

ABBE LOWELL CALLS JAMES COMER'S BLUFF

When I read Abbe Lowell's taunting letter to James Comer (to which Politico's Jordain Carney posted a link), agreeing to have Hunter Biden testify before the Oversight Committee on December 13 or any other time in December, so long as it is public, I couldn't decide whether it is:

- A good faith effort to correct the record, including regarding multiple false claims Comer has made
- An epic bluff-call by a former impeachment lawyer
- An effort to let Jamey Comer fuck up David Weiss' prosecution some more
- A bid to show an effort to cooperate with a subpoena, thereby undercutting any possible contempt referral
- An insanely bad idea

To be sure, the tactic – offering to testify, so long as it is public – is not new. For example, in a last minute bid to stave off his trial, Steve Bannon belatedly offered to testify, asking to appear publicly. In response, investigators have usually simply insisted on a deposition.

But this comes with a whole bunch of dick-wagging about how pathetic Comer's investigation is – how pathetic *Republicans* say it is.

It is no wonder so many news articles report your own Republican colleagues criticizing your proceedings and commenting that your time would be better spent on critical issues facing

the country.⁴

4 Annie Grayer & Melanie Zanona, Biden Impeachment Inquiry End Game Comes Into Focus, but Moderate Republicans Still Not Sold, CNN (Nov. 6, 2023), <https://www.cnn.com/2023/11/06/politics/impeachment-inquiryhouse-republicans/index.html> (**Rep. Don Bacon** stated: “I think it’s better to let the election solve this . . . I know a lot of people say they want revenge. I don’t think it’s right for the country”; **Rep. Doug LaMalfa** stated: “It probably isn’t quite in the nice package with the bowtie on top of it yet”; **Rep. Steve Womack** echoed a similar sentiment: “I’ve got so many other things to worry about. That ain’t one of them”; **Rep. Mike Rogers** stated about the inquiry, “I don’t think anything about it.”); Aaron Blake, 7 Skeptical Republicans to Watch on Impeaching Biden, WASH. POST (Sept. 13, 2023), <https://www.washingtonpost.com/politics/2023/09/13/7-republicans-watch-impeaching-biden/> (**Rep. Ken Buck** stated: “The time for impeachment is the time when there’s evidence linking President Biden—if there’s evidence linking President Biden—to a high crime or misdemeanor. That doesn’t exist right now”; **Rep. Mike Lawler** stated: “For me, with respect to impeachment, we’re not there yet. . . . It is not about focusing on the impeachment; it is a question of, do the facts and evidence warrant any further action.”); Alexander Bolton, House Conservatives Face Deeply Skeptical Senate GOP on Biden Impeachment, THE HILL (Sept. 13, 2023), <https://thehill.com/homenews/senate/4203181-house-investigators-skeptical-senate-republicans-impeachmentinquiry/> (according to **one Republican senator** who requested anonymity to comment frankly on the Oversight inquiry, “I don’t see

what the evidence is, what the charge is . . . I hate to see an impeachment every other year.”). [emphasis original]

Lowell has found quotes from six Republican Congressmen, enough to sink any impeachment vote (something the White House has demanded before making any personnel available to subpoena).

He did so in a letter also substantiating two past attempts at cooperation.

In spite of our misgivings about your motives and purpose, we have offered, on more than one occasion, to meet or speak with your Committee to discuss whether there was something we could do to understand the basis of your inquiry, provide relevant information, or expedite its conclusion.³ You *never* responded, but now, in what appears to be a Hail Mary pass with your team behind in the score and time running out, you have subpoenaed or demanded interviews of Hunter Biden; his uncle James; James’s wife, Sara; Hunter’s brother’s widow, Hallie; Hallie’s sister, Elizabeth Secundy; Hunter’s spouse, Melissa Cohen; his lawyer Kevin Morris; the art gallerist who endeavors to help Hunter earn a living; an acquaintance who purchased a painting of Hunter’s; three of Hunter’s former business partners; two Biden-campaign donors; an inmate convicted for his involvement in a tribal bond scheme that never involved Hunter; and last, but certainly not least, a disgruntled and incredible “whistleblower” (Tony Bobulinski), from whom Hunter disassociated almost as fast as he met him. Your fishing expedition has become Captain Ahab chasing the great white whale. [emphasis original]

³ See Feb. 9, 2023 Letter From Abbe Lowell to Chairman James Comer

(transmitted via e-mail); Sept. 13, 2023, Letter From Abbe Lowell to Chairman James Comer (transmitted via e-mail).

