

Congress of the United States
Washington, DC 20515

May 16, 2023

The Honorable William J. Burns
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Burns:

The Committee on the Judiciary and its Select Subcommittee on the Weaponization of the Federal Government and the Permanent Select Committee on Intelligence are conducting oversight of the October 19, 2020, “Public Statement on the Hunter Biden Emails” signed by 51 former intelligence community officials.

On March 21, 2023, we wrote to you requesting documents in the Central Intelligence Agency’s (CIA) custody relating to this statement about Hunter Biden.¹ This statement, signed by former intelligence community officials using their official titles and emphasizing their national security credentials, suggested that public reporting about Hunter Biden’s business dealings and Biden family influence-peddling “ha[d] all the hallmarks of a Russian information operation.”² We have since learned that the statement was drafted and disseminated following communications between former Acting CIA Director Michael Morell and Biden campaign advisor—now Secretary of State—Antony Blinken.³

The CIA has documents responsive to our requests and necessary to our oversight. On October 19, 2020, at 6:34 a.m., Morell submitted the statement to the CIA’s Prepublication Classification Review Board (PCRB), instructing it was “a rush job, as it needs to get out as soon as possible.”⁴ The PCRB staff responded at 7:11 a.m. that it had received the statement,⁵ and cleared it for publication at 12:44 p.m. on the same day.⁶ Morell speculated that the quick turnaround from the PCRB was because “[t]hey are probably afraid I’m coming back” as CIA director.⁷ On May 9, 2023, the CIA produced to the Committees two emails: Morell’s email to

¹ See, Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. Michael R. Turner, Chairman, H. Perm. Sel. Comm. on Intel., to Hon. William J. Burns, Dir., Cent. Intelligence Agency (Mar. 21, 2023).

² *Id.*

³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. Michael R. Turner, Chairman, H. Perm. Sel. Comm. on Intel., to Hon. Antony Blinken, Secretary, Dep’t of State (Apr. 20, 2023).

⁴ E-mail from Michael Morell to PCRB staff (Oct. 19, 2020, 6:34 AM) (on file with Committee).

⁵ E-mail from PCRB staff to Michael Morell (Oct. 19, 2020, 07:11 AM) (on file with Committee).

⁶ See Letter Deborah A. Curtis, Dep. Gen. Counsel, Cent. Intelligence Agency, to Rep. Michael R. Turner, Chairman, H. Perm. Sel. Comm. on Intel., & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (May 9, 2023).

⁷ Text message from Marc Polymeropoulos to Michael Morell (Oct. 19, 2020, 5:51 PM) (on file with the Committee).

the PCRB early on October 19, 2023, and the PCRB's response at 12:44 p.m.⁸ However, the Committees have reason to believe additional documents remain in the possession of the CIA.

The Committees have received evidence that the CIA, or at least an employee of the CIA, may have helped to solicit signatories for the statement about Hunter Biden. According to former CIA employee David Cariens, he spoke with the PCRB in October 2020 regarding the review of his memoir and during that call a CIA employee "asked" him if he would sign the statement.⁹ As Cariens explained:

When the person in charge of reviewing the book called to say it was approved with no changes, I was told about the draft letter. The person asked me if I would be willing to sign. . . . After hearing the letter's contents, and the qualifiers in it such as, "We want to emphasize that we do not know if the emails provided to the *New York Post* by President Trump's personal attorney, Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement . . ." I agreed to sign.¹⁰

If accurate, this information raises fundamental concerns about the role of the CIA in helping to falsely discredit allegations about the Biden family in the weeks before the 2020 presidential election.

