

Congress of the United States
Washington, DC 20515

September 6, 2023

Mr. Christopher J. Clark
Clark Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, NY 10019

Mr. Abbe D. Lowell
Winston & Strawn LLP
1901 L Street, N.W.
Washington, DC 20036

Dear Mr. Clark and Mr. Lowell:

The Committees on the Judiciary, Ways and Means, and Oversight and Accountability are continuing their oversight of the Department of Justice's (Department) commitment to impartial justice and its handling of a criminal investigation involving Hunter Biden. On July 26, 2023, Hunter Biden appeared before Judge Maryellen Noreika of the U.S. District Court for the District of Delaware for a hearing on the apparently unprecedented plea deal involving Hunter Biden agreed to by the U.S. Attorney's Office for the District of Delaware.¹ However, the plea deal fell apart when prosecutors and defense attorneys could not provide answers to routine questions about the agreement posed by Judge Noreika.²

A little over three weeks later, on August 19, 2023, the *New York Times* and *Politico* published separate articles providing detailed accounts of the failed settlement negotiations between the Department and Hunter Biden's lawyers based on nonpublic information, including previously undisclosed documents and communications.³ The information contained in these articles reinforces serious concerns regarding whether the Department has handled a case involving President Biden's son in an impartial manner that is consistent with other prosecutions.

There are a limited number of people who would have had access to the documents and communications discussed in these articles, and based on the narrative set forth in these pieces, the Committees believe it is highly likely that these materials were provided to these media outlets by or at the direction of the Biden legal defense team, of which you are or were a

¹ See Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden's Plea Deal*, N.Y. TIMES (Aug. 19, 2023) [hereinafter *N.Y. Times Article*]; Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden's lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023) [hereinafter *Politico Article*].

² *N.Y. Times Article*; *Politico Article*.

³ *N.Y. Times Article*; *Politico Article*.

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member.⁴ Given that these disclosures have been made to two media outlets and this information has been widely publicized, no basis exists to withhold these documents and communications from the Committees, including on the basis of any purported duty of confidentiality, work product, or other privilege interest.⁵

Accordingly, so that the Committees can fulfill their oversight obligations, please produce the following information:

1. The 32-page letter from Mr. Clark to U.S. Attorney David Weiss regarding a potential gun charge against Hunter Biden that is referenced in the *Politico* article;
2. The 100-slide PowerPoint presentation regarding potential tax charges against Hunter Biden that is referenced in the *Politico* article;
3. All e-mails from Mr. Clark to the head of the Department's Criminal Division, the head of the Department's Tax Division, the Office of Legal Counsel, the Office of the Solicitor General, Deputy Attorney General Lisa Monaco, Attorney General Merrick Garland, and Associate Deputy Attorney General Bradley Weinsheimer seeking meetings that are referenced in the *Politico* article;
4. The May 11 e-mail from Associate Deputy Attorney General Bradley Weinsheimer to Mr. Clark that is referenced in the *Politico* article;
5. The May 18 communication between an attorney for Hunter Biden and two prosecutors in the U.S. Attorney's Office for the District of Delaware, including but not limited to the first draft of the proposed deal between Biden and the U.S. Attorney's Office, that is referenced in the *Politico* article and the *New York Times* article;
6. The May 18 communication between Lesley Wolf of the U.S. Attorney's Office for the District of Delaware and Hunter Biden's attorneys that included a list of must-haves for a potential deal that is referenced in the *Politico* article and the *New York Times* article;
7. The May 19 communication between Lesley Wolf and Hunter Biden's attorneys where Ms. Wolf pointed to another deal with the camera company Aegis Electronic Group, Inc. that is referenced in the *Politico* article;
8. The May 19 communication between one of Hunter Biden's attorneys and prosecutors in the U.S. Attorney's Office for the District of Delaware, including

⁴ Oral Order Granting Motion for Christopher J. Clark to Withdraw as Attorney, *United States v. Biden*, No. 1:23-cr-00061 (D. Del. Aug. 17, 2023).

