

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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May 9, 2024

Ms. Negar Tekeei
Assistant U.S. Attorney
United States District Court
Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278

Dear Ms. Tekeei:

On March 5, 2024, pursuant to the House’s ongoing impeachment inquiry and our legislative oversight authorities,¹ the Committee on the Judiciary (“Judiciary Committee”), along with the Committee on Oversight and Accountability (“Oversight Committee”), wrote to two Department of Justice (DOJ) components—addressing one of these letters to you—requesting a narrow and specific set of materials relating to claims of the DOJ’s unfair treatment of Hunter Biden’s business associate Jason Galanis.² In addition, the Committees requested your appearance at a transcribed interview.³ To date, you have failed to respond to the Committee’s letter or to schedule your interview. We write to reiterate our request for your voluntary cooperation with our oversight.

Since Mr. Galanis’s transcribed interview earlier this year, the Judiciary Committee has received additional information based on communications with Mr. Galanis’s legal counsel that strongly suggests DOJ had been retaliating against Mr. Galanis for his cooperation with the Committees’ inquiry. On February 4, 2023, Mr. Galanis applied to the Bureau of Prisons (BOP)

¹ See H. Res. 918, 118th Cong. (2023); Memorandum from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry (Sept. 27, 2023) (hereinafter Impeachment Inquiry Memorandum); February 12 Letter, *supra* note 1.

² Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Negar Tekeei, Assistant U.S. Attorney, US. District Court of the Southern District of New York (Mar. 5, 2024); Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Colette S. Peters, Director, Federal Bureau of Prisons (Mar. 5, 2024).

³ Letter from Rep. Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Accountability, and Rep. Andy Biggs, Subcommittee Chairman on Crime and Federal Government Surveillance, H. Comm on the Judiciary to Negar Tekeei, Assistant U.S. Attorney, U.S. District Court, Southern District of New York (Mar. 5, 2024).

for home confinement pursuant to the CARES Act.⁴ His application proceeded through the process as normal. In March 2023, the U.S. Probation Office serving the Southern District of California’s San Diego location approved Mr. Galanis’s post-confinement residence.⁵ The warden of the BOP facility—M.V. Joseph—where Mr. Galanis resided at the time, FPC Pensacola, later signed off on the application, and Mr. Galanis’s application went on to the Residential Reentry Management (RRM) center in Long Beach, California.⁶ On June 9, 2023, the Long Beach RRM approved Mr. Galanis’s request for home confinement and reached out to the U.S. Attorney’s Office for the Southern District of New York (SDNY) regarding the application approval.⁷

On June 12, 2023, the Oversight Committee announced that it had subpoenaed Mr. Galanis’s business partner, Devon Archer, to testify about his relationship with Hunter Biden and the Biden family’s business activities.⁸ Around the same time as the Oversight Committee’s announcement, you responded to the Long Beach RRM noting your “strongest objection,” and threatening to go “hard on this” to the BOP Director if Mr. Galanis’s application went any further.⁹ On June 22, 2023, a BOP official informed Mr. Galanis that his application had been denied on June 13—the day after the Oversight Committee’s announcement.¹⁰

On August 8, 2023, Mr. Galanis appealed the denial of his home confinement to FPC Pensacola Warden Sheri Saulsberry, who subsequently denied his appeal on the erroneous grounds that the “amount of time” he requested on home confinement “was not appropriate.”¹¹ On September 22, 2023, Mr. Galanis appealed the warden’s denial to the Southeast Regional RRM and, after receiving no response, he appealed to the BOP Central Office.

On February 8, 2024, the Committees informed BOP that we intended to interview Mr. Galanis at the BOP facility where he presently resides, FPC Montgomery.¹² The next day, the BOP Central Office sent Mr. Galanis its denial of his appeal, which was dated over a month earlier, on January 4. In this denial, BOP changed its reasoning from an “inappropriate amount of time” for home confinement to the “CARES Act has expired.”¹³ This reason, however, is also not a proper basis for denial. Per BOP practice, and consistent with basic due process, anyone who applied for home confinement prior to the expiration of the CARES Act—and whose appeal rights have not been exhausted—remained eligible to be considered under the Act.¹⁴ In fact, Mr.

⁴ Transcribed Interview with Jason Galanis at 13-14 (Feb. 23, 2024).

⁵ *Id.*

⁶ Transcribed Interview with Jason Galanis at 13-14 (Feb. 23, 2024).

⁷ Transcribed Interview with Jason Galanis at 14 (Feb. 23, 2024).

⁸ Letter from Rep. James Comer, Chairman, H. Comm on Oversight and Accountability to Matthew Schwartz, Boies Schiller Flexner (Jun. 12, 2023).

⁹ *See generally*, Transcribed Interview with Jason Galanis (Feb. 23, 2024).

¹⁰ *Id.*

¹¹ *See generally*, Transcribed Interview with Jason Galanis (Feb. 23, 2024).

¹² Mr. Galanis transferred to FPC Montgomery in August 2023; Transcribed Interview with Jason Galanis at 15 (Feb. 23, 2024).

¹³ *See generally*, Transcribed Interview with Jason Galanis (Feb. 23, 2024).

¹⁴ Press Release, Final Rule Issued for Home Confinement Under the Coronavirus Aid, Relief and Economic Security (CARES) Act, U.S. Dept. of Justice (Apr. 4, 2023).

Galanis was originally approved for home confinement on June 9, 2023, after the May 31 expiration date of the CARES Act.¹⁵ Three days after Mr. Galanis sat for a transcribed interview with the Committees, BOP gave Mr. Galanis its final denial of his home confinement application under the CARES Act.

As part of our constitutional oversight and impeachment inquiry¹⁶ responsibilities, we require testimony from both current and former Department employees about these matters. You served as an Assistant U.S. Attorney in charge of the prosecution of Jason Galanis, a case which culminated in his sentencing in Manhattan Federal Court on September 24, 2020.¹⁷ During your tenure, it has been alleged that the U.S. Attorney's Office of the Southern District of New York specifically denied Mr. Galanis's application for CARES Act home confinement, a decision that appears to be based on partisan motivations rather than a legal basis.¹⁸ From the documents and testimonial information available to the Committee, we believe that you possess information vital to our oversight and inquiry.

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."¹⁹ Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of the Department as well as criminal justice matters in the United States to inform potential legislative reforms.²⁰

Additionally, Congress's authority to access information is broadest during an impeachment investigation,²¹ a fact which even Presidents and other Executive Branch officials have traditionally recognized.²² Indeed, conducting an impeachment inquiry based on anything

¹⁵ Transcribed Interview with Jason Galanis at 14 (Feb. 23, 2024).

¹⁶ See H.R. Res. 918, 118th Cong. (2023); Memorandum from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry (Sept. 27, 2023)

¹⁷ Press Release, Jason Galanis Sentenced In Manhattan Federal Court For Multiple Securities Fraud Schemes, U.S. Attorney's Office, Southern District of New York (Sept. 24, 2020).

¹⁸ Transcribed Interview of Jason Galanis, at 13-14 (Feb. 23, 2024).

¹⁹ *Trump v. Mazars*, 140 S. Ct. 2019, 2031 (2020) (internal quotation marks omitted).

²⁰ Rules of the U.S. House of Representatives, R. X (2023).

²¹ TODD GARVEY, CONG. RSCH. SERV., LSB11083, IMPEACHMENT INVESTIGATIONS, PART II: ACCESS, at 1 (2023) ("[T]here is reason to believe that invocation of the impeachment power could improve the committees' legal claims of access to certain types of evidence relevant to the allegations of misconduct against President Biden."). See also *In re Application of Comm. on the Judiciary*, 414 F. Supp. 3d 129, 176 (D.D.C. 2019) ("[D]enying [the House Judiciary Committee] evidence relevant to an impeachment inquiry could pose constitutional problems."), *aff'd*, 951 F.3d 589 (D.C. Cir. 2020), *vacated and remanded sub nom. on other grounds DOJ v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021); *In re Request for Access to Grand Jury Materials*, 833 F.2d 1438, 1445 (11th Cir. 1987) (concluding that "limit[ing] the investigatory power of the House in impeachment proceedings . . . would clearly violate separation of powers principles.").

²² See GARVEY, *supra* note 6, at 2 ("As a historical matter, all three branches have suggested that the House possesses a robust right of access to information when it is investigating for impeachment purposes."); Jonathan David Schaub, *The Executive's Privilege*, 70 DUKE L.J. 1, 87 (2020) ("[P]residents and others have recognized

less than all pertinent evidence would be an affront to the Constitution and irreparably damage public faith in the impeachment process.²³

Accordingly, we request that you appear for a transcribed interview with the Committee. To schedule your transcribed interview, please contact Committee staff at (202) 225- 6906 as soon as possible, but no later than 5:00 p.m. on May 23, 2024. If you are represented by private counsel, we ask that your private counsel respond promptly to the Committee on your behalf. If you fail to do so, the Committee will consider proceeding to compulsory process.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Andy Biggs
Chairman
Subcommittee on Crime and Federal
Government Surveillance

cc: The Honorable Jerrold L. Nadler, Ranking Member
The Honorable Sheila Jackson Lee, Ranking Member, Subcommittee on Crime and
Federal Government Surveillance

throughout the history of the country that their ability to withhold information from Congress disappears in the context of impeachment.”).

²³ See *In re Application of Comm. on the Judiciary*, 414 F. Supp. 3d at 176 (“Impeachment based on anything less than all relevant evidence would compromise the public’s faith in the process.”); *In re Request for Access to Grand Jury Materials*, 833 F.2d at 1445 (“Public confidence in a procedure as political and public as impeachment is an important consideration justifying disclosure.”); *In re Report and Recommendation of June 5, 1972 Grand Jury*, 370 F. Supp. 1219, 1230 (D.D.C. 1974) (“It would be difficult to conceive of a more compelling need than that of this country for an unswervingly fair [impeachment] inquiry based on all the pertinent information.”).