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."¹¹ The Rules of the House of Representatives authorize the Permanent Select Committee on Intelligence to conduct oversight of the programs and operations of the Central Intelligence Agency.¹² In addition, H. Res. 12 authorizes the Select Subcommittee on the Weaponization of the Federal Government of the Committee on the Judiciary to investigate, among other things:

(B) how executive branch agencies work with, obtain information from, and provide information to the private sector, non-profit entities, or other government agencies to facilitate action against American citizens, including the extent, if any, to which illegal or improper, unconstitutional, or unethical activities were engaged in by the executive branch or private sector against citizens of the United States;

⁸ See Curtis Letter, *supra* note 6.

⁹ E-mail from David Cariens to Committee staff (March 5, 2023, 3:02 PM) (on file with the Committee).

¹⁰ *Id.*

¹¹ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

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

(C) how executive branch agencies collect, compile, analyze, use, or disseminate information about citizens of the United States, including any unconstitutional, illegal, or unethical activities committed against citizens of the United States.¹³

In adopting this resolution, it was acknowledged that the Select Subcommittee’s investigative authority extends to U.S. intelligence agencies.¹⁴ In fact, H. Res. 12 specifically authorizes the Select Subcommittee “to receive information available to the Permanent Select Committee on Intelligence consistent with congressional reporting requirements for intelligence and intelligence-related activities”¹⁵

The Committees have a significant oversight interest in this matter to inform potential legislative reforms in the House.¹⁶ Potential legislative reforms that the Committees may propose include, among other things, restrictions on how federal employees with security clearances may use their clearances or may access classified information following their departure from government. The Select Subcommittee may also consider legislative proposals that would prevent U.S. intelligence agencies from engaging in, coordinating, or promoting any political activity related to federal elections, including candidates for federal office, as well as strengthening or amending the Hatch Act. The information we have requested regarding the CIA’s involvement with the public statement is necessary to help inform this potential legislation.

While the CIA made a minimal production of documents on May 9, 2023, the CIA admitted that it did not perform a full and complete search of all agency records prior to that production. In a phone conversation on May 12, 2023, with Committee staff, the CIA committed to cooperating in full with the Committees’ oversight. In particular, the CIA has committed to the following steps:

- Conducting an agency-wide search for documents and communications with each of the names of the 51 signatories to the public statement for the period October 1, 2020, to October 31, 2020.
- Conducting a search for all documents and communications related to the approval of David Cariens’s memoir *Escaping Madness*, including but not limited to Cariens’s email(s) to the PCRB seeking approval of his work, any internal communications about the work, and any outgoing email responses from the PCRB to Cariens; and

¹³ H. Res. 12 § 1(b)(1)(B), (C), 118th Cong. (2023).

¹⁴ See, e.g., 169 Cong. Rec. H115, H130 (Jan. 10, 2023) (statement of Rep. Cole) (“[T]he American people deserve to have confidence in their government. They deserve to know that the broad powers granted through the Federal Government to the FBI, to the Department of Homeland Security, and to the *intelligence agencies* are not being abused.” (emphasis added)); *id.* at H134 (statement of Rep. Turner); *id.* at H138 (statement of Rep. Bishop); *id.* at H141 (statement of Rep. McClintock).

¹⁵ H. Res. 12, *supra* note 13, at § 1(c)(1)(C).

¹⁶ See H. Res. 12, *supra* note 13, at § 1(b)(2)(B).

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- Conducting a search of all CIA phone records for the period October 1, 2020, to October 31, 2020, for any phone communications between CIA employees and any of the 51 signatories to the public statement, including but not limited to David Cariens.

We fully expect the CIA to produce all responsive documents to the Committees' March 21, 2023, request in unredacted form no later than May 30, 2023. If the CIA does not produce all responsive documents, the Committees may resort to compulsory process.

Thank you for your attention to this matter.

Sincerely,



Michael R. Turner
Chairman
Permanent Select Committee
on Intelligence



Jim Jordan
Chairman
Committee on the Judiciary

cc: The Honorable Jim Himes, Ranking Member
Permanent Select Committee on Intelligence

The Honorable Stacey Plaskett, Ranking Member
Select Subcommittee on the Weaponization of the Federal Government

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