⁵ See generally *In re Sealed Case*, 676 F.2d 793, 818 (D.C. Cir. 1982) ("Any disclosure inconsistent with maintaining the confidential nature of the attorney-client relationship waives the privilege.").

- another draft pretrial diversion agreement addressing both the gun and tax issues, that is referenced in the *Politico* article;
9. The June 2 e-mail from Mr. Clark to Lesley Wolf that included sample immunity language that is referenced in the *Politico* article;
 10. The post-June 2 e-mails between Hunter Biden's attorneys and prosecutors in the U.S. Attorney's Office for the District of Delaware where the deal was line-edited that are referenced in the *Politico* article;
 11. The June 7 e-mail from Lesley Wolf to Mr. Clark that included the final immunity language that is referenced in the *Politico* article;
 12. The June 19 e-mail from U.S. Attorney Weiss's top deputy to Mr. Clark regarding a press call that is referenced in the *Politico* article;
 13. The e-mail from Mr. Clark responding to the June 19 e-mail referenced above, including two versions of a statement that Hunter Biden's attorneys planned to release when the deal became public, that is referenced in the *Politico* article;
 14. The June 19 e-mail from Shannon Hanson of the U.S. Attorney's Office for the District of Delaware to Mr. Clark asking to remove two words from the statement describing the status of the investigation that is referenced in the *New York Times* article;
 15. The pretrial diversion report sent on July 24 from the Chief Probation Officer for the District of Delaware to Hunter Biden's attorneys and the prosecutors in the U.S. Attorney's Office for the District of Delaware that is referenced in the *Politico* article;
 16. The July 31 communication from prosecutors in the U.S. Attorney's Office for the District of Delaware to Hunter Biden's attorneys regarding suggested changes to the plea agreement and pretrial diversion agreement that is referenced in the *Politico* article;
 17. The August 7 letter from Mr. Clark to prosecutors in the U.S. Attorney's Office for the District of Delaware rejecting the suggested changes set forth in the July 31 communication that is referenced in the *Politico* article;
 18. All documents and communications not listed above shared by or at the direction of Hunter Biden's attorneys with the *New York Times*, *Politico*, or any other news organization regarding the settlement negotiations in the following cases: *United States v. Biden*, 1:23-cr-00061 (D. Del. 2023); *United States v. Biden*, 1:23-mj-00274 (D. Del. 2023);

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19. All communications between Clark Smith Villazor LLP, Winston & Strawn LLP, or any member of the Biden legal defense team and the *New York Times*, *Politico*, or any other news organization concerning the materials referenced, explicitly or otherwise, in the *New York Times* article or *Politico* article; and
20. All other communications between Clark Smith Villazor LLP, Winston & Strawn LLP, or any member of the Biden legal defense team and the Department of Justice, including any U.S. Attorney's Office.

Please provide this information as soon as possible but not later than 5:00 p.m. on September 20, 2023.


Pursuant to Rule X of the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction over criminal justice matters in the United States.⁶ The Committee on Ways and Means is authorized to conduct oversight of the Internal Revenue Service and the administration of the Internal Revenue Code. The Committee on Oversight and Accountability may examine "any matter" at any time. In this matter, potential legislation could include, but is not limited to, reforming the "special attorney" statute,⁷ codifying the special counsel regulations,⁸ and reforming the Department's Tax Division.

Should you refuse to provide the Committee with the requested information because of any purported privilege, the Committee may need to seek testimony from you and/or Hunter Biden regarding the disclosure of these documents and communications to the *New York Times* and *Politico*. Please contact Committee staff at (202) 225-6906 if you have any questions about this request.

Thank you for your prompt attention to this matter.


Jim Jordan
Chairman
Committee on the Judiciary

Sincerely,


Jason Smith
Chairman
Committee on Ways and Means


James Comer
Chairman
Committee on Oversight and Accountability

⁶ Rules of the U.S. House of Representatives, R. X (2023).

⁷ See 28 U.S.C. § 515.

⁸ See 28 C.F.R. § 600 *et seq.*

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

The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means

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