The letter also lays out an argument that Comer's purported legislative interest is debunked by his exclusive focus on Bidens, not Trump's.

You state that one of your purposes is to review how a President's family's business activities raise ethics and disclosure concerns to inform the basis for a legislative solution. But all your focus has been on *this* President's family while turning a blind eye toward former President Trump and his family's businesses, some of which the family maintained while serving in office—an area ripe to inform your purported legislative pursuits. Unlike members of the Trump family, Hunter is a private person who has never worked in any family business nor ever served in the White House or in any public office. Notwithstanding this stark difference, you have manipulated Hunter's legitimate business dealings and his times of terrible addiction into a politically motivated basis for hearings to accuse his father of some wrongdoing.

And while he doesn't cite his several efforts to correct fabrications Comer has made, he repeats an allegation substantiated in repeated letters to others – Jason Smith and Mike Johnson – in Congress.

We have seen you use closed door sessions to manipulate, even distort the facts and misinform the public. We therefore propose opening the door. If, as you claim, your efforts are important and involve issues that Americans should know about, then let the light shine on

these proceedings. Indeed, even you stated that *"Hunter Biden is more than welcome to come in front of the committee. If he wants to clear his good name—if he wants to come and say, you know, these weren't shell companies, they actually did something—he's invited today. We will drop everything."*⁵

5 @Newsmax at 3:05, X (Sept. 13, 2023) (emphasis added), available at <https://twitter.com/newsmax/status/1701928094003511311?s=46&t=a0UGYR3ho6S39dDafp8SGg>. [emphasis original]

Which is to say that if Comer refused this offer but insisted on compelled testimony anyway, Lowell would have plenty of ammunition to argue that he had attempted to cooperate, only to be rebuffed. Lowell has covered his bases against a lawsuit or even a contempt referral.

And that's before you consider that Comer can't legally enforce that subpoena without either legislative purpose (debunked by his exclusive focus on the Bidens) or — per a Trump OLC memo — a full congressional vote.

My question is what happens if Comer, cornered by Lowell's taunts, takes him up on the offer.

There is zero chance, for example, that such a hearing would occur without Marjorie Taylor Greene accusing Hunter of sex trafficking, as she has twice already. There's a good chance that Hunter, perhaps after four hours or so, would slip up and say something useful for David Weiss (but not before further substantiating Lowell's argument that Republicans have made his prosecution an electoral ploy, which may be why Lowell specified that this had to happen in December).

But there's also a great chance that such a hearing would again highlight that Comer refuses to call Rudy Giuliani and Lev Parnas to understand the root of their concerns. It would provide Hunter the opportunity to call out what

he claims to be false claims by people like Tony Bobulinski. It might even provide Hunter a public opportunity to disclose what his team has learned about the treatment of the laptop – on a copy of which this entire stunt relies.

Abbe Lowell has raised the stakes for Comer's own political future on his decision. It's unclear how that will serve Hunter and his father.

Update: Comer insists Hunter testify at a deposition.

Hunter Biden is trying to play by his own rules instead of following the rules required of everyone else. That won't stand with House Republicans.

Our lawfully issued subpoena to Hunter Biden requires him to appear for a deposition on December 13.

We expect full cooperation with our subpoena for a deposition but also agree that Hunter Biden should have opportunity to testify in a public setting at a future date.

Update: Jamie Raskin mocks Comer.

Let me get this straight. After wailing and moaning for ten months about Hunter Biden and alluding to some vast unproven family conspiracy, after sending Hunter Biden a subpoena to appear and testify, Chairman Comer and the Oversight Republicans now reject his offer to appear before the full Committee and the eyes of the world and to answer any questions that they pose? What an epic humiliation for our colleagues and what a frank confession that they are simply not interested in the facts and have no confidence in their own case or the ability of their own Members to pursue it. After the miserable failure of their impeachment hearing in September,

Chairman Comer has now apparently decided to avoid all Committee hearings where the public can actually see for itself the logical, rhetorical and factual contortions they have tied themselves up in. The evidence has shown time and again President Biden has committed no wrongdoing, much less an impeachable offense. Chairman Comer's insistence that Hunter Biden's interview should happen behind closed doors proves it once again. What the Republicans fear most is sunlight and the truth.

Meanwhile, Miranda Devine at first questioned what Comer is afraid of before deciding that Hunter's "expensive lawyers" don't get to dictate terms.



And Lauren Boebert didn't get the memo.



Jordan:

