

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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July 10, 2024

Mr. Edward Siskel
Assistant to the President and White House Counsel
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Dear Mr. Siskel:

Attached to this letter is a subpoena requiring Anthony Bernal, Assistant to the President and Senior Advisor to the First Lady, to appear for a deposition before the Committee on Oversight and Accountability. This subpoena is issued pursuant to Rule XI.2(m)(1)(B) of the Rules of the House of Representatives and Rule 12(g) of the Oversight Committee's rules.

Subsequent to the President's "disastrous"¹ debate performance in June, officials in the House of Representatives,² the Senate,³ and the White House⁴ have voiced concerns about the President's ability to lead the country. Recent reporting has revealed a White House in disarray, and one former Biden aide has said that "Annie [Tomasini], Ashley [Williams] and Anthony [Bernal] create a protective bubble around" President Biden, and the President is "staffed so closely that he's lost all independence."⁵ Mr. Bernal specifically has been identified as having uncharacteristic access to even the President's personal residence and has taken steps since early in President Biden's term to "rope off" the President.⁶

The Committee is therefore investigating the scope of Mr. Bernal's responsibilities within the White House. In particular, based on the reports discussed above, it appears as though Mr. Bernal has firsthand knowledge of the extent to which President Biden is personally carrying out the duties of his office and whether he is capable of doing so. The Committee seeks this information to explore whether the time has come for Congress to revisit potential legislation to

¹ Trevor Hunnicutt et al., *Joe Biden's disastrous debate blamed on bad preparation, exhaustion*, Reuters (July 1, 2024).

² See, e.g., Ali Velshi, *Rep. Raskin: Democrats are 'having a serious conversation about what to do' after Biden debate*, MSNBC (June 30, 2024).

³ See, e.g., Alexander Bolton, *Durbin: Debate 'raised a lot of questions' about Biden's viability*, The Hill (July 8, 2024).

⁴ See, e.g., Alex Thompson, *"Freaking the f*** out": Turmoil in the White House over Biden*, Axios (July 2, 2024).

⁵ Alex Thompson, *Biden staff "miserable," alarmed as pressure builds*, Axios (July 5, 2024).

⁶ Alex Thompson, *Top aides shielded Biden from staff, but couldn't hide the debate*, Axios (June 30, 2024).

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address the oversight of presidents' fitness to serve pursuant to its authority under Section 4 of the Twenty-Fifth Amendment.⁷

The nature and scope of Mr. Bernal's duties have long been of interest to the Committee. Mr. Bernal was one of several White House employees to enter the Penn Biden Center for Diplomacy and Global Engagement (Penn Biden Center) and attempt to remove boxes of documents months before the supposed discovery of classified materials at the same location.⁸ Indeed, the Committee previously sought testimony from Mr. Bernal about President Biden's mishandling of classified materials and whether the White House led an effort to cover up the President's actions or mislead the American people about them.⁹ However, the White House has refused to allow Mr. Bernal to testify.¹⁰

Now, the Committee is concerned that Mr. Bernal may be running interference on behalf of the President and perhaps doing some of the President's job for him. Howard Dean, the former Democratic National Committee Chairman recently stated that "Joe Biden has a very good team around him who knows what they're doing. **They've done a great job running the country**[.]"¹¹ Given public reporting that White House staff have "aggressively stage-managed" the President and are focusing "on minute details" to "minimize signs of how age has taken a toll on the oldest president in U.S. history,"¹² and in light of Mr. Bernal's role as "one of the [P]resident's most important confidantes,"¹³ the Committee seeks to understand the extent of Mr. Bernal's influence over the President and his knowledge of whether the President is personally discharging the duties of his office.

The Committee is concerned that Mr. Bernal appears to be one of several White House staffers who have taken it upon themselves to run the country while the President cannot. To be clear, the American people did not elect Mr. Bernal or any White House staffer to do President Biden's job for him, and the Committee seeks Mr. Bernal's testimony regarding the matters identified above.

Please contact staff by July 17, 2024, to discuss the deposition. If you have any questions regarding this deposition, please contact James Mandolfo or Jake Greenberg with the Committee

⁷ See, e.g., Press Release, Raskin Introduces Bill to Establish Independent Commission on Presidential Capacity, Office of Rep. Jamie Raskin (May 12, 2017); Oversight Commission on Presidential Capacity Act, H.R. 1987, 115th Cong. (2017).

⁸ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Edward Siskel, White House Counsel, The White House (Oct. 11, 2023); Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Anthony Bernal (Nov. 13, 2023).

⁹ See Oct. 11 Letter, *supra*, fn. 8.

¹⁰ Letter from Richard Sauber, Special Counsel to the President, The White House, to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Oct. 18, 2023).

¹¹ Michel Martin, *'I would tell Biden to hang in there,' former DNC Charman Howard Dean says*, NPR (July 1, 2024) (emphasis added).

¹² Andrew Restuccia, et al., *How Biden's Inner Circle Worked to Keep Signs of Aging Under Wraps*, The Wall Street Journal (July 8, 2024); see also Alex Thompson, *Scoop: How Biden's event staffers guide him behind the scenes*, Axios (July 7, 2024).

¹³ Ava Ryan, *The Rise of Bernal: A New Power Behind the White House*, The Boston Times (July 5, 2024).

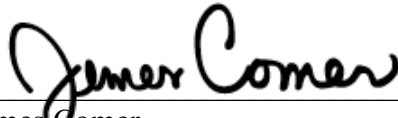
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at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your prompt attention to this important investigation.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability