

Congress of the United States
Washington, DC 20515

June 26, 2025

Mr. Anthony Bernal
C/O Mr. Jonathan Su
Lathan & Watkins, LLP
555 11th Street, NW
Suite 1000
Washington, D.C. 20004

Dear Mr. Bernal:

On May 22, 2025, the Committee on Oversight and Government Reform requested that you—because of your role as a senior aide to former President Joe Biden—appear for a transcribed interview on June 11, 2025, broadly regarding “the extent of your influence over the former President and your knowledge of whether the former President was personally discharging the duties of his office.”¹ Given your close connection with both former President Biden and former First Lady Jill Biden, the Committee sought to understand if you contributed to an effort to hide former President Biden’s fitness to serve from the American people.

You have refused the Committee’s request. However, to advance the Committee’s oversight and legislative responsibilities and interests, your testimony is critical. Accordingly, please see the attached subpoena for testimony at a deposition on July 16, 2025.

On June 3, 2025, your counsel informed the Committee of your intention to cooperate with the Committee’s investigation and voluntarily sit for a transcribed interview. On June 6, your counsel offered a transcribed interview on June 26,² more than two weeks after the date requested by the Committee’s May 22 Letter. On June 10, as an accommodation, the Committee agreed to June 26 for the transcribed interview.³ Your counsel also raised concern with the Committee’s practice of providing interview topics only one week in advance, arguing that such a timeline would not provide sufficient time to prepare you for the interview. While the Committee disagrees and believes one week is more than sufficient, to demonstrate good faith, it transmitted interview topics to your counsel on June 13—nearly *two weeks* prior to the agreed-upon interview date.⁴

¹ Letter from James Comer, Chairman, H. Comm. on Oversight & Gov’t Reform, to Anthony Bernal (May 22, 2025) (hereinafter May 22, 2025, Letter). Additionally, the Committee previously requested and then compelled your testimony during the 118th Congress—on October 11, 2023, and July 10, 2024, respectively—and was stonewalled by the Biden White House.

² E-mail from Jonathan Su, Latham & Watkins, LLP, to Committee staff (June 6, 2025).

³ E-mail from Committee staff to Jonathan Su, Latham & Watkins, LLP (June 10, 2025).

⁴ E-mail from Committee staff to Jonathan Su, Latham & Watkins, LLP (June 13, 2025).


On June 18, your counsel contacted the Committee to request a delay of approximately three weeks to prepare you for the transcribed interview with the Committee. The Committee declined this request and indicated that it intended to conduct the transcribed interview on the agreed-upon date.⁵ The Committee inquired of your counsel whether, if you were no longer willing to appear for the transcribed interview voluntarily, he was authorized to accept electronic service of a subpoena on your behalf.⁶ Within ten minutes of the Committee's email, your counsel responded that "no subpoena is necessary."⁷

Yesterday, on June 25, your counsel informed the Committee that you were no longer willing to appear voluntarily for the transcribed interview on the agreed-upon date: today, June 26. To avoid any further delays, your appearance before the Committee is now compelled.

The Committee seeks information about your assessment of and relationship with former President Biden to explore whether the time has come for Congress to revisit potential legislation to address the oversight of presidents' fitness to serve pursuant to its authority under Section 4 of the Twenty-Fifth Amendment⁸ or to propose changes to the Twenty-Fifth Amendment itself.

The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.⁹ Further, House Rule XI clause 2(m)(1)(B) grants Committees of the House of Representatives the authority "to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary."¹⁰ If you have any questions regarding this subpoena, please contact Committee on Oversight and Government Reform Majority staff at (202) 225-5074.

Sincerely,


James Comer
Chairman

⁵ E-mail from Committee staff to Jonathan Su, Latham & Watkins, LLP (June 18, 2025).

⁶ *Id.*

⁷ E-mail from Jonathan Su, Latham & Watkins, LLP, to Committee staff (June 18, 2025).

⁸ See Press Release, Office of Rep. Jamie Raskin, Raskin Reintroduces 25th Amendment Legislation Establishing Independent Commission on Presidential Capacity (Oct. 9, 2020); see also Oversight Commission on Presidential Capacity Act, H.R. 1987, 115th Cong. (2020).

⁹ Rule X, cl. 4(c)(2), Rules of the U.S. House of Representatives, 119th Cong. (Jan. 16, 2025).

¹⁰ *Id.* Rule XI, cl. 2(m)(1)(b).

Mr. Anthony Bernal

June 26, 2025

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cc: The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform