From: "Weiss, David (USADE)" <[redacted]>
To: "Weinsheimer, Bradley (ODAG)" <[redacted]>
Subject: FW: 8-14-23 Letter to USAO Delaware Re: Improper Grand Jury and Tax Investigation Materials
Date: Tue, 15 Aug 2023 09:56:40 -0400
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Attachments: 8-14-23_Letter_to_USAO_Delaware.pdf; Exhibits_to_6(e)_Letter.pdf
Inline-Images: image001.jpg

This was received last evening.

From: Lowell, Abbe <[redacted]>
Sent: Monday, August 14, 2023 10:27 PM
To: Weiss, David (USADE) <[redacted]>; Wise, Leo (USAMD) <[redacted]>; Wallace, Benjamin (USADE) <[redacted]>; Hines, Derek (USAPAE) <[redacted]>
Cc: Horowitz, Michael E. (OIG) <[redacted]>; Brian McManus [redacted]; (b)(6) Timothy McCarten; (b)(6) Matthew Salerno
Subject: [EXTERNAL] 8-14-23 Letter to USAO Delaware Re: Improper Grand Jury and Tax Investigation Materials

Gentlemen,

Please see the attached letter and exhibits.

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August 14, 2023

VIA ELECTRONIC MAIL

Hon. David C. Weiss
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Leo J. Wise
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Re: Robert Hunter Biden

Dear Messrs. Weiss, Wise, Hines, and Wallace:

I am writing to follow up on the recent call defense counsel had with your Office on July 31, 2023, concerning our ongoing concerns about the consistent and unabated improper disclosures of information about this investigation and its effects on Mr. Biden's rights.

To be clear, we do not seek to temper *legitimate* whistleblowing activity. But what is occurring here is the illegal disclosure of grand jury, tax return, and other confidential investigatory information under the guise of legitimate whistleblower activity, and it is unprecedented. Indeed, while purported "whistleblower" allegations relate to purported *prosecutorial* misconduct, the leaks of information by agents addresses commentary and impressions of the facts of the investigation, disclosure of witness interviews, discussion of contemplated and executed grand jury subpoenas, release of information gleaned from those subpoenas and raw intelligence, and one-sided case conclusions that were ultimately rejected or disputed by other investigators or prosecutors engaged with this matter.

A. Federal Agents Have Repeatedly and Illegally Disclosed Grand Jury, Taxpayer, and Other Protected Information

On a July 31, 2023, call, Assistant United States Attorney Wise stated he was "not aware" of any leak of grand jury information by the Government during the course of the Government's investigation of our client. Such a statement was surprising given that Mr. Biden's counsel have discussed such leaks with the Government on multiple occasions over the past two years and addressed these leaks in at least four prior letters and countless telephone calls with your Office.[1] We incorporate by reference counsels' prior correspondence on these issues, enclosed herewith as Exhibits A – D.

As early as July 2022, agents leaked to the press that the Government was discussing "bringing charges that could include alleged tax violations and making a false statement in connection with Biden's purchase of a firearm at a time he would have been prohibited from doing so because of his acknowledged struggles with drug addiction."[2] These and subsequent leaks by federal agents disclose grand jury, tax return, and other confidential information that is prohibited by law from disclosure, and were designed to improperly influence the course of the investigation of our client. The Government's agents' statements and actions go far beyond any *legitimate* claim of "whistleblowing." As the prior letters have already addressed many of the earlier disclosures, the below recounts your agents' more recent illegal conduct.

The Government had assured us several times that steps were being taken to quell such illegal leaks and to protect the fidelity of this investigation, which have been unprecedented in both scope and their prejudice to our client. The denial on July 31 by the Office that any leaks have occurred is therefore concerning and counterfactual.[3] It also raises questions about the steps the Government has taken to protect both our client's rights and the sanctity of the grand jury process. What follows are some examples of the obvious improper disclosures that have occurred.

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[1] Mr. Wise's statement on July 31 is also impossible to reconcile with the position your Office is taking with Congress, in which your Office has expressly relied upon grand jury secrecy as a basis to decline Congress's requests concerning matters that the Government's agents have leaked about this investigation. *See* Letter from the Hon. David C. Weiss to the Hon. Jim Jordan (June 7, 2023) (explaining that your Office was "not at liberty to respond" to the Committee's request, including because the Committee's request "implicated" "confidentiality interests … includ[ing] legally protected materials (including grand jury information, protected by Rule 6(e) of the Federal Rules of Criminal Procedure, and taxpayer information, protected by 26 U.S.C. Section 6103); [as well as] information the disclosure of which might … constitute an unnecessary invasion of privacy … ."); Letter from the Hon. David C. Weiss to the Hon. Jim Jordan (June 30, 2023) ("reaffirm[ing] the contents of the June 7 letter drafted by my office and reiterat[ing] that I am not at liberty to provide the materials you seek.").

[2] E. Perez, *Federal investigation of Hunter Biden reaches critical juncture, sources say*, CNN (July 20, 2022), available at https://www.cnn.com/2022/07/20/politics/hunter-biden-investigation-critical-juncture/index.html.

[3] Mr. Shapley and Mr. Ziegler in sworn testimony acknowledged leaks related to this case. *See* G. Shapley May 26, Tr. at 150 ("So there was a leak, I'm not sure what outlet, on October 6th, of 2022 – it appeared to come from the agent's level, who was critical of the prosecutors for not charging the case. . . . And there have been multiple leaks in this case going back [months or years]."); J. Ziegler Tr. at 55 ("Prior to [the October 6 article in the *Washington Post* describing a potential charging decisions], there were other leaks. After our day of action in December of 2020, we got word that a couple of the news sources were going to release an article on the investigation. That was a couple of days prior to us going public.")

1. Congressional Testimony

In addition to the various leaks before contacting Congress, Mr. Shapley and Mr. Ziegler testified about this investigation before the Ways and Means Committee on Friday, May 26 and June 1, 2023, respectively. The contents of both of the leakers' testimony was ostensibly to address *government misconduct during the investigation*. Yet the actual testimony provided by both individuals went far beyond this. The testimony of Messrs. Shapley and Ziegler, as well as certain of the exhibits appended thereto, are replete with illegally disclosed grand jury and tax return information, as well as fruits of search warrants that evidently have been sealed by court order, all arising from the Government's and the grand jury's investigation of our client.

Apparently taking no steps to protect disclosure, all of this testimony was released publicly on June 22, 2023, in an unparalleled attack on our client's rights as a private citizen and a blatant attempt to infect any judicial proceedings in which our client was or would be involved. Mr. Shapley and Mr. Ziegler then both testified in a public hearing on July 19, 2023, again disclosing similar information.

The transcripts are replete with illegal leaks of grand jury information, going far beyond disclosing *government misconduct*, the whole point of *legitimate* whistleblowers. But as the Government contends it is not aware of any such leaks, the below is just a handful of examples:

- Mr. Shapley and Mr. Ziegler spoke extensively about Mr. Biden's purported tax liabilities from 2014 to 2019, in detail, including specific deductions and the Government's assessment of those deductions. Much of the information disclosed was necessarily gleaned from confidential grand jury material and tax return information, and was completely irrelevant to purported government misconduct during the investigation.[4] Not only was it unnecessary for the agents to discuss any of this publicly—the "facts" disclosed and conclusions reached are either false, legally incorrect, or were otherwise addressed during the various meetings between defense counsel and your Office.[5]

- Mr. Shapley and Mr. Ziegler provided purported findings of fact, again predicated in part on grand jury testimony and documents subpoenaed by the grand jury, with respect to how or why certain of Mr. Biden's business entities were supposedly created, and their conclusions regarding the purported criminality of those enterprises.[6] Again, notwithstanding that this information was

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[4] *See, e.g.*, J. Ziegler June 1, 2023 Tr. at 103 ("He deducted payments that were made to who he called his West Coast assistant, but she was essentially a prostitute."); J. Ziegler June 1, 2023 Tr. at 53 ("There were Venmo transactions that were paid to family and friends. And some of these Venmo transactions were deducted."); J. Ziegler June 1, 2023 Tr. at 81 ("He also had members of his family, including Lunden Roberts, on his payroll. We know that during the time period she was paid, she did not work for him.").

[5] Mr. Shapley and Mr. Ziegler admit they were not afforded an opportunity to hear counsel's assessment of such allegations, yet apparently have no compunction with releasing their one-sided (and incorrect) accounts under the guise of "whistleblowing."

[6] *See, e.g.*, G. Shapley May 26, 2023 Tr. at 25 ("The years in question included foreign income from Burisma and a scheme to evade his income taxes through a partnership with a convicted felon."); *id.* at 130 ("There was a scheme to evade in 2014 by using Rosemont Seneca Bohai to divert income from Burisma under Devon Archer's entity."); J. Ziegler June 1, 2023 Tr. at 37 ("We ended up looking at the evidence, and we found emails that actually showed that Hunter Biden had planned for what happened that cause him to essentially evade his taxes for 2014.")

gleaned through the grand jury process and should never have been disclosed, it is one-sided and misinformed.

- One of the reasons grand jury secrecy exists is to protect citizens from baseless, uncharged allegations.[7] This makes it all the more appalling that the Government has taken no action in response to its agents publicly discussing conduct that was evidently investigated by the grand jury, but that was so obviously ridiculous that it has never been charged, and never would be. *See, e.g.*, G. Shapley May 26, 2023 Tr. at 22 ("Through interviews and review of evidence obtained, it appears there may be campaign finance criminal violations."); J. Ziegler June 1, 2023 Tr. at 155 ("There were expenditures for one of – he called it his West Coast assistant, but we knew her to also be in the prostitution world or believed to be in the prostitution world. And he deducted expenses related to her. She relates to the sex club issue. . . . [] There were some flying people across State lines, paying for their travel, paying for their hotels. They were what we call Mann Act violations.").[8] Mr. Ziegler also disclosed information regarding Mr. Biden's *2020 returns*, quotes from those returns, and suggests an ongoing investigation into those returns. J. Ziegler June 1, 2023, Tr. at 101.

- Mr. Shapley and Mr. Ziegler described detailed testimony of Mr. Biden's accountants and then shaded the testimony to support their narrative.[9] Mr. Ziegler also discussed specific materials produced or obtained through grand jury subpoenas.[10]

- Mr. Shapley recounted a detailed purported understanding of Mr. Biden's relationship with Eric Schwerin, presumably gleaned during grand jury testimony and documents subpoenaed by the grand jury, including (according to Mr. Shapley) that because Mr. Biden "often had these large taxes due and owing, and then he couldn't pay them. And he used to have problems and that stuff. So [Mr. Schwerin] was brought in the help bring Hunter Biden into tax compliance." G. Shapley May 26, 2023, Tr. at 84-85. *See also, e.g.*, G. Shapley May 26, 2023, Tr. at 49 ("So Owasco P.C., through the evidence that we obtained, was basically created with [Mr. Biden's] partner Eric Schwerin. And the crux of this, as I understand it, is that Hunter Biden had a history of

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[7] The Supreme Court has recognized that grand jury-secrecy exists, in part, to ensure that persons who are accused but exonerated by the grand jury will not be held up to public ridicule. *See Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 219 (1979).

[8] Incredibly, again, Mr. Ziegler also offered to turn over material concerning these purported Mann Act violations, including presumably grand jury material, to the House Ways and Means Committee. *See, e.g.*, House Oversight and Accountability Hearing Minutes, July 19, 2023 ("So regarding Mann Act violations, what we can do is given by the statute we can turn those over to the House Ways and Means Committee and then we can – they can decide to vote to turn them over to you. Regarding Mann Act.")

[9] *See* G. Shapley May 26, 2023 Tr. at 93 ("So it becomes apparent to the accountants during this interaction that he's putting things on here that aren't expenses, that aren't true business expenses. So the accountants create a representation letter that basically they said they have never done before. And they had him sign this document, and it was basically because they didn't believe what he was saying, but they didn't – if they were going to prepare his return, they had to listen to what he was saying. I mean, I guess they could have just chosen not to prepare his tax return would have been their only out.").

[10] *See* Opening Statement of J. Ziegler at 3 ("Mr. Biden's accountants requested that he sign a representation letter stating that all deductions were for business purposes and were being reported appropriately.")

noncompliance with his taxes, and he would often get large sums of money and wouldn't withhold."). Mr. Ziegler even quoted from non-publicly released emails, again presumably obtained by grand jury subpoena, between Mr. Biden and Mr. Schwerin (both stated they did not obtain materials unlawfully published on the internet[11]). *See* J. Ziegler June 1, 2023, Tr. at 72.

- Mr. Ziegler also appears to have disclosed communications between Mr. Biden and his counsel, again which presumably could only have been obtained through the grand jury process. J. Ziegler June 1, 2023, Tr. at 66 ("So one more step to this is Hunter to his counsel told them about this scheme. So basically said – ["]Devon Archer was handling the taxes and I was taking some of the money as loans.["] So there's documentation of this and the date, everything. So we viewed that as he's lying to his attorney."). Again, this is false, and no attorney has ever claimed that Mr. Biden was anything other than honest regarding his understanding of his tax liabilities.

- On several occasions during their testimony, Mr. Shapley and Mr. Ziegler discussed a sealed search warrant, and showed and discussed with the Committee certain fruits of that sealed search warrant.[12] Because we have never been notified of any such "electronic search warrant for iCloud backup"—nor of any other warrant to search for and seize any property of our client[13]—we must presume that Mr. Shapley and Mr. Ziegler were discussing, in violation of a sealing order, a search warrant that has been sealed. Nevertheless, Mr. Shapley purportedly produced WhatsApp messages that are the fruit of these warrants, and they have now been published.[14] Moreover, Mr. Ziegler offered to produce to the House Oversight and Accountability Committee *additional* and more fulsome grand jury materials concerning these messages, with the intent of making such materials public.[15] These disclosures have no legitimate whistleblower purpose, and, as with prior leaks, act solely as a subterfuge to release otherwise protected information to the public.[16]

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[11] Internet websites maintained by confessed right-wing operatives have actually posted Suspicious Activity Reports (SARs) and grand jury subpoenas and have boasted they received this highly protected documents from "whistleblowers." *See, e.g.,* marcopolousa.org.

[12] *See, e.g.*, Opening Statement of IRS Supervisory Special Agent Gary Shapley, July 19, 2023 ("[A]n electronic search warrant of Hunter Biden's Apple iCloud account led us to WhatsApp Messages with several CEFC China Energy executives where he claimed to be sitting and discussing business with his father Joe Biden."); G. Shapley May 26, 2023 Tr. at 159 ("So there was an electronic search warrant for iCloud backup, and these messages were in that backup and provided … from a third party, from iCloud."); *id.* at 14 ("[I]n August 2020, we got the results back from an iCloud search warrant."); *see also* Opening Statement of Special Agent J. Ziegler, July 19, 2023 ("In response to a Search Warrant, the investigative team found these WhatsApp messages on Hunter Biden's Apple iCloud account.").

[13] The Government, as you know, is required by law to immediately notify our client of such warrants, unless the Government has sought and obtained a court's authorization to delay notification. See 18 U.S.C. § 2703(c)(1)(A); 18 U.S.C. § 3103a(b).

[14] *See* Ex. 11 to G. Shapley May 26, 2023 Tr. at 158.

[15] *See* House Oversight and Accountability Hearing Minutes, July 19, 2023 ("There was a long WhatsApp message . . . . [W]hat we can do or what we can go back is we can turn that over to the House Ways and Means Committee, they can vote to release it and then that information can be available for you.").

