressional subpoenas.<sup>12</sup> Nonetheless, Ms. Jean-Pierre's statement suggests that the President had some amount of advanced knowledge that Mr. Biden would choose to defy two congressional subpoenas.

Under the relevant section of the criminal code, it is unlawful to "corruptly . . . endeavor[] to influence, obstruct, or impede the due and proper exercise of the power of inquiry under which any investigation or inquiry is being had by . . . any committee of either House or any joint committee of the Congress[.]"<sup>13</sup> Likewise, any person who "aids, abets, counsels, commands, induces or procures" the commission of a crime is punishable as a principal of the crime.<sup>14</sup>

In light of Ms. Jean-Pierre's statement, we are compelled to examine the involvement of the President in his son's scheme to defy the Committees' subpoenas. The Committees have accumulated substantial evidence that Hunter Biden's business endeavors have improperly included his father, and the President has made false claims about his knowledge and involvement in these schemes. In fact, just days before Mr. Biden was scheduled to appear for

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<sup>7</sup> According to media accounts, the location of Mr. Biden's press conference was arranged and reserved by Representative Swalwell. See Cami Mondeaux, *How Democrats helped orchestrate surprise Hunter Biden appearance to slight House GOP*, WASH. EXAM. (Dec. 13, 2023).

<sup>8</sup> See C-SPAN, *Hunter Biden Statement on Subpoena and Investigation* (Dec. 13, 2023), available at <https://www.c-span.org/video/?532415-1/hunter-biden-statement-subpoena-investigation>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby. White House Briefing Room (Dec. 13, 2023).

<sup>12</sup> *Id.*

<sup>13</sup> 18 U.S.C. § 1505 (Obstruction of proceedings before departments, agencies, and committees).

<sup>14</sup> 18 U.S.C. § 2(a).

his deposition, the President claimed he had not interacted with any of his son's business partners.<sup>15</sup> This is false. The President has met with, spoken to, and received money sourced from his son's foreign business partners.<sup>16</sup> In light of this evidence, the fact that the President had advanced awareness that Mr. Biden would defy the Committees' subpoenas raises a troubling new question that we must examine: whether the President corruptly sought to influence or obstruct the Committees' proceeding by preventing, discouraging, or dissuading his son from complying with the Committees' subpoenas. Such conduct could constitute an impeachable offense.

Accordingly, and pursuant to the impeachment inquiry, please produce the following information for period January 20, 2021, to the present:

1. All documents and communications sent or received by employees of the Executive Office of the President regarding the deposition of Hunter Biden, including but not limited to communications with Hunter Biden, Winston & Strawn LLP, and Kevin Morris; and
2. All documents and communications sent or received by employees of the Executive Office of the President regarding President Biden's statement about his family's business associates on December 6, 2023.

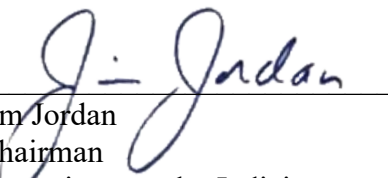
Please produce this information as soon as possible but no later than January 10, 2024.

Thank you for your cooperation with the impeachment inquiry.

Sincerely,



James Comer  
Chairman  
Committee on Oversight and Accountability



Jim Jordan  
Chairman  
Committee on the Judiciary

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

The Honorable Jerrold L. Nadler, Ranking Member  
Committee on the Judiciary

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<sup>15</sup> Alexander Hall, *Biden called out for claiming he 'did not' interact with Hunter's business partners: 'Yet another blatant lie,'* Fox News (Dec. 6, 2023).

<sup>16</sup> See, e.g., Memorandum from Maj. Comm. staff to Comm. Members. Re: Fourth Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes (Nov. 1, 2023).