

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6074
MINORITY (202) 225-6061
<https://oversight.house.gov>

July 28, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I write regarding your failure to provide the American public with the transcript of the transcribed interview with a former Supervisory Special Agent with the Federal Bureau of Investigation (FBI) that took place last Monday, July 17, 2023. This interview occurred less than a week after you issued a secret subpoena for his appearance as part of your probe into the Biden family. In his interview with Republican and Democratic Committee staff, this former FBI Supervisory Special Agent, who was assigned to the Hunter Biden investigation, discredited House Republicans' claim of political interference in the prosecution of President Biden's son by a Trump-appointed United States Attorney selected by then-Attorney General William Barr.

This failure to release a transcript is the latest in your troubling pattern of concealing key evidence in order to advance a false and distorted narrative about your "investigation of Joe Biden" that has not only failed to develop any evidence of wrongdoing by President Biden but has, in fact, uncovered substantial evidence to the contrary.¹ Just this week, you once again referenced documents purportedly from Hunter Biden's laptop, despite your months-long refusal

¹ *E.g.*, Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>) (Republican Rep. Chuck Edwards stated: "And I've heard over and over that President Biden has not been implicated or proven for any wrongdoing here, and I acknowledge that for now, but I know that it is the intent of this Oversight Committee to continue to look at the evidence that we have here."); James Comer: *Biden Lied, Was 'Involved' in Hunter Business Schemes*, Fox News (May 11, 2023) (online at www.foxnews.com/video/6327216678112) (Fox News host Steve Doocy stated: "You don't actually have any facts to that point. You've got some circumstantial evidence, and the other thing is of all those names, the one person who didn't profit—there's no evidence that Joe Biden did anything illegally."); *House Republicans Vow to Investigate Biden and His Family's Business Dealings*, CNN (Nov. 17, 2022) (online at www.cnn.com/2022/11/17/politics/house-republicans-white-house-hunter-biden/index.html) (quoting Chairman Comer: "I want to be clear: This is an investigation of Joe Biden"); James Comer: *This Is Good News for the Biden Investigation*, Fox Business (July 27, 2023) (online at www.youtube.com/watch?v=jNhEwZZc6uk) ("And that's what our investigation has been about from day one. It's always been about Joe Biden.").

to provide a copy of the hard drive you received containing these documents.² Your conduct flies in the face of the Committee’s traditional commitment to transparency and underscores the illegitimacy of an investigation that you have described as your “top priority” and that has recently devolved into a voyeuristic obsession with salacious aspects of Hunter Biden’s life, despite your admission, last fall, that such a focus would be “very counter to a credible investigation.”³

I. FAILURE TO RELEASE TRANSCRIPT OF INTERVIEW WITH FORMER FBI SUPERVISORY SPECIAL AGENT

Last Monday, July 17, Republican and Democratic Committee staff interviewed a former FBI Supervisory Special Agent, who, until he retired in June 2022, was assigned to the FBI’s Wilmington office and the Hunter Biden investigation led by David Weiss, the Trump-appointed U.S. Attorney who was entrusted with this responsibility by Trump Attorney General William Barr. This interview followed a secret subpoena you issued for the former Supervisory Special Agent’s testimony just six days before his interview.⁴

Over the course of more than two hours of questioning by both Republican and Democratic staff, this former FBI Supervisory Special Agent’s statements directly undermined Committee Republicans’ narrative of political interference with the Hunter Biden investigation and provided important context necessary to understanding the testimony of the two Internal Revenue Service (IRS) witnesses who testified at the full Committee hearing on Wednesday, July 19, 2023. Though it has been nearly two weeks since this interview, you have yet to publicly release the interview transcript, despite my call for you to do so and your claim that you would “love” to release it.⁵

² *Hannity*, Fox News (July 24, 2023) (online at <https://twitter.com/RepJamesComer/status/1683654565873303556?s=20>); Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³ Oversight Committee Republicans (@GOPoversight) (July 19, 2023) (online at <https://twitter.com/gopoversight/status/1681753183641583616?s=46>); *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat’* (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>); *Oversight Chair Comer Reignites GOP’s “Top Priority” Probe into Hunter Biden, Sets Hearing with Twitter Execs*, Fox News (Jan. 11, 2023) (online at www.foxnews.com/politics/oversight-chair-comer-reignites-gops-top-priority-probe-hunter-biden-hearing-twitter-execs).

⁴ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023); Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Transcribed Interview with Former FBI Supervisory Special Agent* (July 17, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-transcribed-interview-with-former-fbi>).

⁵ Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Transcribed Interview with Former FBI Supervisory Special Agent* (July 17, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-transcribed-interview-with-former-fbi>); Reese Gorman (@reesejgorman) (July 18, 2023) (online at <https://twitter.com/reesejgorman/status/1681295324621557762?s=20>) (Reese Gorman of the *Washington Examiner*

During the transcribed interview, the former FBI Supervisory Special Agent, whom IRS Supervisory Special Agent Gary Shapley, one of the witnesses at the July 19 hearing, described as someone he “respect[s],” undercut several key claims you and other Committee Republicans have made about U.S. Attorney Weiss’s investigation of Hunter Biden.⁶

First, he debunked the idea that political influence played any part in the investigation and testified that over his decade of experience with the Delaware U.S. Attorney’s Office, he never knew the Assistant U.S. Attorneys in the office or U.S. Attorney Weiss to allow any political considerations to influence their prosecutorial decisions in any case.⁷ The former FBI Supervisory Special Agent thus supported Mr. Weiss’s repeated confirmation that, far from being stymied by political interference, he was “granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges.”⁸ In his last press conference before stepping down in December 2020, Attorney General Barr confirmed his own belief that U.S. Attorney Weiss could complete his investigation without interference in explaining that it was “being handled responsibly and professionally, and to this point I have seen no reason to appoint a special counsel, and I have no plan to do so before I leave.”⁹ Further, even the IRS witnesses at the July 19, 2023, hearing conceded that they did not claim that President Biden or Attorney General Garland interfered in their investigation.¹⁰

Second, the former FBI Supervisory Special Agent undermined the notion that the disagreement between agents and prosecutors assigned to the Hunter Biden investigation was evidence of political interference. Rather, he acknowledged, it is routine for agents and Department of Justice (DOJ) prosecutors to disagree about investigative steps and charging

quoted Chairman Comer as saying he “would ‘love’ to release the full transcript of the FBI Agent’s whistleblower testimony before tomorrow’s hearing with the IRS whistleblowers.”)

⁶ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>) (IRS Supervisory Special Agent Gary Shapley stated: “Yes, I respect the FBI SSA.”).

⁷ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

⁸ Letter from U.S. Attorney David Weiss, Department of Justice, to Chairman Jim Jordan, Committee on the Judiciary (June 7, 2023) (online at www.documentcloud.org/documents/23854516-20230607-out-jordan-investigation); *see also* Letter from U.S. Attorney David Weiss, Department of Justice, to Chairman Jim Jordan, Committee on the Judiciary (June 30, 2023) (online at <https://static.foxnews.com/foxnews.com/content/uploads/2023/07/2023.06.30-David-Weiss-1.pdf>); Letter from U.S. Attorney David Weiss, Department of Justice, to Ranking Member Lindsey Graham, Senate Judiciary Committee (July 10, 2023) (online at www.politico.com/f/?id=00000189-403e-d0a8-a59b-dffe47490000).

⁹ *Barr Says No Need for Special Counsel for Hunter Biden Probe, Election Fraud Claims*, NPR (Dec. 21, 2020) (online at www.npr.org/2020/12/21/948787251/barr-says-no-need-for-special-counsel-for-hunter-biden-probe-election-fraud-clai).

