

STATEMENT ON BEHALF OF DR. KEVIN O'CONNOR

Chairman Comer, Ranking Member Garcia, and Members of the House Committee on Oversight and Accountability,

Good morning. My name is David Schertler and along with my partner, Mark MacDougall, we represent Dr. Kevin O'Connor.

As you know, Dr. Kevin O'Connor served as the physician to President Biden during President Biden's term of Office from January 2021 to January 2025. Dr. O'Connor also had been President Biden's primary care physician for the 12 years before President Biden took Office. It was Dr. O'Connor's privilege and honor to serve as President Biden's physician as Head of the White House Medical Unit.

Dr. O'Connor also served in the United States Army for more than 20 years, doing active tours of duty in Iraq and Afghanistan.

This Committee has indicated to Dr. O'Connor and his attorneys that it does not intend to honor one of the most well-known privileges in our law – the physician patient privilege. Instead, the Committee has indicated that it will demand that Dr. O'Connor reveal, without any limitations, confidential information regarding his medical examinations, treatment, and care of President Biden. Revealing confidential patient information would violate the most fundamental ethical duty of a physician, could result in revocation of Dr. O'Connor's medical license, and would subject Dr. O'Connor to potential civil liability. Dr. O'Connor will not violate his oath of confidentiality to any of his patients, including President Biden.

Furthermore, through the issuance of a Presidential Memorandum dated June 4, 2025, President Trump has directed the Department of Justice and the White House Counsel to conduct a parallel criminal investigation into the same topics being investigated by this Committee. In fact, just this past Sunday, Chairman Comer himself confirmed on FOX News that "*Pam Bondi has announced an investigation at the Department of Justice into the illegal use of the autopen.*" We believe that the Committee should hold its investigation in abeyance until any criminal investigation has concluded.

The totality of the circumstances surrounding this Committee's investigation leave Dr. O'Connor no choice but to decline to answer questions on two overlapping grounds.

- First, the physician patient privilege and the physician's ethical duty of confidentiality require that Dr. O'Connor refuse to testify about any aspect of his care and treatment of President Biden.
- Second, the pending Department of Justice criminal investigation leaves Dr. O'Connor no choice but to invoke his constitutional rights under the Fifth Amendment of the Constitution to any questions posed by the Committee.

We want to emphasize that asserting the Fifth Amendment privilege does not imply that Dr. O'Connor has committed any crime. In fact, to the contrary, as our Supreme Court has emphasized: ***“One of the Fifth Amendment’s basic functions is to protect innocent men who otherwise might be ensnared by ambiguous circumstances.”***

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