

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 14, 2024

Mr. Mark Zwonitzer
Via email

Dear Mr. Zwonitzer:

On February 8, 2024, the Department of Justice released the report of Special Counsel Robert Hur’s investigation into President Joseph R. Biden, Jr.’s unlawful removal, retention, and disclosure of classified documents by President Joseph R. Biden, Jr., when he was a private citizen.¹ Special Counsel Hur ultimately concluded that no charges were warranted against President Biden for several reasons—namely because President Biden would “present . . . to a jury . . . as a sympathetic, well-meaning, elderly man with a poor memory[,]” and because “[i]t would be difficult to convince a jury that they should convict him . . . of a serious felony that requires a mental state of willfulness.”

On the same day that Special Counsel Hur’s report became public, President Biden held a press conference in which he delivered remarks and answered questions from reporters.² At this conference, President Biden stated: “I’ve seen the headlines since the report was released about my willful retention of documents. These assertions are not only misleading, they’re just plain wrong.”³ Additionally, in response to a question regarding President Biden sharing classified information with you when you worked as President Biden’s ghostwriter, the President claimed: “I did not share classified information, I did not share it.”⁴ However, Special Counsel Hur’s report unequivocally provides that “[d]uring many of the interviews with his ghostwriter, [President] Biden read from his notebooks nearly verbatim, sometimes for an hour or more at a time,”⁵ and “at least three times[President] Biden read classified notes from national security

¹ Special Counsel Robert K. Hur, *Report on the Investigation Into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr.*, DEPT. OF JUSTICE at 6 (Feb. 8, 2024) (hereinafter “Hur Report”).

² White House, *President Biden delivers remarks at the White House*, YOUTUBE (Feb. 8, 2024), <https://www.youtube.com/watch?v=hSckeFQ3zsA>.

³ *Id.*; see Megan Lebowitz, et al., ‘How in the hell dare he’: Biden strikes defiant tone on special counsel report, NBC NEWS (Feb. 8, 2024).

⁴ *Id.*

⁵ Hur Report at 102.

meetings to [you] nearly verbatim.”⁶ Based on the information in Special Counsel Hur’s report, President Biden’s assertion that he never shared classified information with you appears to be false.

Although the President has seemingly contradicted material facts about the contents of Special Counsel Hur’s report, the report contains references to “audio recordings”⁷ and “transcripts”⁸ of your multiple conversations with President Biden “related to [your] ghostwriting work of [President] Biden’s memoirs, *Promise Me, Dad* and *Promises to Keep*.”⁹ In particular, Special Counsel Hur noted that once FBI agents contacted you relating to your ghostwriting work on President Biden’s memoirs, you “provided investigators records that included near-verbatim transcripts and . . . audio recordings.”¹⁰ Special Counsel Hur also noted that shortly after Special Counsel Hur began his investigation, you took steps to conceal some of these recordings and transcripts.¹¹

In light of Special Counsel Hur’s investigation and report, the Committee requires materials and information currently in your possession. Accordingly, to advance our oversight, please produce the following documents and information:

1. All documents and communications shared between you and President Biden or his staff or representatives relating to your ghostwriting work on his memoirs, *Promise Me, Dad* and *Promises to Keep*, including, but not limited to, emails, messages, and phone call logs;
2. All contracts or agreements relating to your ghostwriting work on President Biden’s memoirs, *Promise Me, Dad* and *Promises to Keep*;
3. All documents evidencing payments to you relating to your ghostwriting work on President Biden’s memoirs, *Promise Me, Dad* and *Promises to Keep*;
4. All audio recordings of any interviews or conversations between you and President Biden relating to your ghostwriting work on his memoirs, *Promise Me, Dad* and *Promises to Keep*; and
5. All transcripts of any interviews or conversations between you and President Biden relating to your ghostwriting work on his memoirs, *Promise Me, Dad* and *Promises to Keep*.

⁶ *Id.* at 244.

⁷ *Id.* at 12, 334-38, 341-43.

⁸ *Id.* at 13, 334-36, 342-43.

⁹ *Id.* at 335.

¹⁰ *Id.*

¹¹ *Id.* at 334 (“At some point after learning of Special Counsel Hur’s appointment, [President] Biden’s ghostwriter, Mark Zwonitzer, deleted digital audio recordings of his conversations with [President] Biden . . .”).

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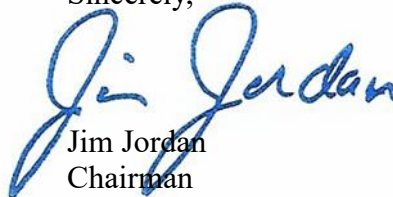
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6. All documents and communications between you and President Biden or his staff or representatives referring or relating to Special Counsel Hur's investigation.

Additionally, the Committee requests that you appear for a transcribed interview with the Committee to discuss these matters. Please produce this information and contact the Committee to schedule your transcribed interview as soon as possible, but no later than 5:00 p.m. on February 23, 2024.

Pursuant to Rule X of the House of Representatives, the Committee has jurisdiction over criminal justice matters in the United States.¹² If you are represented by counsel, please ask your attorney to contact Committee staff at (202) 225-6906 on your behalf. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹² Rules of the House of Representatives, R. X, 118th Cong. (2023).