

**AMENDMENT TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO THE COMMITTEE REPORT FOR THE RESOLUTION
RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND
MARK ZWONITZER IN CONTEMPT OF CONGRESS FOR REFUSAL TO
COMPLY WITH A SUBPOENA DULY ISSUED BY THE COMMITTEE ON
THE JUDICIARY**

Offered by _____ of _____.

At page 4, after the first full paragraph ending in “obstruction of justice against Zwonitzer,” insert:

It is vital to note that it has been made abundantly clear that Mr. Zwonitzer had innocent reasons for deleting the audio files of his interviews with President Biden, which had nothing to do with attempting to delete evidence potentially harmful to President Biden. Mr. Zwonitzer detailed those reasons to Special Counsel Hur, who noted them in the February 2024 Special Counsel report:

As for why he deleted the audio recordings, Zwonitzer gave the following reasons:

- As a practice, while he saved transcripts of recorded conversations indefinitely, he deleted audio recordings after completing a written work to protect his interviewee's privacy. Zwonitzer explained that he did not have an established practice as to when he deleted audio recordings; rather, he would do so at convenient points in time, such as when he moved to a new residence or when he happened to notice that he still had audio recordings from past interviews.
- Zwonitzer had received vague but threatening e-mails from groups hostile to Mr. Eiden, and private conversations that included Zwonitzer had been published on the Internet. Accordingly, Zwonitzer was concerned that his computer could be hacked and the audio recordings of his conversations with Mr. Eiden published online. Those recordings contained personal information, including Mr. Eiden's reflections on the death of his son, Beau.
- In January 2023, Zwonitzer had finished working on a book about the capabilities of a cyber-surveillance system called Pegasus. Zwonitzer stated that he had a "heightened sense of awareness" of the capabilities of Pegasus, which he described as "the most ... frightful cybersurveillance tool ... on the market out there right now." The book discussed how Pegasus was used to spy on people around the world-including heads of state, diplomats, and journalists. The Pegasus

tool could be used to "capture all videos, photos, emails, texts, and passwords - encrypted or not."¹

Mr. Zwonitzer explained that he did not think the investigation would concern him, nor did he think the recordings implicated classified information.² Moreover, after Mr. Zwonitzer realized that investigators would want the audio, he took specific care to preserve those files to turn over voluntarily to investigators.³

It is clear that Mr. Zwonitzer believed he was doing the right thing when he deleted the audio recordings, and it was not for corrupt purposes or to hide evidence from the appropriate investigators. Any suggestion otherwise – given the overwhelming evidence to the contrary – is an unfair, unwarranted, harmful attack on Mr. Zwonitzer’s integrity and respectability as a journalist.

¹ Special Counsel Robert K. Hur, *Report on the Investigation Into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr.*, U.S. DEP’T OF JUSTICE at 336-37 (Feb. 8, 2024), <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf> [Hereinafter Hur Report].

² Hur Report at 338.

³ Hur Report at 338.