

ABBE LOWELL INVITES JAMES COMER TO SEND A VALID SUBPOENA, NOW THAT HE HAS AUTHORITY

Hunter Biden attorney Abbe Lowell sent James Comer and Jim Jordan a letter today that has gotten all the journalists who treat James Comer as a credible human being confused.

Effectively, the letter says:

- Whatever subpoenas you claim to have sent were invalid because you had no authority to issue an impeachment subpoena
- Now that you have authority to issue an impeachment subpoena, if you issue one, Hunter is willing to appear at a hearing *or* sit for a deposition

Much of the rest of the 8-page letter is a legal discussion. There may come a time when a prosecutor or judge will weigh whether Abbe Lowell's argument was sufficiently sound to mean that any contempt referral against Hunter Biden is garbage.

For the purposes of journalists who've believed that James Comer is a credible human being, though, this may be the most important detail: quoting Comer and Jordan asserting, on December 13, that the House needed to vote to authorize an impeachment inquiry "to strengthen our legal case" to subpoena Hunter Biden.

Still further, on December 13, 2023, you

issued a joint statement directly tying Mr. Biden's subpoenas to the still yet-to-be-authorized impeachment inquiry: "Today, the House will vote on an impeachment inquiry resolution to strengthen our legal case in the courts as we face obstruction from the White House and witnesses. Today's obstruction by Hunter Biden reinforces the need for a formal vote. President Biden and his family must be held accountable for their corruption and obstruction. And we will provide that to the American people."

If you believe James Comer is a credible human being, then you should take Comer at his word that until the House voted to authorize an impeachment inquiry on December 13, Comer and Jordan didn't have a very good legal case to enforce an impeachment subpoena to Hunter Biden.

Abbe Lowell may well have had the better legal argument in any case. In his letter, he cites some of the earlier letters he sent that didn't make the contempt referrals. Those earlier letters are quite central to the legal argument, and the fact that Oversight and Judiciary didn't mention them in the contempt referrals is going to make things awkward for whatever staffer is going to have to testify about this contempt referral before prosecutors, much less a jury.

And Lowell cites things that Jordan has said himself about the standards for subpoenas. If Lowell is lucky, those past statements will give him a way to call Jordan to the stand, something Bennie Thompson avoided in both the Steve Bannon and Peter Navarro cases.

But for the purpose of journalists who treat James Comer as a credible human being, the important takeaway is this: If Lowell is right – or even if Lowell is just sufficiently right to keep Hunter out of jail for this – then it means *everything that came up to this point* involved Comer and Jordan deceiving you about

what was going on; Comer and Jordan deceiving you, and you believing them, and misleading your readers or viewers about what was really going on.

All those stories about how Hunter Biden “defied” a subpoena? Retract them, or issue a correction and say, “my bad, there was no subpoena. Hunter wasn’t defying anyone.”

All those stories about Hunter refusing to respond to a subpoena requiring a non-public deposition? Retract those too, because there may be no valid subpoena. Up until there’s a clearly valid subpoena, Hunter had every right to seek accommodations, as others have. That’s probably why Lowell says that *if* Comer and Jordan issue a valid subpoena, Hunter may even be willing to sit for a closed door deposition. That is, it’s not the preference for publicity, it’s the deference to an actually legal subpoena.

You might even do a piece that says, “Wow. That was a really dumbass thing for Comer to do, to issue a subpoena that wasn’t legally valid, because he gave Hunter Biden two opportunities to make him look like a dumbass. If only I were savvy enough to understand that’s what was going on.”

Because, ultimately, if you’ve been treating Comer as if he is a credible human being, you’re not very savvy and you owe your readers an apology.

But, honestly, if you believed *any* of this was real, then you’re the dumbass. If you believe that Comer and Jordan really are concerned about influence peddling from family members of Presidents, you’re the dumbass. If you believe that Comer and Jordan are primarily interested in Hunter’s testimony, then you’re the dumbass. If you believe there was an accommodation that was going to meet Comer and Jordan’s demands, then you’re the dumbass – indeed, that’s surely why Comer retracted his generous offer to let Hunter testify in public.

There’s a some reason to believe that Comer and

Jordan fucked up the accommodation process so badly because they want to ensure that DC USAO or David Weiss – whoever gets any contempt referral they send – decides this contempt referral is legally garbage. Because, they have already admitted in one of the few statements that has been true, they are only looking for something – anything!! – they can use to rationalize an impeachment.

The subpoena was designed, from the start, to fail. That's because Comer and Jordan know you're such a dumbass that when it does, you won't report that the failure is their own damned fault.

Update: Comer and Jordan say they'll issue a valid subpoena. Congratulations Hill reporters, you've spent three months chasing a con.