

Congress of the United States
Washington, DC 20515

March 25, 2024

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

Dear Attorney General Garland:

On February 27, 2024, after first attempting to obtain the Department of Justice’s voluntary compliance,¹ the Committee on the Judiciary (“Judiciary Committee”) and the Committee on Oversight and Accountability (“Oversight Committee”) issued subpoenas to the Department for a narrow and specific set of material in the Department’s possession relating to Special Counsel Robert K. Hur’s investigation of President Joe Biden’s “willful” mishandling of classified documents.² However, on March 7, 2024, the subpoena’s return date, the Department provided the Committees with an insufficient production that only included letters exchanged between President Biden’s legal counsel and the Department, along with an offer to review two classified documents *in camera*.³

On March 9, 2024, the Committees notified you that the Department’s initial production in response to the subpoenas was inadequate, specifically noting the Department’s failure to produce unredacted transcripts and audio recordings of Special Counsel Hur’s interviews of President Biden or his ghostwriter Mark Zwonitzer.⁴ Because Special Counsel Hur was scheduled to testify at the Judiciary Committee on March 12, this letter directed the Department to produce all materials responsive to the Committees’ subpoenas by March 11 at 3:00 p.m.⁵ The

¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice (Feb. 12, 2024).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice (Feb. 27, 2024).

³ Letter from Hon. Carlos F. Uriarte, Assistant Att’y Gen., Office of Legislative Affairs, U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 7, 2024); Letter from Hon. Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Mar. 7, 2024) (collectively “March 7 Letters”); DOJ-HJC-HUR-0000001-0000032.

⁴ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice (Mar. 9, 2024).

⁵ *Id.*

Department failed to comply with the Committees' deadline,⁶ and instead informed Committee staff that an "interagency review" for classified and confidential information was still pending.⁷

On March 12, 2024, between 7:43 a.m. and 7:45 a.m.—a little more than two hours before Special Counsel Hur's scheduled testimony—the Department produced to the Committees two redacted transcripts of Special Counsel Hur's interviews with President Biden.⁸ The Department failed to produce the audio recordings of the interviews, which the Committees specifically prioritized in our March 9 letter.⁹

According to news reports, several news outlets received and reviewed the transcripts of Special Counsel Hur's interviews with President Biden before they were produced to the Committees, despite the Department's representation that it had only completed the "interagency review" of the transcripts the morning of March 12 shortly before it produced the transcripts to the Committees.¹⁰ Because the Department and the White House were presumably the only two entities with copies of the transcripts before the Committees received them, we can only assume that, for political purposes, the Department and White House provided the transcripts to news outlets before the Department completed its "interagency review" process. If that is not the case, we can only assume that the Department misled the Committees about the timing of its completion of such process.

The Department continues to withhold additional material responsive to the Committees' subpoenas—specifically the audio recordings of Special Counsel Hur's interviews with President Biden and the transcript and audio recordings of Special Counsel Hur's interviews with Mr. Zwonitzer. The February 27 subpoenas create a legal obligation on you to produce this material. Accordingly, the Committees expect you to produce all responsive materials no later than 12:00 p.m. on April 8, 2024. If you fail to do so, the Committees will consider taking further action, such as the invocation of contempt of Congress proceedings.

⁶ Letter from Hon. Carlos F. Uriarte, Assistant Att'y Gen., Office of Legislative Affairs, U.S. Dep't of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 12, 2024); Letter from Hon. Carlos F. Uriarte, Assistant Att'y Gen., Office of Legislative Affairs, U.S. Dep't of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Mar. 12, 2024) (collectively "March 12 Letters").

⁷ Letter from Hon. Merrick Garland, Att'y Gen., U.S. Dep't of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. Jason Smith, Chairman, H. Comm. on Ways and Means at 2 (Feb. 16, 2024); Email from Office Staff, Office of Legislative Affairs, U.S. Dep't of Justice, to Comm. staff (Mar. 11, 2024, 3:12 p.m.).

⁸ Email from Office Staff, Office of Legislative Affairs, Dep't of Justice, to Comm. Staff, H. Comm. on the Judiciary (Mar. 12, 2024, 7:43 a.m.) (hereinafter "DOJ OLA 7:43 a.m. Email"); Email from Office Staff, Office of Legislative Affairs, Dep't of Justice, to Comm. Staff, H. Comm. on the Judiciary (Mar. 12, 2024, 7:44 a.m.); Email from Office Staff, Office of Legislative Affairs, Dep't of Justice, to Comm. Staff, H. Comm. on the Judiciary (Mar. 12, 2024, 7:45 a.m.); DOJ-HJC-HUR-0000033-0000290.

⁹ See March 7 Letters, *supra* note 3; see March 12 Letters, *supra* note 6.

¹⁰ DOJ OLA 7:43 a.m. Email, *supra* note 8; Mark Swanson, *Rep. Jordan to Newsmax: WH Sat on Biden-Hur Transcripts*, NEWSMAX (Mar. 12, 2024); see Tamara Keith, *Interview transcript shows more nuance on Biden's memory than special counsel report*, NPR (Mar. 12, 2024); see Matt Viser, *Full transcript of Biden's special counsel interview paints nuanced portrait*, WASH. POST (Mar. 12, 2024). Notably, the stories from NPR and The Washington Post were published at 8:00 a.m. on March 12, 2024, and included detailed information from the transcripts of Special Counsel Hur's interviews with President Biden.

The Honorable Merrick B. Garland

March 25, 2024

Page 3

Thank you for your prompt attention to this matter.

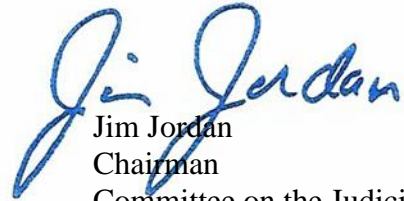
Sincerely,



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