¹⁰ Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

decisions, and in his 20-year career, he witnessed this happen frequently.¹¹ The witnesses at the July 19 hearing also conceded this point, and Mr. Shapley even admitted that attorneys at the IRS's Office of Criminal Tax Counsel, which reviews agents' assessments of criminal tax cases, disagreed with him and his team "90 percent" of the time.¹²

Mr. Shapley and IRS Special Agent Joseph Ziegler, the second witness at the July 19 hearing, told the Committee on Ways and Means that at each step of the process, reviewers and prosecuting attorneys expressed doubts regarding the strength of the evidence in the Hunter Biden investigation. Both witnesses explained that the first-level IRS reviewer, the line attorney in the IRS's Office of Criminal Tax Counsel, expressed "caution" about the proposed charges by assigning them a "yellow light."¹³ Subsequent IRS reviewers recommended "a declination for all of the tax years at hand."¹⁴ Reviewers at DOJ's Tax Division did not give the charges "full-on approval" and instead "gave what's called discretion," meaning that prosecutors should exercise discretion in deciding whether or not the charges should be brought.¹⁵ With regard to at least one of the proposed charges, Mr. Shapley himself recognized he "could see some issues with that that would preclude it from being charged."¹⁶ And, as Mr. Ziegler explained, U.S. Attorney Weiss had concerns about potentially bringing charges regarding the 2014 and 2015 tax years after DOJ's Tax Division raised some potential issues:

And at that meeting, David says to us—and this is from my recollection—that he agrees with us regarding the 2014, 2015 tax year. They're great. Yes, we investigated it. We figured it out. But he has been getting concerns from DOJ Tax regarding the tax years because they viewed that, at a trial—that it could affect the later years. That the information regarding the subject's brother's death, the substance abuse—that all those things could play a huge role and cause

¹¹ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

¹² Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

¹³ Committee on Ways and Means, Transcribed Interview of Mr. X at 33–34, 86–88 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); *see also* Committee on Ways and Means, Transcribed Interview of Gary Shapley at 23 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf).

¹⁴ Committee on Ways and Means, Transcribed Interview of Mr. X at 33 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf).

¹⁵ *Id.* at 39; *see also* Ian M. Comisky, et al., *Tax Fraud and Evasion*, Vol. 1 (6th ed.) (Apr. 2014) at ¶ 4.07[1] Prosecution Authorization ("A recommendation for prosecution forwarded by [IRS] CI [Criminal Investigation] is reviewed by a Tax Division CES [Criminal Enforcement Sections] attorney assigned to the applicable geographical area. The CES attorney will prepare a memorandum that, upon further review, will result in the Tax Division: (1) directing a prosecution be initiated; (2) requesting further investigation be undertaken by CI, which may be done using the Grand Jury process; (3) *referring the case to the appropriate U.S. Attorney with discretion to indict or take some other action determined to be appropriate*; or (4) returning the case to the IRS as declined.") (emphasis added).

¹⁶ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 93 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf).

the jury to say essentially—to have sympathy for him and to not convict on the charges. At the time, David is telling us, well, I’m still weighing it.”¹⁷

Third, the former FBI Supervisory Special Agent explained that, in determining whether to seek a warrant, it is not only proper, but indeed DOJ policy, for prosecutors to consider additional factors beyond whether probable cause exists, where the warrant involves the property of a political candidate or an attorney or may raise election year sensitivities.¹⁸ Mr. Shapley and Mr. Ziegler criticized Assistant U.S. Attorney Lesley Wolf for refusing to seek a warrant in October 2020 to search the guest house at “the Bidens’ Delaware residence where Hunter Biden stayed for a time,” and in December 2020 for a storage unit with records from Hunter Biden’s law firm, Owasco.¹⁹ These decisions, which were made during the Trump Administration, both reflect longstanding DOJ and IRS policy that, with regard to search warrants involving the property of lawyers, public officials, or political candidates, prosecutors are required to consider “whether the particular evidence at issue can be secured without a search warrant (*i.e.*, whether a search warrant is the ‘least-intrusive means’ to obtain the evidence)” and “whether there is a reasonable need for the evidence (*i.e.*, whether the case can be investigated and prosecuted with other evidence, with no significant delay in completing the investigation and no significant diminution in the likelihood of conviction).”²⁰ In fact, in the context of a search warrant involving the property of an attorney, DOJ policy explicitly requires agents and prosecutors to consider “obtaining information from other sources or through the use of a subpoena,” which, according to Mr. Ziegler, is precisely what Assistant U.S. Attorney Wolf did.²¹

Mr. Shapley also complained about Assistant U.S. Attorney Wolf’s concern about “the ‘optics’ of executing a search warrant at President Biden’s residence” during the 2020

¹⁷ Committee on Ways and Means, Transcribed Interview of Mr. X at 39 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf).

¹⁸ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

¹⁹ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 14, 17 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf); Transcribed Interview of Mr. X at 27 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

²⁰ Department of Justice, *Criminal Tax Manual* at 1.05[3][b] Search Warrants (Aug. 2022) (online at www.justice.gov/media/1239301/dl?inline); Internal Revenue Service, *Internal Revenue Manual* at 9.4.9.2, General Search Warrant Procedures (Feb. 11, 2013) (online at www.irs.gov/irm/part9/irm_09-004-009#idm140285508502512).

²¹ Department of Justice, *Justice Manual* at 9-12.420 Searches of Premises of Subject Attorneys (online at www.justice.gov/jm/jm-9-13000-obtaining-evidence#9-13.420) (accessed July 27, 2023); Committee on Ways and Means, Transcribed Interview of Mr. X at 39 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf) (referring to a subpoena as a “request for records”).

presidential campaign.²² However, once again, this decision was in line with both longstanding DOJ practice and then-Attorney General Barr’s February 5, 2020, memorandum regarding sensitive investigations. DOJ’s policies require prosecutors to consult with the Department’s Public Integrity Section with regard to “[a]ny action likely to raise an issue or the perception of an issue” with regard to ongoing elections.²³ Then-Attorney General Barr’s February 2020 memorandum reminded DOJ prosecutors that “the Department has long recognized that it must exercise particular care regarding sensitive investigations and prosecutions that relate to political candidates, campaigns, and other politically sensitive individuals and organizations—especially in an election year.”²⁴

Fourth, the former FBI Supervisory Special Agent explained that it was necessary for FBI headquarters to alert the U.S. Secret Service of its intent to interview Hunter Biden for the safety of agents on the investigative team seeking to approach a Secret Service protectee. He also stated that, while he was told an unspecified “transition team” would also be notified by FBI headquarters, he was not provided any actual details as to what transition team this referred to, and he did not know anything about whether they were actually notified. He further clarified that he did not suspect any political purpose or improper motivation behind FBI headquarters’ putative decision in December 2020—once again, during the Trump Administration—to notify a “transition team” and U.S. Secret Service headquarters prior to Hunter Biden’s interview.²⁵

Fifth, the former FBI Supervisory Special Agent acknowledged that leaks about an ongoing criminal investigation are harmful to the investigation’s integrity.²⁶ He did not specifically discuss the October 6, 2022, *Washington Post* article entitled “Federal Agents See Chargeable Tax, Gun-Purchase Case Against Hunter Biden,”²⁷ which Mr. Shapley acknowledged was a “leak” that “appeared to come from the agent’s level” and from someone “who was critical of the prosecutors for not charging the case.”²⁸ However, the former FBI Supervisory Special Agent acknowledged that under certain circumstances, it would be

²² Committee on Oversight and Accountability, Testimony of Supervisory Special Agent Gary Shapley, Internal Revenue Service, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/07/Shapley-Testimony.pdf>).

²³ Department of Justice, *Justice Manual* at 9-85.500 Actions that May Have an Impact on an Election (online at www.justice.gov/jm/jm-9-85000-protection-government-integrity#9-85.500) (accessed July 27, 2023).

²⁴ Memorandum from Attorney General William Barr to All United States Attorneys, All Department Component Heads, and All Law Enforcement Agency Heads, *Additional Requirements for the Opening of Certain Sensitive Investigations* (Feb. 5, 2020) (online at <https://docs.house.gov/meetings/JU/JU00/20200624/110836/HHRG-116-JU00-20200624-SD009-U19.pdf>).

²⁵ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

²⁶ *Id.*

²⁷ *Federal Agents See Chargeable Tax, Gun-Purchase Case Against Hunter Biden*, *Washington Post* (Oct. 6, 2022) (online at www.washingtonpost.com/national-security/2022/10/06/hunter-biden-tax-gun-charges/).

²⁸ Committee on Ways and Means, Transcribed Interview of Gary Shapley at 150 (May 26, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf); see also Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

justifiable to remove an entire investigative team where there was reason to suspect someone on the investigative team was leaking information to the press and the specific source of the leak could not be identified.²⁹ In the case of the Hunter Biden investigation, the investigative team was removed following the October 6, 2022, *Washington Post* article. According to Mr. Ziegler, “99.9 percent” of the investigative work had been completed by that point.³⁰

Each of these statements by the former FBI Supervisory Special Agent provides necessary context to understanding the testimony of the two IRS agents before the Committee on July 19, 2023. They directly undermine the notion that Hunter Biden was given preferential treatment and instead establish that Mr. Weiss and his team of prosecutors carefully considered the voluminous evidence gathered during the five-year investigation and proceeded in accordance with longstanding DOJ policy in making decisions regarding investigative steps.

Yet, in refusing to release the transcript of the former FBI Supervisory Special Agent’s interview, you have advanced a false, distorted, and grossly incomplete narrative based on cherry-picked facts and deprived the American people of the opportunity to come to their own conclusion in light of all the evidence.

II. A PATTERN OF CONCEALING KEY EVIDENCE

Your refusal to release the transcript of the former FBI Supervisory Special Agent’s interview is part of a pattern of suppressing key evidence in your “investigation of Joe Biden.”³¹ In April, I wrote you regarding your efforts to keep information from Committee Democrats and your apparent misrepresentations about certain investigative steps Committee Republicans had taken in this matter.³² Since then, you have continued to refuse to provide Democratic Members and staff with a copy of the hard drive purportedly obtained from Hunter Biden’s laptop or explain when and from whom you received it, even as you continue to refer to documents you assert are from the laptop.³³ Further, you have repeatedly referenced claims and allegations you

²⁹ Committee on Oversight and Accountability, Transcribed Interview of Former Supervisory Special Agent, Federal Bureau of Investigation (July 17, 2023).

³⁰ Committee on Ways and Means, Transcribed Interview of Mr. X at 14–15 (June 1, 2023) (online at https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>).

³¹ E.g., *House Republicans Vow to Investigate Biden and His Family’s Business Dealings*, CNN (Nov. 17, 2022) (online at www.cnn.com/2022/11/17/politics/house-republicans-white-house-hunter-biden/index.html) (quoting Chairman Comer: “I want to be clear: This is an investigation of Joe Biden”); *James Comer: This Is Good News for the Biden Investigation*, Fox Business (July 27, 2023) (online at www.youtube.com/watch?v=jNhEwZZc6uk) (“And that’s what our investigation has been about from day one. It’s always been about Joe Biden.”).

³² Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³³ E.g., *Hannity*, Fox News (July 24, 2023) (online at <https://twitter.com/RepJamesComer/status/1683654565873303556?s=20>); Letter from Ranking Member Jamie

have attributed to whistleblowers without providing any information about those whistleblowers to Democratic Members or staff.³⁴

Just a couple of weeks ago, we learned that one of these secret whistleblowers, an individual you had identified as a “very credible witness,” turned out to be Gal Luft, a fugitive from justice charged with several felonies by the U.S. Attorney for the Southern District of New York, including arms trafficking, sanctions violations, operating as an unregistered foreign agent to “advance the interests of the People’s Republic of China” in the United States through an adviser to then-President-elect Trump, and making false statements to federal agents.³⁵

You have also held out years-old, unverified, second-hand allegations attributed to Mykola Zlochevsky, a Ukrainian oligarch who owns Burisma Holdings, which were memorialized in an FBI Form FD-1023, as evidence of wrongdoing by President Biden. However, you have repeatedly failed to mention that for over four years, the Committee has had in its possession a document recording statements by Mr. Zlochevsky that directly contradict the statements attributed to him in the Form FD-1023.³⁶ As *Fox News* host Steve Doocy explained this week: “Here’s the problem . . . is [sic] the 1023 form makes a damning case against the Bidens, but it’s completely unverified. And in fact, there are certain critical parts of the story that have been refuted by the people in the story. So—so it’s problematic.”³⁷

