

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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March 22, 2024

Mr. Mark Zwonitzer
c/o Mr. Louis M. Freeman, Esq.
Freeman Nooter & Ginsberg
75 Maiden Ln., Rm. 907
New York, NY 10038-4664

Dear Mr. Zwonitzer:

On February 8, 2024, the Department of Justice released the report of Special Counsel Robert K. Hur's investigation into President Joseph R. Biden, Jr.'s unlawful removal, retention, and disclosure of classified documents when he was a private citizen.¹ That same day, President Biden held a press conference where he denied sharing classified information with you during your work as his ghostwriter.² 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,"³ and "at least three times [President] Biden read classified notes from national security meetings to [you] nearly verbatim."⁴

Despite President Biden's unequivocal contradiction of these material facts, Special Counsel Hur's report contains references to "audio recordings"⁵ and "transcripts"⁶ of your multiple conversations with President Biden "related to [your] ghostwriting work of [President] Biden's memoirs[.]"⁷ In particular, Special Counsel Hur noted that once FBI agents contacted you relating to your ghostwriting work on President Biden's memoirs, you "provided

¹ 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., SPECIAL COUNSEL ROBERT K. HUR, U.S. DEPT. OF JUSTICE (Feb. 8, 2024) (hereinafter "Hur Report").

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

³ Hur Report at 102.

⁴ *Id.* at 244.

⁵ *Id.* at 12, 334-38, 341-43.

⁶ *Id.* at 13, 334-36, 342-43.

⁷ *Id.* at 335.

investigators records that included near-verbatim transcripts and . . . audio recordings.”⁸ Special Counsel Hur also noted that shortly after he began his investigation, you took steps to conceal some of these recordings and transcripts.⁹

On February 14, 2024, the Committee requested documents relating to your work ghostwriting President Joe Biden’s memoirs.¹⁰ On the letter’s return date, February 23, 2024, your attorney contacted the Committee and requested that Committee staff contact him to discuss the contents of the letter.¹¹ In that discussion on February 26, 2024, your attorney represented to Committee staff that upon your return from a personal trip, you would produce documents to the Committee before March 8, 2024.¹² As an accommodation, and based upon your attorney’s representations, the Committee agreed to give you until March 8, 2024, to produce the requested documents.¹³ On March 7, 2024, your attorney retracted his previous representations, indicated that you would not produce the documents on March 8 as promised, and instead stated that he would follow up with the Committee.¹⁴ On March 11, 2024—over two weeks after the return date on the original letter—your attorney informed the Committee you would not produce the documents without a subpoena compelling your cooperation.¹⁵

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.”¹⁶ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight over criminal justice matters in the United States to inform potential legislative reforms.¹⁷ The potential legislative reforms that the Committee may consider include, among other proposals, establishing clear statutory guidelines governing the handling, storage, and disclosure of classified materials, as well as modifying criminal penalties for the unauthorized dissemination and disclosure of classified materials. The documents we have requested regarding your work as President Biden’s ghostwriter are necessary to inform such potential legislation.

As such, please find enclosed a subpoena compelling the production of the requested documents.

⁸ *Id.*

⁹ *Id.* at 334.

¹⁰ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Mark Zwonitzer (Feb. 14, 2024).

¹¹ Phone call between Mr. Louis M. Freeman, Esq., and Committee Staff, H. Comm. on the Judiciary (Feb. 23, 2024) (voicemail on file with Committee).

¹² Phone call between Mr. Louis M. Freeman, Esq., and Committee Staff, H. Comm. on the Judiciary (Feb. 26, 2024).

¹³ *Id.*

¹⁴ Email from Mr. Louis M. Freeman, Esq., to Committee Staff (4:01 p.m., Mar. 7, 2024) (on file with Committee).

¹⁵ Phone call between Mr. Louis M. Freeman, Esq., and Committee Staff, H. Comm. on the Judiciary (Mar. 11, 2024).

¹⁶ *See, e.g., Trump v. Mazars LLP*, 140 S. Ct. 2019, 2031 (2020) (internal quotation marks and citations omitted).

¹⁷ Rules of the House of Representatives, R. X, 118th Cong. (2023).

Mr. Mark Zwonitzer

March 22, 2024

Page 3

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly distinguishable.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure