

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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September 18, 2023

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary is continuing its oversight of the Justice Department's commitment to impartial justice and its handling of a criminal investigation involving Hunter Biden. As you are aware, the Department recently made two Federal Bureau of Investigation (FBI) officials available for transcribed interviews with the Committee on a narrow set of issues, and the Committee is in the process of scheduling testimony for the additional witnesses requested in the Committee's June 29, 2023, letter. However, due to the Department's unwillingness to permit witnesses to provide full and complete testimony, the Committee requires relevant documents to supplement and corroborate the witnesses' testimony.

On September 7 and 11, 2023, the Committee conducted transcribed interviews with the FBI agents who oversaw the Hunter Biden investigation.¹ Unfortunately, the interviews were severely circumscribed by the Department's unilateral scoping restrictions, which were based on an erroneous and self-serving interpretation of the law enforcement and deliberative process privileges.² The Committee agreed to proceed with the transcribed interviews in the interest of not unduly delaying our oversight, while reserving the right to request additional information in the future. Without access to additional information on the matters discussed by the Internal

¹ See Transcribed Interview of Thomas J. Sobocinski, Special Agent in Charge, Balt. Field Off., Fed. Bureau of Investigation (Sept. 7, 2023) (transcript on file with the Committee); Transcribed Interview of Ryeshia Holley, Assistant Special Agent in Charge, Balt. Field Off., Fed. Bureau of Investigation (Sept. 11, 2023) (transcript on file with the Committee) [hereinafter Holley Interview].

² See generally William McGurn, Opinion, *The 'Ongoing Investigation' Dodge on Hunter Biden*, WALL ST. J. (July 10, 2023) (quoting former Assistant U.S. Attorney Andrew McCarthy as stating, "The executive branch response of 'ongoing investigation' is really a political objection, rather than a legal one. There is no 'ongoing investigation' privilege."); *In re Sealed Case (Espy)*, 121 F.3d 729, 746 (D.C. Cir. 1997) (finding that "the [deliberative process] privilege disappears altogether when there is any reason to believe government misconduct occurred").

Revenue Service whistleblowers, the Committee is unable to thoroughly complete its constitutionally prescribed oversight responsibilities.³

Accordingly, so that the Committee can fulfill its oversight obligations, please produce the following information:

1. All documents and communications between or including any of the Department or FBI employees listed in the Committee's June 29, 2023 letter ("the Witnesses"),⁴ referring or relating to the following topics:
 - a. IRS Supervisory Special Agent Gary Shapley;
 - b. IRS Special Agent Joseph Ziegler;
 - c. Retired FBI Supervisory Special Agent (SSA) Joe Gordon's interview on July 17, 2023, with the House Committee on Oversight and Accountability;
 - d. The Witnesses' planned testimony during their transcribed interviews or depositions with the Committee;
 - e. The meeting on October 7, 2022, attended by U.S. Attorney for the District of Delaware David Weiss and several other Department and IRS officials, including but not limited to contemporaneous notes taken at the meeting;
 - f. The meeting on June 15, 2022 at Main Justice attended by Acting Deputy Assistant Attorney General Stuart Goldberg and several other Department and IRS officials; and
 - g. U.S. Attorney Weiss's authority to bring charges against Hunter Biden;
2. All records, including, but not limited to, call detail records and call logs, of telephone calls between Mr. Weiss and FBI Special Agent in Charge Thomas Sobocinski or Assistant Special Agent in Charge Ryeshia Holley taking place between July 1, 2021 and September 11, 2023;
3. All text messages, emails, and other written or digital correspondence between Mr. Weiss and Mr. Sobocinski or Ms. Holley regarding any of the matters identified in question 1 sent or received between July 1, 2021 and September 11, 2023;

³ See *Comm. on the Judiciary v. Miers*, 558 F. Supp. 2d 53, 78 (D.D.C. 2008) ("[G]iven [Congress's] unique ability to address improper partisan influence in the prosecutorial process . . . [n]o other institution will fill the vacuum if Congress is unable to investigate and respond to this evil." (internal quotation marks omitted)).

⁴ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Merrick B. Garland, U.S. Att'y, Dep't of Just. (June 29, 2023).

4. The PowerPoint presentation created by former SSA Gordon regarding the Hunter Biden investigation;⁵
5. All slides or other presentation materials prepared for or used at the June 15, 2022 meeting; and
6. All emails or notes, including handwritten notes, relating to or taken at the October 7, 2022 meeting.

Additionally, in response to the Department's offer to make additional witnesses available and as another act of good faith, the Committee is willing to proceed with transcribed interviews of Department witnesses on the following dates:

1. Lesley Wolf, Assistant U.S. Attorney for the District of Delaware – September 29, 2023;
2. Matthew Graves, U.S. Attorney for the District of Columbia – October 2, 2023;
3. E. Martin Estrada, U.S. Attorney for the Central District of California – October 3, 2023;
4. Stuart Goldberg, Acting Deputy Assistant Attorney General – October 4, 2023;
5. Shawn Weede, Criminal Chief, U.S. Attorney's Office for the District of Delaware – October 6, 2023;
6. Shannon Hanson, Assistant U.S. Attorney for the District of Delaware – October 10, 2023; and
7. David Weiss, Special Counsel and U.S. Attorney for the District of Delaware – October 11, 2023.

After the Committee gathers the requested documents and testimony, and consistent with the Department's offer, we look forward to receiving testimony from David Weiss at a public hearing on October 18, 2023.

Please provide this information, including confirmation that the individuals named above will be made available to testify on the respective dates, as soon as possible but not later than 5:00 p.m. on September 27, 2023.

⁵ See Holley Interview at 142 (“So when I became the ASAC, amongst other cases that Mr. Gordon and my other supervisors briefed me on, I do remember . . . like a collective PowerPoint that he put together . . . to try to provide some background . . . on this ongoing matter [regarding Hunter Biden].”).

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Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive, with the first name "Jim" and last name "Jordan" clearly legible.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member