You have likewise refused to acknowledge that in a June 5, 2023, briefing to the two of us for over an hour, senior FBI officials explained that the allegations in the Form FD-1023 had been previously provided to the FBI by Rudy Giuliani, and were thoroughly investigated by Donald Trump’s own Justice Department as part of a formal assessment, which then-Attorney

Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

³⁴ See, e.g., Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>); *Rep. Comer Makes Stunning Prediction Over Docs Alleging Biden Bribery Schemes*, Fox Business (June 1, 2023) (online at <https://www.youtube.com/watch?v=r34wTrj1ws0>).

³⁵ Letter from Ranking Member Jamie Raskin and Rep. Dan Goldman, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 11, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-11.JBR%20Goldman%20to%20Comer%20re%20Luft.pdf>).

³⁶ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (June 29, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-29.JBR%20to%20Comer%20re%20Form-1023.pdf>); Letter from Lev Parnas to Chairman James Comer, Committee on Oversight and Accountability (July 18, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/Parnas%2C%20COA%20Letter%2C%20July%2018%2C%202023.pdf>).

³⁷ *Fox News Host Summarizes the GOP’s Shaky Impeachment Push Against Biden*, Washington Post (July 26, 2023) (online at www.washingtonpost.com/politics/2023/07/26/fox-news-doocy-biden-impeachment/).

General Barr assigned to Scott Brady, then the U.S. Attorney for the Western District of Pennsylvania. That assessment was closed in August 2020 after eight months of investigative efforts, which included interviewing Mr. Giuliani and the confidential human source who reported Mr. Zlochevsky's allegations to the FBI, as well as reviewing suspicious activity reports (SARs) filed by banks. The FBI officials further confirmed during the briefing that Mr. Brady's team found insufficient evidence to warrant escalating this assessment to a preliminary or full investigation, and it was closed with the concurrence of Mr. Brady and high-level DOJ officials.³⁸

Similarly, despite issuing multiple subpoenas to banks seeking the financial information of private citizens and business entities—all, once again, issued in secret and without providing proper prior notice to the Committee's Minority—you have failed to establish any financial link between President Biden and any of Hunter Biden's, or his associates', business ventures, let alone any wrongdoing by the President.³⁹ Further, despite demanding and conducting, in March of this year, an interview of Eric Schwerin, who performed a number of administrative and bookkeeping tasks for then-Vice President and Hunter Biden between 2009 and 2017, you have refused to acknowledge that Mr. Schwerin expressly rejected your claim that President Biden was involved in Hunter Biden's businesses based on his first-hand knowledge. Specifically, Mr. Schwerin, who explained that he had the ability to view President Biden's bank account transactions from 2009 to 2017, told Republican and Democratic Committee staff that he was not aware of any involvement by President Biden in the financial conduct of his relatives' businesses, much less any transactions into or out of the then-Vice President's bank account related to business conducted by any Biden family member.⁴⁰

Both you and other Republican Committee Members have also mischaracterized the information contained in SARs filed by banks. Committee Members were provided the opportunity to review any SARs mentioning a number of individuals, including Hunter Biden and a number of his family members and business associates.⁴¹ Although SARs are merely "preliminary and unverified tip-and-lead information" and are not evidence of a crime,

³⁸ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20Wray-FBI%20re%20Subpoena%20Briefing%20FINAL.pdf>).

³⁹ *E.g.*, Memorandum from Minority Staff to Members of the 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>).

⁴⁰ *See* Memorandum from Minority Staff to Members of the 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>).

⁴¹ Committee on Oversight and Accountability, *Press Release: Comer: Treasury Department Caves, Provides Access to Biden Family & Their Associates' SARs* (Mar. 14, 2023) (online at <https://oversight.house.gov/release/comer-treasury-department-caves-provides-access-to-biden-family-their-associates-sars/>); *see also* Letter from Chairman James Comer, Committee on Oversight and Accountability, to Treasury Secretary Janet Yellen, (Jan. 11, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-11-Treasury.pdf>).

wrongdoing, or even evidence of an existing investigation, you have repeatedly and erroneously referred to them as “bank violations.”⁴² Further, you have falsely claimed that the SARs implicate “the entire [Biden] family,” despite the fact that none of the SARs reviewed by Committee staff allege, or even suggest, any potential misconduct by President Biden. Nor do they show President Biden’s involvement, in any respect, in Hunter Biden’s financial or business relationships.⁴³

Just this month, during a recent *Fox News* appearance, you chose to target President Biden’s granddaughter, noting that her name appeared in a SAR and claiming, without any evidence, that President Biden used her account to launder money. You went on to say, “When that poor girl goes to get a mortgage or apply for a credit card, she’s going to have problems because she has a bank violation, a major bank violation.”⁴⁴ Your decision to publicize details of a confidential SAR and speculate about President Biden’s grandchild, who was a minor for much of the time period covered by the SAR, suggests that the aim of your investigation is simply to smear President Biden and his family.

Last year, you vowed to conduct “a sober investigation” if you became Chair.⁴⁵ Instead, your investigation has been characterized throughout by the active concealment of key evidence, the refusal to share Committee information with the Minority, a total lack of transparency, repeated reliance on fraudulent and discredited sources, baseless and outlandish allegations, constant innuendo, and a refusal to consider any facts in evidence that debunk your precooked theories. Indeed, the integrity of this investigation has so degenerated that during the July 19 hearing, you allowed Representative Marjorie Taylor Greene to exhibit lurid pornographic images of Hunter Biden and other individuals in the Committee Room.⁴⁶ I would invoke your

⁴² Memorandum from Minority Staff to Members of the 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>); Bank Policy Institute, *The Truth About Suspicious Activity Reports*, (Sept. 22, 2020) (online at <https://bpi.com/the-truth-about-suspicious-activity-reports/>); see, e.g., *China Bought Joe Biden*, *The Great America Show with Lou Dobbs* (July 19, 2023) (online at www.listennotes.com/podcasts/the-great-america/china-bought-joe-biden-01a8JKHiZL6/) (Chairman Comer stated: “[The Oversight Committee has] already gotten, you know, overwhelming amount of evidence in the form of bank records and *bank violations*.”) (emphasis added).

⁴³ Memorandum from Minority Staff to Members of the 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>).

⁴⁴ *Rep. James Comer: This is a Terrible Example of Leadership in the White House*, *Fox News* (July 3, 2023) (online at www.foxnews.com/video/6330534582112).

⁴⁵ *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat’* (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).

⁴⁶ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 26, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.07.26.%20JBR%20to%20Comer%20re%20MTG%20Use%20of%20Explicit.pdf>); Committee on Oversight and Accountability, *Hearing with IRS Whistleblowers About the Biden Criminal Investigation* (July 19, 2023) (online at <https://oversight.house.gov/hearing/hearing-with-irs-whistleblowers-about-the-biden-criminal-investigation/>);

own suggestion from long ago that such an erratic and polemical performance is “very counter to a credible investigation.”⁴⁷

III. CONCLUSION

I urge you to stop concealing key evidence and to instead commit to making public *all* the investigative steps undertaken and *all* materials gathered as part of this investigation. The American people deserve to be able to make their own determination, free of constant political spin, by reviewing for themselves *all* of the facts. After all, a half-truth can often function as a complete lie. As a first step toward real transparency, I urge you to release immediately the transcript of the July 17, 2023, interview of the former FBI Supervisory Special Agent.

Thank you for your time and consideration, and I look forward to your response and a serious change in the practices of the Committee.

Very truly yours,



Jamie Raskin
Ranking Member

Oversight Committee Republicans (@GOPoversight) (July 19, 2023) (online at <https://twitter.com/gopoversight/status/1681753183641583616?s=46>).

⁴⁷ *Inside House Republicans’ Plan to Investigate Hunter Biden as a ‘National Security Threat’*, TIME (Oct. 3, 2022) (online at <https://time.com/6218879/hunter-biden-investigations-james-comer-house-republicans/>).