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5 COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

6 U.S. HOUSE OF REPRESENTATIVES,

7 WASHINGTON, D.C.

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12 DEPOSITION OF: KEVIN O'CONNOR

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16 Wednesday, July 9, 2025

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18 Washington, D.C.

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21 The deposition in the above matter was held in room 2335, Rayburn House Office  
22 Building, commencing at 10:03 a.m.

23 Present: Representatives Comer and Crockett.

1     Appearances:

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5     For the COMMITTEE ON OVERSIGHT AND REFORM:

6

7     MITCH BENZINE, GENERAL COUNSEL

8     BILLY GRANT, COUNSEL, OVERSIGHT

9     JAKE GREENBERG, CHIEF COUNSEL FOR INVESTIGATIONS

10    MARGARET HARKER, SENIOR ADVISOR

11    MARK MARIN, STAFF DIRECTOR

12    MELVIN SOTO, DIGITAL DIRECTOR

13    PETER SPECTRE, PROFESSIONAL STAFF MEMBER

14    ELLISON TOLAN, COUNSEL

15    SHARON UTZ, SENIOR PROFESSIONAL STAFF MEMBER

16    CATHERINE VAN TATENHOVE, LAW CLERK

17    [REDACTED], MINORITY STAFF DIRECTOR

18    [REDACTED], MINORITY SENIOR COUNSEL

19    [REDACTED] SENIOR COUNSEL

20    [REDACTED], MINORITY FELLOW

21    [REDACTED], MINORITY COUNSEL

22    [REDACTED], MINORITY SENIOR COUNSEL

23    [REDACTED], MINORITY CHIEF COUNSEL

24    [REDACTED], MINORITY LEGAL INTERN

25    [REDACTED], MINORITY DEPUTY CHIEF OVERSIGHT COUNSEL

1 For KEVIN O'CONNOR:

2

3 MARK J. MACDOUGALL, PARTNER

4 DAVID SCHERTLER, PARTNER

5 CAITLIN BOZARTH, SUMMER ASSOCIATE

6 ZOE OSBORN, PARALEGAL

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10 WASHINGTON, DC 20004

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1           Mr. Greenberg. Good morning, everyone.

2           This is a deposition of Dr. Kevin O'Connor conducted by the House Committee on  
3 Oversight and Government Reform under the authority granted to it pursuant to House  
4 Rule X and the rules of the Committee on Oversight and Government Reform.

5           Accordingly, House Rule X grants the Committee broad jurisdiction for the  
6 Committee to conduct investigations of any matter at any time.

7           On May 22nd, 2025, Chairman Comer requested a voluntary interview of  
8 Dr. O'Connor as part of the Committee's investigation into President Biden's alleged  
9 mental and physical decline, the Biden White House's efforts to hide that from the  
10 American people, and any unauthorized executive action.

11          The Committee is considering legislative solutions to address these issues,  
12 including changes to the 25th Amendment to the Constitution.

13          I will enter this initial request by Chairman Comer as exhibit 1.

14                               [O'Connor Exhibit No. 1  
15                               was marked for identification.]

16          Mr. Greenberg. On June 4th, counsel for Dr. O'Connor responded to the  
17 Oversight Committee. In the letter to the Committee, counsel stated Dr. O'Connor  
18 could not appear for the requested interview.

19          I will enter this as exhibit 2.

20                               [O'Connor Exhibit No. 2  
21                               was marked for identification.]

22          Mr. Greenberg. On June 5th, Chairman Comer issued a subpoena for Dr.  
23 O'Connor to appear for this deposition. In that cover letter, the Committee addressed  
24 various claims of privilege raised by Dr. O'Connor's counsel. The Committee notified Dr.  
25 O'Connor that none of the legal arguments raised by Dr. O'Connor's counsel were

1       tenable.

2               I will enter both the subpoena and the accompanying cover letter to Dr. O'Connor  
3       as exhibit 3.

4                               [O'Connor Exhibit No. 3  
5                               was marked for identification.]

6       Mr. Schertler.   Thank you.

7       Mr. Greenberg.   The Committee noticed today's deposition on July 3rd, 2025.

8               I will enter the notice for this deposition as exhibit 4.   I will also introduce as  
9       exhibit 4 the notice of a change of room to where we are sitting right now.

10                              [O'Connor Exhibit No. 4  
11                              was marked for identification.]

12              Mr. Greenberg.   Can the witness please state his name and spell his last name for  
13       the record?

14              The Witness.   Dr. Kevin O'Connor, O, apostrophe, C-o-n-n-o-r.

15              Mr. Greenberg.   Thank you.

16              My name is Jake Greenberg, and I am the chief counsel for investigations for  
17       Chairman James Comer.

18              Under the Committee on Oversight and Government Reform's rules, you are  
19       allowed to have an attorney present to advise you during this deposition.

20              Do you have attorneys present today representing you in a personal capacity?

21              Mr. MacDougall.   He does.

22              Mr. Greenberg.   Will counsel please identify themselves for the record?

23              Mr. Schertler.   David Schertler.

24              Mr. MacDougall.   Mark MacDougall.

25              Mr. Greenberg.   For the record, starting with the majority staff, can the

1 additional staff members please introduce themselves with their names, titles, and  
2 affiliations.

3 Mr. Benzine. Mitch Benzine, general counsel for the majority.

4 Ms. Harker. Margaret Harker, senior advisor for the majority.

5 Mr. Marin. Mark Marin, staff director for the majority.

6 Ms. Van Tatenhove. Catherine Van Tatenhove, law clerk for the majority.

7 Ms. Utz. Sharon Utz, senior professional staff for the majority.

8 Ms. Tolan. Ellison Tolan, counsel for the majority.

9 Mr. Grant. Billy Grant, counsel for the majority.

10 Mr. Spectre. Peter Spectre, professional staff member for the majority.

11 Mr. Greenberg. And the minority?

12 Oh, I'm sorry.

13 Mr. Soto. Melvin Soto, the digital director for the majority.

14 Mr. Greenberg. And the minority?

15 Ms. [REDACTED], graduate fellow with the minority.

16 Ms. [REDACTED], counsel for the minority.

17 Mr. [REDACTED] House Oversight, Democratic staff.

18 Mr. [REDACTED], senior counsel for the minority.

19 Ms. [REDACTED], senior counsel for the minority.

20 Ms. [REDACTED], legal intern for the minority.

21 Mr. [REDACTED], senior counsel for the minority.

22 Mr. [REDACTED], staff director for the minority.

23 Mr. Greenberg. And Mr. Comer?

24 Chairman Comer. James Comer, Kentucky-1.

25 Mr. Benzine. And can the associates --

1           Mr. Schertler.   Yes.

2           Ms. Osborn.   Zoe Osborn, paralegal.

3           Ms. Bozarth.   Caitlin Bozarth, summer associate.

4           Mr. Greenberg.   Thank you both.

5           Mr. Schertler.   Thank you for accommodating us.

6           Mr. Greenberg.   Of course.

7           Dr. O'Connor, before we begin, I would like to go over the ground rules for this  
8 deposition.

9           The Committee will conduct today's deposition in accordance with the House of  
10 Representatives' Regulations for the Use of Deposition Authority, which were furnished  
11 to your counsel.   This regulation is incorporated into the rules of the Committee on  
12 Oversight and Government Reform at Rule 15, which was also furnished to your counsel.

13           The questioning will proceed in rounds.   The majority will ask questions for an  
14 hour and then the minority will have an opportunity to ask questions for an hour if they  
15 choose.

16           There will be one staff counsel per side asking the questions during each round.

17           To the extent members have questions for the witness, they will be propounded  
18 during their side's respective rounds.

19           Do you understand?

20           The Witness.   On the advice of counsel, I must respectfully decline to answer  
21 based on physician-patient privilege and in reliance on my right under the Fifth  
22 Amendment of the Constitution.   I am not a lawyer, and I must follow my lawyer's  
23 advice in this matter.

24           Mr. Schertler.   So, gentlemen, we intend to assert both privileges with regard to  
25 any questions that would be asked at this deposition, and Dr. O'Connor will not answer

1 any questions.

2 Mr. Benzine. Can we go off the record for one second?

3 [Discussion off the record.]

4 Mr. Greenberg. We'll go back on the record.

5 The clock will stop if the witness needs to confer with counsel, when your counsel  
6 is speaking, and when members or staff are speaking during the opposing side's rounds of  
7 questions.

8 We will alternate back and forth until there are no more questions.

9 Do you understand?

10 The Witness. On the advice of counsel, I must respectfully decline to answer in  
11 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer.  
12 I must follow my lawyer's advice in this matter.

13 Mr. Greenberg. There is a court reporter taking down everything I say and  
14 everything you say to make a written record of the deposition.

15 For the record to be clear, please wait until the staffer questioning you finishes  
16 each question before you begin your answer, and the staffer will wait until you finish your  
17 response before proceeding to the next question.

18 Further, to ensure the court reporter can properly record this deposition, please  
19 speak clearly, concisely, and slowly.

20 Also, the court reporter cannot record nonverbal answers, such as nodding or  
21 shaking your head, so it is important that you answer each question with an audible  
22 verbal answer.

23 Do you understand?

24 The Witness. On the advice of counsel, I must respectfully decline to answer in  
25 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer,



1 and I must follow my lawyer's advice in this matter.

2 Mr. Greenberg. Exhibits may be entered into the record. Majority exhibits will  
3 be identified numerically. Minority exhibits will be identified alphabetically.

4 We want you to answer our questions in the most complete and truthful manner  
5 possible, so we will take our time. If you have any questions or do not fully understand  
6 the question, please let us know and we will attempt to clarify, add context to, or  
7 rephrase our question.

8 If we ask about specific conversations or events in the past and you are unable to  
9 recall the exact words or details, you should testify to the substance of those  
10 conversations or events to the best of your recollection. If you recall only a part of a  
11 conversation or event, you should give us your best recollection of those events or parts  
12 of conversations that you do recall.

13 You are required by law to answer questions from Congress truthfully. This also  
14 applies to questions posed by congressional staff in this deposition.

15 Do you understand?

16 The Witness. On the advice of counsel, I must respectfully decline to answer in  
17 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer.  
18 I must follow my lawyer's advice in this matter.

19 Mr. Greenberg. If at any time you knowingly make false statements, you could  
20 be subject to criminal prosecution, including but not limited to perjury.

21 Do you understand?

22 The Witness. On the advice of counsel, I must respectfully decline to answer in  
23 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer.  
24 I must follow my lawyer's advice in this matter.

25 Mr. Benzine. I'm sorry, ma'am, will you identify yourself for the record.

1           Ms. Crockett.   Congresswoman Jasmine Crockett, Texas-30.

2           Mr. Benzine.   Thank you, ma'am.

3           Mr. Greenberg.   You cannot tell half-truths or exclude information necessary to  
4   make statements accurate.   You are required to provide all information that would  
5   make your response truthful.   A deliberate failure to disclose information can constitute  
6   a false statement or perjury.

7           Do you understand?

8           The Witness.   On the advice of counsel, I must respectfully decline to answer in  
9   reliance on my Fifth -- in my right under the Fifth Amendment of the Constitution.   I am  
10   not a lawyer, and I must follow my lawyer's advice in this matter.

11          Mr. Greenberg.   Is there any reason you are unable to provide truthful testimony  
12   in today's deposition?

13          The Witness.   On the advice of counsel, I must respectfully decline to answer in  
14   reliance on my right under the Fifth Amendment of the Constitution.   I am not a lawyer,  
15   and I must follow my lawyer's advice in this matter.

16          Mr. Greenberg.   The Federal Rules of Evidence in criminal and civil procedure are  
17   not applicable for today's deposition.   Under the House deposition regulations, a  
18   witness' attorney may not instruct a witness to refuse to answer a question except to  
19   preserve a privilege.

20          Please note that if you wish to assert a privilege over any statement today, that  
21   assertion must comply with the rules of the Committee on Oversight and Government  
22   Reform.

23          Pursuant to that, Committee Rule 16(c)(1) states, "For the Chair to consider  
24   assertions of privilege over testimony or statements, witnesses or entities must clearly  
25   state the specific privilege being asserted and the reason for the assertion on or before

1 the scheduled date of testimony or appearance."

2 I will enter as exhibit 5 a letter dated July 8th, 2025, to your counsel from Gary  
3 Lawkowski, deputy counsel to the President, informing you that President Trump has  
4 determined not to assert executive privilege over issues regarding your assessment of  
5 President Biden's fitness for office and your financial relationship with the Biden family.

6 [O'Connor Exhibit No. 5  
7 was marked for identification.]

8 Mr. Greenberg. For the purposes of the deposition, objections must be stated  
9 concisely and in a nonargumentative and nonsuggestive manner.

10 If the witness refuses to answer a question to preserve a privilege, the Committee  
11 may seek a ruling from the Chair. If the Chair overrules any such objection, the witness  
12 shall be ordered to answer.

13 Do you understand?

14 The Witness. On the advice of counsel, I must respectfully decline to answer in  
15 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer,  
16 and I must follow my lawyer's advice in this matter.

17 Mr. Greenberg. If the witness continues to refuse to answer a question despite  
18 being ordered to do so, the witness may be subject to sanction.

19 Do you understand?

20 The Witness. On the advice of counsel, I must respectfully decline to answer in  
21 reliance on my right under the Fifth Amendment of the Constitution. I am not a lawyer,  
22 and I must follow my lawyer's advice in this matter.

23 Mr. Greenberg. Finally, I will note for everyone here today that the contents of  
24 what we discuss in the deposition are confidential under the House deposition  
25 regulations.

1 Under the rules, the Chairman and Ranking Minority Member shall consult before  
2 any release of testimony or transcripts, including portions thereof. This means it is a  
3 violation of House and Committee rules to disclose contents of this deposition prior to its  
4 official release.

5 Can the reporter please swear in the witness?

6 The Reporter. Will you raise your right hand for me?

7 Do you solemnly declare and affirm under penalty of perjury that the testimony  
8 you are about to give will be the truth, the whole truth, and nothing but the truth?

9 The Witness. Yes.

10 The Reporter. Thank you.

11 Mr. Greenberg. Thank you.

12 We'll go off the record.

13 [Discussion off the record.]

14 Mr. Greenberg. We'll go back on the record.

15 EXAMINATION

16 BY MR. GREENBERG:

17 Q Dr. O'Connor, were you ever told to lie about the President's health?

18 A On the advice of counsel, I must respectfully decline to answer based upon  
19 physician-patient privilege and in reliance on my right under the Fifth Amendment of the  
20 Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

21 Q Let the record reflect that Dr. O'Connor has invoked the Fifth Amendment  
22 right against self-incrimination.

23 Dr. O'Connor, please be very clear, are you declining to answer the question put to  
24 you solely on the ground that you believe the answer will incriminate you?

25 A On the advice of counsel, I must respectfully decline to answer based upon

1 the physician-patient privilege and in reliance on my right under the Fifth Amendment of  
2 the Constitution. I am not a lawyer, and I must rely on my lawyer's advice in this matter.

3 Q Dr. O'Connor, did you ever believe the President was unfit to execute his  
4 duties as President?

5 A On the advice of counsel, I must respectfully decline to answer based on the  
6 physician-patient privilege and in reliance on my right under the Fifth Amendment of the  
7 Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

8 Q Let the record reflect that Dr. O'Connor has invoked the Fifth Amendment  
9 right against self-incrimination.

10 Dr. O'Connor, please be very clear, are you declining to answer the question put to  
11 you solely on the ground that you believe the answer will incriminate you?

12 A On the advice of counsel, I must respectfully decline to answer based upon  
13 the physician-patient privilege and in reliance on my right under the Fifth Amendment of  
14 the Constitution. I am not a lawyer. I must follow my lawyer's advice in this matter.

15 Q Dr. O'Connor, is it your intention to decline to answer all questions put to  
16 you today by the Committee on the basis of the Fifth Amendment right against  
17 self-incrimination?

18 A On the advice of counsel, I must respectfully decline to answer based upon  
19 the physician-patient privilege and in reliance on my right under the Fifth Amendment of  
20 the Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

21 Mr. Schertler. And we can tell you that he will have the same answer with  
22 respect to any questions that are asked.

23 Mr. Greenberg. Thank you, sir.

24 Does the minority wish to ask any questions?

25 Mr. [REDACTED] We wish to give Mr. Schertler an opportunity to make his

1 statement, and we'd like to enter a few exhibits into the record.

2 Mr. Greenberg. Okay. We'll go off the record.

3 [Pause.]

4 Mr. [REDACTED] We're on the record.

5 Dr. O'Connor, good morning.

6 I just wanted to note for the record that prior to your appearance for today's  
7 deposition your attorneys raised with the majority your position that the questions posed  
8 to you today by my majority colleagues may require you to infringe on doctor-patient  
9 confidentiality, a fundamental principle of medicine, which, as your attorneys have  
10 explained, is both long held and widely recognized.

11 Your attorneys further explained to the majority that should you provide any  
12 answers to the majority's questions today that violate doctor-patient confidentiality you  
13 may be in breach of your legal and ethical obligations to your patient and suffer grave  
14 professional and personal consequences from any such breach.

15 Mr. Schertler, I understand that you had a statement you wish to make for the  
16 record, and I'd like to give you that opportunity now.

17 Mr. Schertler. Thank you very much.

18 Chairman Comer, Representative Crockett, and members of both the majority and  
19 minority staffs, good morning. My name is David Schertler, and, along with my partner  
20 Mark MacDougall, we represent Dr. Kevin O'Connor.

21 As you all know, Dr. O'Connor served as the physician to President Biden during  
22 President Biden's term of office from January of 2021 until January of 2025. Dr.  
23 O'Connor had also been President Biden's primary care physician for 12 years before  
24 President Biden took office in January of 2021.

25 It was Dr. O'Connor's privilege and honor to serve as President Biden's physician

1 and as head of the White House Medical Unit.

2 Dr. O'Connor has also served in the United States Army for over 20 years and did  
3 active tours of duty in Afghanistan and Iraq.

4 This Committee has indicated to Dr. O'Connor and to us, his attorneys, that it does  
5 not intend to honor one of the most well-known privileges in our law, the  
6 physician-patient privilege.

7 Instead, the Committee has indicated to us that it will demand that Dr. O'Connor  
8 reveal, without any limitation, confidential information regarding the medical  
9 examination, treatment, and care of President Biden.

10 Revealing confidential patient information would violate the most fundamental  
11 ethical duty of any physician. It could also result in the revocation of Dr. O'Connor's  
12 medical license and could subject him to civil liability.

13 Dr. O'Connor will not violate the oath of confidentiality to any of his patients,  
14 including President Biden.

15 Furthermore, through the issuance of a presidential memorandum that was dated  
16 June 4th of 2025, President Trump directed the Department of Justice and the  
17 White House counsel to conduct a parallel criminal investigation into the same topics that  
18 are being investigated by this Committee.

19 In fact, just this past Sunday, Chairman Comer, I believe you confirmed on FOX  
20 News that Pam Bondi has announced an investigation at the Department of Justice into  
21 the illegal use of the autopen.

22 We believe that the Committee should hold its investigation in abeyance until any  
23 criminal investigation has been conducted and completed.

24 Nonetheless, the totality of the circumstances surrounding this Committee's  
25 investigation have -- leave Dr. O'Connor no choice but to decline to answer questions on

1 two overlapping grounds.

2 First, the physician-patient privilege and the physician's ethical duty of  
3 confidentiality require that Dr. O'Connor refuse to testify about any aspect of his care and  
4 treatment of President Biden.

5 Second, a pending Department of Justice criminal investigation leaves Dr.  
6 O'Connor no choice but to invoke his constitutional right under the Fifth Amendment of  
7 the Constitution to any questions that might be posed by the Committee in this  
8 deposition.

9 And we want to emphasize that in -- asserting a Fifth Amendment privilege does  
10 not imply that Dr. O'Connor has committed any crime. In fact, to the contrary, our  
11 Supreme Court has emphasized, and I quote, "One of the Fifth Amendment's basic  
12 functions is to protect innocent men who otherwise might be ensnared by ambiguous  
13 circumstances," end of quote.

14 For these reasons, Dr. O'Connor will respectfully decline to answer any questions  
15 that might be posed to him by the Committee today.

16 Thank you.

17 Mr. [REDACTED] Thank you, sir.

18 I'm also going to ask the court reporter to mark as exhibit 6 a presidential  
19 memorandum from the White House dated June 4th, 2025, which, among other things,  
20 directs the counsel to the President, in consultation with the Attorney General, along with  
21 the head of any other relevant executive department or agency, to investigate to the  
22 extent permitted by law the allegations that the majority has leveled in this matter.

23 [O'Connor Exhibit No. 6

24 was marked for identification.]

25 Mr. [REDACTED] I'm also going to ask that the court reporters mark as exhibit 7 a



1 letter dated July 5th of 2025 from Dr. O'Connor's counsel to Chairman Comer, as well as  
2 the Ranking Member, setting forth their position as to the relevance and applicability of  
3 the doctor-patient privilege to the proceedings today.

4 [O'Connor Exhibit No. 7  
5 was marked for identification.]

6 Mr. [REDACTED] We can go off the record.

7 [Pause.]

8 Mr. Greenberg. We'll go on the record.

9 Thank you, Dr. O'Connor.

10 Considering your invocation of the Fifth Amendment pursuant to the terms of the  
11 subpoena, you are excused.

12 We'll go off the record.

13 [Whereupon, at 10:31 a.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

---

Witness Name

---

Date