[16] Mr. Ziegler also disclosed various other subpoenas through which confidential information was retained. *See* J. Ziegler June 1, 2023 Tr. at 22 ("So throughout that time period we were obtaining multiple electronic search warrants, so email accounts. There were QuickBooks accounts. There was a Dropbox. There was an Apple iCloud. There was the laptop.").

These, of course, are only a few illustrations of the wide-ranging issues raised by the testimony of Messrs. Shapley and Ziegler, as the entirety of their disclosures relate and refer to a grand jury investigation into our client and their deliberations and discussions regarding the same. As discussed in prior correspondence, the Government *has already acknowledged in email communications to these individuals that this material is protected Rule 6(e) material and must be protected*.

2. Televised Interviews

Beginning in May 2023, federal agents have been giving interviews on nationally televised broadcasts to further leak information. These widely disseminated interviews have been designed to unduly pressure the Department to further punish and embarrass our client or to taint any judicial proceeding or trial, notwithstanding the overabundance of factual, legal, and procedural issues demanding a different result. These interviews have been replete with disclosure of tax return, grand jury, and confidential information. To name just a few appearances:

- On May 24, 2023, Mr. Shapley told a CBS Evening News broadcast that the Government's investigation of our client involved "deviations from the normal process" that were "way outside the norm."[17]

- On June 27, 2023, in an interview with Mr. Shapley that aired on CBS Morning News, Mr. Shapley stated, among other things, "[i]f this [investigation were of] any other person, he would have likely served his sentence." [18] Mr. Shapley delved into his purported investigation findings, gratuitously noting on national news, "[t]here were personal expenses that were taken [by Mr. Biden] as business expenses: prostitutes, sex club memberships, hotel rooms for purported drug dealers." He also disclosed that Mr. Biden purportedly owed "from 2014 to 2019 . . . 2.2 million dollars" in taxes.

- On July 19, 2023, Mr. Ziegler appeared on CBS Evening News, and stated, brazenly, that Mr. Biden improperly wrote off personal expenses as business payments, including "hotels he was blacklisted from, payments that were made to escorts, payments that were made to no-show employees…."[19]

- On July 20, 2023, Mr. Ziegler appeared on a CNN broadcast for a lengthy interview by Jake Tapper, which was broadcast live.[20] During the interview, Mr. Ziegler disclosed, among other

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[17] *See* J. Axelrod, M. Kaplan, A. Bast, *IRS whistleblower speaks: DOJ "slow walked" tax probe said to involve Hunter Biden*, CBS NEWS (May 24, 2023), available at https://www.cbsnews.com/news/irs-whistleblower-tax-probe-hunter-biden/.

[18] J. Axelrod, A. Bast, *IRS whistleblower in Hunter Biden probe says he was stopped from pursuing investigative leads into 'dad' or the 'big guy'*, CBS NEWS (June 27, 2023), available at https://www.cbsnews.com/news/hunter-biden-investigation-irs-whistleblower-gary-shapley-says-he-was-stopped-from-pursuing-leads/.

[19] C. Herridge, *Hunter Biden IRS whistleblower doesn't think other taxpayers would get same treatment*, CBS NEWS (July 19, 2023), available at https://www.cbsnews.com/video/joseph-ziegler-hunter-biden-irs-whistleblower/.

[20] J. Tapper, *IRS whistleblower reacts to high-profile oversight hearing into Hunter Biden*, CNN (July 20, 2023), available at https://www.cnn.com/audio/podcasts/the-lead-with-jake-tapper/episodes/873820de-862e-475a-8bfc-b0450176b03d.

things, a storage unit utilized by Mr. Biden that his team had considered for a subpoena. He also stated on several occasions that, "meeting with the . . . assigned attorneys . . . we all agreed for felony and misdemeanor tax charges related to 2017, 2018, and 2019." Such a disclosure of internal deliberations on charges *not brought* during a pending criminal investigation is incredibly prejudicial. Mr. Ziegler also noted he was working with Congress "to [get] any records that Congress has asked for related to this investigation." We are unaware of any mechanism where a government agent can go back and search for grand jury material that can then be disclosed to Congress. Such disclosures, without any word or acts of the Government to prevent them, create a dangerous precedent, particularly with respect to individuals under investigation who may serve as political targets, such as Mr. Biden.

- On July 21, 2023, Mr. Ziegler appeared on FOX News' "Special Report", again to discuss the investigation and make explicit statements about what he learned during the grand jury investigation, stating, "Let me be clear . . . there's a thing called willfulness; whether someone intentionally with knowledge either evaded their income taxes or filed a false return. . . . And in this case, we provided a ton of evidence that showed willfulness." [21]

- On July 25, 2023, Mr. Ziegler appeared on a "Just the News" podcast, *The Solomon Report*.[22] During the wide-ranging interview, Mr. Ziegler disclosed tax return information and other confidential information, noting: "You have statements being made in [Mr. Biden's] book that are talking about going out to California, leaving your life and then going to start this new life. Yet, on your tax return you're essentially stating things that are completely different." Mr. Ziegler also noted he was collecting WhatsApp and other messages beyond those already made public, from 2017, to be delivered to Congress, that were obtained through the investigation process, including "via an electronic search warrant that was done on Apple related to Hunger Biden's iCloud account." During the podcast, Mr. Ziegler also discussed specific deductions taken by Mr. Biden, including a purported hotel business expense.

Shockingly, these acts have continued to accelerate *after Mr. Biden entered his plea of not guilty* on July 26, 2023. For example:

- On July 29, 2023, Mr. Ziegler appeared in a televised interview on CNN's "Smerconish," where Mr. Ziegler stated, with respect to the miscategorization of certain of Mr. Biden's expenses, "We finished the tax investigation. We proved the felony tax counts for 2017, 2018, and 2019. And I think that's so utterly important that the statement of facts that was represented in court, it actually stated that [Mr. Biden] miscategorized expenses. I don't

[21] S. Bream, IRS whistleblower 'X,' Joseph Ziegler: 'Independent attorney' needed for full jurisdiction in Hunter case, FOX NEWS (July 21, 2023), available at https://www.foxnews.com/video/6331637244112.

[22] J. Solomon, *IRS Whistleblower Ziegler: Hunter Biden's 'contradicting' statements in autobiography used to prove his tax fraud*, JOHN SOLOMON REPORTS (July 24, 2023), available at https://art19.com/shows/john-solomon-reports/episodes/707ed9fd-610d-45d9-80f6-3f8541a5c4d0.

know how anyone could consider [the Chateau Mormont] a miscategorization. . . ."[23] An agent, during a criminal matter, stating that he has already *proved* that a crime was committed, not only raises serious disclosure issues, but is a patent violation of our client's due process rights.

- And just last week, on August 11, 2023, Mr. Shapley again appeared on CNN's "The Source" reiterating some of his prior statements.

In these and other interviews, Mr. Shapley and Mr. Ziegler have discussed the Government's investigation of Mr. Biden, the supposed guilt or innocence of our client, and specific line-items of our client's tax returns. Whatever the purported reasons for reaching out to Congress, there is no justification or cognizable legal protection for their disclosures of confidential grand jury and tax information on nationally televised news broadcasts or media outlets, and such disclosures are not protected by any exceptions to either Rule 6(e) or Section 6103. Mr. Shapley's and Mr. Ziegler's disclosures, including through interviews with various news outlets, are quite simply crimes.[24]

B. The Leaking of Grand Jury and Taxpayer Information Is an Unprecedented Injustice and Immeasurably Prejudicial

Since December 2020, Mr. Biden's counsel have stated one consistent and straightforward request in connection with all of the interactions with the Government—that our client be treated no better, but no worse, than any other individual before this Office. Your Office gave assurances consistently that the request for fair and equal treatment would be honored. Yet, given your Office's inaction in the face of a torrent of illegal leaks about your investigation of Mr. Biden, and now your reinvented denial that leaks ever happened at all—your Office's assurances are being rendered false.

The release of the purported details regarding the investigation of our client is unprecedented. Mr. Biden cannot receive due process where the very rules established to protect that process have been routinely and egregiously violated by the Government's own case agents. We are particularly concerned

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[23] M. Smerconish, *IRS Whistleblower calls for Hunter Biden Special Counsel*, CNN (July 29, 2023), available at https://www.cnn.com/videos/politics/2023/07/29/smr-whistleblower-ziegler.cnn.

[24] The Government can and does prosecute knowing violations of Rule 6(e) pursuant to district courts' contempt powers under Section 401(3) of Title 18, as well as pursuant to multiple felony criminal statutes. *See generally* Justice Manual, CRM 156 (observing that disclosure of "grand jury material with the intent to obstruct an ongoing investigation . . . may be prosecuted for obstruction of justice under 18 U.S.C. § 1503," and that an individual who "improperly disseminates grand jury materials may be prosecuted for the theft of government property under 18 U.S.C. § 641") (collecting cases). Any willful violation of Section 6103 by an officer of the United States likewise constitutes a felony, which the Government can and does prosecute pursuant to Section 7213(a)(1), *See*, *e.g.*, Plea Agreement and Statement of Facts, *United States v. Hunt*, No. 8:10-CR-101-RWT (D. Md. filed Sep. 8, 2010) (reflecting terms of IRS agent's plea agreement for violation of Sections 6103 and 7213(a)(1), for having illegally disclosed taxpayer information).

that these agents' leaks were calculated to undermine scheduled proceedings in this matter and in fact have done so.[25]

Before the May 2023 leaks, discussions with your Office involved a consensual non-prosecution resolution to *all* conduct under investigation, where the resolution proposed by both sides did not include *any* guilty plea. On May 24, during negotiations to conclude this investigation, an IRS senior supervisory special agent went on national television and publicly criticized the Office's investigation, and in the process illegally disclosed grand jury and tax return information. Approximately one day later, the Government withdrew its own initial settlement proposal (a diversion agreement as to both the tax and firearm charges), and instead said it would require a misdemeanor guilty plea on the tax charges. Thereafter, the parties again came to an agreement, and publicly announced it on June 20. The deal was met with yet more illegal and biased disclosures by the Government's investigating agents, which were facilitated and then amplified by partisan foes of Mr. Biden's father—the agents and their enablers acted in concert to put unrelenting political pressure on your Office to renege on the deal.

Their efforts unfortunately paid off. In the July 26 hearing the Government attempted to alter the finalized resolution on-the-fly in open court. And now, it appears the Office, in a bizarre attempt to deny the obvious, is stating that it never executed such an agreement to begin with. At this point it is irrefutable that federal agents' criminal acts have inflicted irreversible damage and prejudiced a fair and objective review of the facts, evidence, and process in this case. Among other ways, these agents, still employed by the Government, would likely be witnesses should any tax charge you file ever be tried. It is unprecedented for Government officials who are the investigators or prosecutors in the case and would be witnesses and trial counsel to conduct themselves in this manner which seeks to try the issues in the court of public opinion rather than properly in a court of law. That conduct itself (in addition to the various other infirmities with the Government attempting to bring charges against Mr. Biden[26]) would support dismissal of any charges you have filed or would try to so file in the future.[27]

In the Government's August 11, 2023, filing, you indicated that "The Government now believes that the case will not resolve short of a trial." We do not agree that is possible, but if it was, how will you explain the conduct of these agents who would then be trial witnesses and how will you try to erase their attempt to taint the legal proceedings with their extra-judicial statements and conduct?

* * *

[25] *See, e.g.*, Post Editorial Board, *Freeze Hunter's plea deal until we know which prosecutors lied to save him*, THE NEW YORK POST (June 27, 2023) (https://nypost.com/2023/06/27/freeze-hunter-biden-plea-deal-until-we-know-who-lied/); Op-Ed, Eileen J. O'Connor, *Throw Hunter Biden's Plea Deal in the Trash*, THE WALL STREET JOURNAL (June 27, 2023).

[26] To be clear, we do not believe the Government could validly bring charges against our client concerning these issues given the express language of the agreed-upon Diversion Agreement.

[27] Courts recognize that the crime of leaking or disclosing such information by Government agents sworn to uphold the law is often more egregious than the crimes those agents are charged with investigating. *See, e.g.*, *United States v. Walters*, No. 17-2373 (2d Cir. Dec. 4, 2018) (Jacobs, J., concurring) ("[T]he leak of grand jury testimony is in some respects more egregious than anything [Defendant] did [(insider trading)]—the FBI supervisor took an oath to uphold the law and was acting in a supervisory capacity to discharge an important public function.") (emphasis added).

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Considering the prejudice that our client has already suffered, and the irreversible harm that he stands to suffer if these illegal acts are not remedied, we set forth the following requests.

First, consistent with the Government's duties to prevent the further dissemination of grand jury materials and other confidential information gathered in the investigation of Mr. Biden, we demand that the Government take action immediately and identify all steps taken to date concerning same.

Second, although we see no basis in law or fact for any position to the contrary, should the Government disagree with the above, we seek that the Government advise as much in writing, along with the basis for its decision.

Sincerely,

Abbe David Lowell
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cc: Counsel of Record
Michael E. Horowitz (Inspector General, Department of Justice)

EXHIBIT A

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LATHAM & WATKINS LLP

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February 8, 2023

VIA FEDERAL EXPRESS

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: Robert Hunter Biden

Dear Inspector General Horowitz:

On behalf of our client, Robert Hunter Biden, we write regarding the leak of certain grand jury materials by federal agents during the course of the ongoing investigation of Mr. Biden by the United States Attorney's Office for the District of Delaware and the Department of the Treasury. These leaks were widely reported in the national and international press, including by The Washington Post on or about October 6, 2022,[1] were extremely prejudicial to our client, and constitute criminal acts in violation of Federal Rule of Criminal Procedure 6(e). We promptly notified the Office of this conduct, and were recently informed by the Office that it has recused itself from this inquiry and that it was referred to the Office of the Inspector General ("OIG") for further investigation.

As the victim of these Rule 6(e) violations, our client respectfully requests an update on the status of the OIG's investigation into this matter and the steps OIG is taking to identify the agents responsible for these leaks.

Please let us know if someone within OIG is available to discuss.

[1] See Devlin Barrett, Federal agents see chargeable tax, gun-purchase case against Hunter Biden, WASHINGTON POST (Oct. 6, 2022) (https://www.washingtonpost.com/national-security/2022/10/06/hunter-biden-tax-gun-charges/)

LATHAM&WATKINS LLP

Sincerely,

Christopher J. Clark

Christopher J. Clark
of LATHAM & WATKINS LLP

Encl.

cc: Shawn Weede, Chief of Criminal Division, District of Delaware
Lesley F. Wolf, Assistant U.S. Attorney
Carly A. Hudson, Assistant U.S. Attorney

Brian C. McManus (Latham & Watkins LLP)
Matthew S. Salerno (Latham & Watkins LLP)
Timothy H. McCarten (Latham & Watkins LLP)

EXHIBIT B

CLARK SMITH VILLAZOR

Clark Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, NY 10019
www.smithvillazor.com

CHRISTOPHER J. CLARK
T (b) (6) [redacted]
(b) (6) [redacted]

April 21, 2023

Via Email

Mark F. Daly
Department of Justice, Tax Division
150 M Street, N.E.
4 Constitution Square
Washington, DC 20002

Lesley F. Wolf
Carly A. Hudson
Assistant United States Attorney
United States Attorney's Office
1313 N. Market Street, Suite 400
PO Box 2046
Wilmington, DE 19899

Re: Robert Hunter Biden

Dear Mr. Daly, Ms. Wolf, and Ms. Hudson:

We have previously raised our concerns regarding the multiple leaks of grand jury and tax information regarding the investigation of our client, Robert Hunter Biden, including related to the purported status of the investigation, alleged determinations that have been made regarding the merits of the matter, and deliberation regarding same. Such leaks are not only incredibly damaging; they are violations of Fed. R. Crim. Proc. 6(e) and 26 U.S. § 6103. These leaks are unfair and gravely prejudicial to our client and his ability to receive due process and present a defense.

Wednesday, the Wall Street Journal reported that on the same day, a "career Internal Revenue Service criminal supervisory special agent" submitted a letter to Congress disclosing an intent to discuss a purported "failure to mitigate clear conflicts of interest in the ultimate disposition of the case," along with alleged "preferential treatment and politics [that are] improperly infecting decisions and protocols that would normally be followed by career law enforcement professionals in similar circumstances if the subject were not politically connected."[1]

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[1] *See* A. Viswanatha, et al., *Hunter Biden Probe Is Being Mishandled, IRS Supervisor Says*, WALL STREET JOURNAL (April 19, 2023) (https://www.wsj.com/articles/irs-supervisor-says-u-s-is-mishandling-hunter-biden-probe-7cd127f2)

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The letter, which we hope and believe to be inaccurate, nonetheless constitutes a severe and concerning leak of the deliberations of the Office and the Tax Division regarding an ongoing tax investigation. Moreover, the leaker, who styles himself as a whistleblower, appears to seek to disclose further information about the investigation into our client, in clear violation of the confidentiality mandates of Fed. R. Crim. Proc. 6(e) and 26 U.S.C. § 6103.

It is notable that this letter comes only weeks after a March 1, 2023 Justice Department Oversight Hearing before the Senate Judiciary Committee, during which Senator Grassley openly questioned Attorney General Merrick Garland regarding this investigation and the Office's attempts to seek authority to bring suit against our client in jurisdictions outside of the District of Delaware. The facts underpinning these questions, if true, would only be known to the Office and the Tax Division and would again implicate an individual within the Office or Tax Division with leaking information in violation of federal law.

Just hours ago, we became aware of yet another leak regarding a planned meeting between us, United States Attorney Weiss, and "at least one senior career official from Justice Department headquarters."[2] The article cites "multiple sources familiar with the matter," and states that "[t]he Hunter Biden legal team has reached out to Justice officials in recent weeks, asking for an update on the case . . . [and] were invited to meet next week, according to one source familiar with the meeting."

We were previously assured that the Office was investigating and taking steps to mitigate the harm from previous leaks regarding this investigation. While we previously reported a confirmed leak by one of your agents, the action taken of which we are aware was the sending of a form letter to us from the Office of Inspector General. We have received no response or outreach from anyone to speak with us about these leaks. We question whether the previous leaks were taken seriously, and are deeply troubled because the failure to pursue those leaks has emboldened others to violate the law in a similar manner, as evidenced by the egregious leaks reported from multiple sources this week.

Every time grand jury material is revealed, it causes immeasurable harm to our client and the fairness of this process. We implore the Office and the Tax Division to take all steps necessary to enforce the protections afforded to grand jury material and the confidentiality that should otherwise be afforded to this matter.

Please contact me at your earliest convenience regarding these matters.

Regards,

/s/ Christopher J. Clark
Christopher J. Clark

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[2] *See* P. Reid, et al., *EXCLUSIVE: Hunter Biden lawyers to meet with Justice Department officials next week as scrutiny of investigation intensifies*, CNN (April 21, 2023) (https://www.cnn.com/2023/04/21/politics/hunter-biden-weiss-justice-meeting/index.html).

EXHIBIT C

CLARK SMITH VILLAZOR

Clark Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, NY 10019
www.smithvillazor.com

CHRISTOPHER J. CLARK
T [redacted]
[redacted]

April 21, 2023

Via Email

Brad Weinsheimer
Associate Deputy Attorney General
Department of Justice
950 Pennsylvania Ave., NW, Rm. 4113
Washington, DC 20530

Re: Robert Hunter Biden

Dear Mr. Weinsheimer:

As we are sure you are aware, earlier this week, an agent from the IRS leaked information to Congress and the press, apparently in violation of federal law, regarding the investigation of our client, Robert Hunter Biden. Today, someone in the government leaked that we will be meeting with you next week. It is impossible to have a fair process where the government is leaking information regarding its investigation of our client on a daily basis.

We ask that the Department inform us of the steps it is going to undertake to end these pernicious leaks in a case of national interest.

Regards,

/s/ Christopher J. Clark
Christopher J. Clark

EXHIBIT D

CLARK SMITH VILLAZOR

Clark Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, NY 10019
www.smithvillazor.com

CHRISTOPHER J. CLARK
T [redacted]
[redacted]

<u>VIA ELECTRONIC MAIL</u>

June 29, 2023

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: Matter of Robert Hunter Biden

Dear Mr. Horowitz:

This communication marks the fourth correspondence we have sent to the Department of Justice since our first discovery of illegal leaks and unauthorized disclosures of grand jury materials and taxpayer information regarding our client, Robert Hunter Biden, by federal investigative agents. These leaks now have been ongoing since at least July 2022. The dissemination of grand jury and taxpayer information, including through multiple nationally-televised on-camera interviews of IRS Supervisory Special Agent Gary Shapley, is a clear-cut crime unprotected by any whistleblower statute or other federal law, and is causing continued and unaddressed harm to our client.

