

Congress of the United States
Washington, DC 20515

January 13, 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:

We are conducting oversight of the Justice Department's actions with respect to former Vice President Biden's mishandling of classified documents, including the apparently unauthorized possession of classified material at a Washington, D.C. private office and in the garage of his Wilmington, Delaware residence.¹ On January 12, 2023, you appointed Robert Hur as Special Counsel to investigate these matters.² The circumstances of this appointment raise fundamental oversight questions that the Committee routinely examines. We expect your complete cooperation with our inquiry.

On November 2, 2022, days before the midterm elections, President Biden's personal attorneys reportedly discovered classified documents at the Penn Biden Center for Diplomacy and Global Engagement, a Washington, D.C. think tank that President Biden opened in February 2018.³ According to reports, President Biden's attorneys found several documents with classified markings—some documents even marked “sensitive compartmented information”—in an unsecure space, suggesting the mishandling of the most sensitive intelligence information in the U.S. government.⁴ Subsequent reports indicate that the classified documents included “US intelligence memos and briefing materials that covered topics including Ukraine, Iran and the

¹ Dan Mangan, *Federal prosecutor reviewing classified documents found at former Biden office*, CBS NEWS (Jan. 10, 2023); Shawna Chen & Sophia Cai, *Classified docs from Biden's VP days found in private office*, AXIOS (Jan. 9, 2023); Kelly Hooper, *Additional documents marked classified found in Biden's Wilmington garage*, POLITICO (Jan. 12, 2023).

² Sadie Gurman, *Garland Names Robert Hur Special Counsel to Investigate Biden Documents*, WALL ST. J. (Jan. 12, 2023).

³ Shawna Chen & Sophia Cai, *Classified docs from Biden's VP days found in private office*, AXIOS (Jan. 9, 2023). Public reports indicate that the University of Pennsylvania has received tens of millions of dollars in anonymous foreign donations from our foreign adversaries, to include China. Reports also indicate that the Penn Biden Center for Diplomacy and Global Engagement is affiliated with the University of Pennsylvania. See e.g., Isabel Vincent and Melissa Klein, *\$54M in Chinese gifts donated to UPenn, home of Biden Center*, N.Y. POST (Apr. 9, 2022).

⁴ Jaime Gangel, Marshall Cohen, Evan Perez, & Phil Mattingly, *Classified documents from Biden's time as VP discovered in private office*, CNN (Jan. 9, 2023).

United Kingdom.”⁵ The classified documents were dated between 2013 and 2016, which suggests that they were stored at the Penn Biden Center for years.⁶ Subsequently, a second set of classified documents were reportedly found in the Biden family private residence in Wilmington, Delaware.⁷

It is unclear when the Department first came to learn about the existence of these documents, and whether it actively concealed this information from the public on the eve of the 2022 elections. It is also unclear what interactions, if any, the Department had with President Biden or his representatives about his mishandling of classified material. The Department’s actions here appear to depart from how it acted in similar circumstances. In fact, on August 8, 2022, despite the publicly available evidence of President Trump’s voluntary cooperation, you personally approved the decision to seek a warrant for excessive and unprecedented access to his private residence.⁸ On August 15, 2022, Committee Republicans wrote to you and FBI Director Christopher Wray requesting documents and information related to the FBI’s raid of President Trump’s residence.⁹ The Department and FBI have failed to sufficiently comply with this request. Our requests remain outstanding.

The American people deserve transparency and accountability from our most-senior executive branch law enforcement officials. Accordingly, please produce the following:

1. All documents and communications referring or relating to the appointment of Robert K. Hur as Special Counsel, including but not limited to any memoranda regarding his appointment;
2. All documents and communications referring or relating to the selection of John R. Lausch, Jr. to examine matters relating to President Biden’s mishandling of classified material, including but not limited to any memoranda regarding his selection;
3. All documents and communications between or among the Department of Justice, Federal Bureau of Investigation, or the Executive Office of the President referring or relating to material with classified markings found at the Penn Biden Center and the Biden residence in Wilmington, Delaware;
4. All documents and communications between or among the Department of Justice, the Federal Bureau of Investigation, or attorneys or representatives of President Biden, including but not limited to White House attorney Richard Sauber, referring or

⁵ Jaime Gangel, Marshall Cohen, Evan Perez, & Paula Reid, *Exclusive: US intelligence materials related to Ukraine, Iran and UK found in Biden’s private office, source tells CNN*, CNN (Jan. 10, 2023).

⁶ *Id.*

⁷ Kelly Hooper, *Additional documents marked classified found in Biden’s Wilmington garage*, POLITICO (Jan. 12, 2023).

⁸ Press Release, U.S. Dep’t of Justice, *Attorney General Merrick Garland Delivers Remarks* (Aug. 11, 2022) (“First, I personally approved the decision to seek a search warrant in this matter.”).

⁹ See Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep’t of Justice (Aug. 15, 2022); Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 15, 2022).

relating to material with classified markings found at the Penn Biden Center and the Biden residence in Wilmington, Delaware;

5. All documents and communications referring or relating to the physical storage of material with classified markings found at the Penn Biden Center and the Biden residence in Wilmington, Delaware; and
6. All documents and communications referring or relating to the discovery of material with classified markings found at the Penn Biden Center and the Biden residence in Wilmington, Delaware, including the circumstance of how President Biden's personal attorneys came to discover classified material in unsecure settings.

Please provide this material as soon as possible, but no later than 5:00 p.m. on January 27, 2023. The Committee on the Judiciary has jurisdiction to oversee the activities of the Department of Justice and the Federal Bureau of Investigation pursuant to Rule X of the Rules of the House of Representatives. Please contact Committee staff at (202) 225-6906 if you have any questions about this matter.

Sincerely,



Jim Jordan
Chairman



Mike Johnson
Member of Congress

cc: The Honorable Jerrold L. Nadler, Ranking Member