

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 23, 2024

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530

Dear Attorney General Garland,

We are writing today to request that you provide a copy of the audio recording of President Biden’s interview with Special Counsel Robert Hur to the Senate Judiciary Committee. We, like our colleagues on the House Judiciary and House Oversight and Accountability Committees, believe the tapes are necessary to assist with the Committee’s constitutional oversight of the Department of Justice. Further, we urge you, in the strongest possible terms, to comply with the valid subpoena by the House Judiciary and House Oversight and Accountability Committees as the law requires. It is unacceptable that you, the chief law enforcement officer of the United States, are continuing to defy a lawful command of Congress and that you have been held in contempt of Congress.¹

Earlier this year, Special Counsel Hur issued a shocking report concluding that criminal charges against President Biden for mishandling highly classified information for decades and “willfully retain[ing] and disclos[ing] classified information after his vice presidency” were not warranted, in part, because a jury would perceive him as an “elderly man with a poor memory.”² Congress must be able to test the veracity of the Special Counsel’s conclusion, as well as the accuracy of the transcript, against recordings capturing the President’s performance in the two-day interview. The only way that this can be done is with the recording itself.

As the Chairmen of the House Judiciary, Oversight and Accountability, and Ways and Means Committees explained in their letters to you, this information is critical to the exercise of Congress’s legislative, oversight, and impeachment powers.³ Specifically, members of the Senate

¹ H. Res. 1292 (agreed to on June 12, 2024).

² 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.*, Dep’t of Justice (Feb. 8, 2024).

³ Letter from James Comer, Chairman of the House Committee on Oversight and Accountability Committee, Jim Jordan, Chairman of the House Committee on the Judiciary, and Jason Smith, Chairman of the House Committee on Ways & Means to Merrick Garland, Attorney General of the United States (Feb. 12, 2024); Letter from James Comer, Chairman of the House Committee on Oversight and Accountability, and Jim Jordan, Chairman of the House Committee on the Judiciary, to Merrick Garland, Attorney General of the United States (Feb. 27, 2024).

Judiciary Committee, like our House counterparts, require this information to conduct constitutionally required oversight of the Department of Justice.

The need to produce this recording is also particularly acute considering President Biden's recent public performances, which have surely emboldened our enemies abroad as much as they have alarmed Americans at home. The American people deserve to be fully informed as to their President's faculties, and there is every reason to believe that the President and his Administration have not been forthcoming on this issue. The threats to the United States are at an all-time high, red lights are blinking everywhere, and America cannot afford weak leadership.

Executive Branch compliance with validly issued compulsory process and other requests from Congress is critical to ensuring the integrity of our constitutional system. We strongly support our House colleagues in their pursuit of the recording and urge you to comply with the House subpoena. Further, we request that you immediately provide a copy of the recording to the Senate Judiciary Committee.

Sincerely,



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator

cc:

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, DC 20515