

Congress of the United States
House of Representatives
Washington, DC 20515

February 8th, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Garland:

I write to you today with grave concerns regarding the confidential report provided to you by Special Counsel Robert K. Hur. After concluding that President Biden knowingly and willfully removed, mishandled, and disclosed classified documents repeatedly over a period of decades, Mr. Hur nevertheless recommended that charges not be brought against him.

Special Counsel's reasoning was alarming. He recited numerous instances in which President Biden exhibited dramatically compromised mental faculties and concluded that a jury would be likely to perceive President Biden as a sympathetic and forgetful old man.

I need not tell you that selective prosecution is morally, ethically, and legally prohibited. We don't prosecute or decline to prosecute people based on their personalities, or on the public's anticipated perception of them. If Special Counsel finds that the evidence forms a reasonable basis to bring charges, he must do so. The Department of Justice cannot ethically bring charges against former president Trump because he has mental acuity and a forceful personality and decline to bring charges against President Biden because of his cognitive decline. President Biden needs to be charged.

Unless he is not mentally competent to stand trial.

Candidly, the Special Counsel's report makes a reasonable case that he is not. Being unable to remember what position he held, and when, is exceptionally concerning. Being unable to remember when one's child died - even within a time frame of several years - is perhaps more frightening. He may not be competent to stand trial.

And he most assuredly lacks the ability to execute his presidential responsibilities. Accordingly, it is incumbent upon you to begin proceedings to remove the President pursuant to the 25th Amendment of the United States Constitution.

President Biden needs to be charged, or he needs to be removed. There is no middle ground.

Sincerely,



CLAUDIA TENNEY
Member of Congress