At this point it is irrefutable that federal agents' criminal acts have inflicted irreversible damage and prejudiced a fair and objective review of the facts, evidence, and process in this case. It is not lost on anyone that the illegal leaks and dissemination of grand jury and taxpayer information—now by multiple federal agents and aided by a politicized U.S. House of Representatives Ways and Means Committee—have occurred like clockwork at inflection points in the Government's investigation. The most recent of these leaks appear calculated to interfere with the negotiated resolution of this matter so as to improperly influence the outcome of this case for political gain.

We will use the balance of this communication to again lay out the applicable law regarding disclosure, the unauthorized disclosures here, and the prejudice to our client.

A. Rule 6(e) and Section 6103 Prohibit Unauthorized Disclosure of Investigative Materials

Federal law prohibits the disclosure of information concerning criminal and tax investigations to maintain the fidelity of investigations, to preserve due process, and to protect the rights of those under investigation from embarrassment, ridicule, and prejudice. Most significant among these laws are Federal Rule of Criminal Procedure 6(e) and Section 6103 of Title 26 of the United States Code.

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Rule 6(e) establishes a "General Rule of Secrecy" that provides that certain persons, including government attorneys and investigators, "shall not disclose matters occurring before the grand jury," except under limited and discrete exceptions. Similarly, Section 6103 prohibits investigative agents and others from disclosing "any tax or information return," as well as "a taxpayer's identity, the nature, source, or amount of his income payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, overassessments, or tax payments, whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, or any other data, received by, recorded by, prepared by, furnished to, or collected . . . with respect to a return or with respect to the determination of the existence, or possible existence, of liability (or the amount thereof) any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition or offense." 26 U.S.C. § 6103(a), (b)(1)-(2).

Given the immense power of the Government to launch and investigate the conduct of private citizens, Rule 6(e) and Section 6103 create clear, bright-line prohibitions to protect against the abuse of that power. The Government can and does prosecute knowing violations of Rule 6(e) pursuant to district courts' contempt powers under Section 401(3) of Title 18, as well as pursuant to multiple felony criminal statutes. *See generally* Justice Manual, CRM 156 (observing that disclosure of "grand jury material with the intent to obstruct an ongoing investigation . . . may be prosecuted for obstruction of justice under 18 U.S.C. § 1503," and that an individual who "improperly disseminates grand jury materials may be prosecuted for the theft of government property under 18 U.S.C. § 641") (collecting cases). Any willful violation of Section 6103 by an officer of the United States likewise constitutes a felony, which the Government can and does prosecute pursuant to Section 7213(a)(1).[1]

Courts recognize that the crime of leaking or disclosing such information by Government agents sworn to uphold the law is often more egregious than the crimes those agents are charged with investigating. *See, e.g.*, *United States v. Walters*, No. 17-2373 (2d Cir. Dec. 4, 2018) (Jacobs, J., concurring) ("[T]he leak of grand jury testimony is in some respects more egregious than anything [Defendant] did [(insider trading)]—the FBI supervisor took an oath to uphold the law and was acting in a supervisory capacity to discharge an important public function.") (emphasis added); *In re Blue Grand Jury*, 536 F. Supp. 3d 435, 437 (D. Minn. 2021) (in response to "apparent violation of Fed. R. Crim. P. 6(e) . . . order[ing] the United States to show cause why it is not in the interest of justice for this Court to appoint independent counsel to investigate and possibly prosecute criminal contempt charges relating to the apparent disclosures of matters occurring before the Blue Grand Jury").[2]

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[1] *See*, *e.g.*, Plea Agreement and Statement of Facts, *United States v. Hunt*, No. 8:10-CR-101-RWT (D. Md. filed Sep. 8, 2010) (reflecting terms of IRS agent's plea agreement for violation of Sections 6103 and 7213(a)(1), for having illegally disclosed taxpayer information).

[2] *Cf. United States v. Smith*, 992 F. Supp. 743, 754-55 (D.N.J. 1998) (quoting *Finn v. Schiller*, 72 F.3d 1182, 1189 (4th Cir. 1996)) ("[C]ompromising grand jury secrecy is a serious matter. It can endanger the lives of witnesses and law enforcement officers and undermine the grand jury system. Courts must not tolerate violations of Rule 6(e) by anyone, especially United States Attorneys . . . . Overzealous prosecutors must not be allowed to file sweeping statements of fact alleging violations of various laws by unindicted individuals. A primary purpose of Rule 6 is to protect the unindicted, and the United States Attorney has a duty to protect the innocent as well as to prosecute those indicted by the grand jury."). Indeed, courts are empowered to dismiss indictments in such circumstances. *See United States v. Bank of Nova Scotia*, 487 U.S. 250, 254–55 (1988) (recognizing district court's supervisory authority to

B. Federal Agents Have Repeatedly And Illegally Disclosed Grand Jury and Taxpayer Information

We have appealed to the Government since July 2022—most recently in our correspondence of April 21, 2023—to stop the illegal leaks of grand jury and taxpayer information regarding this investigation by politically motivated agents. These leaks were and continue to be designed to improperly influence the course of the investigation of our client, who is a private citizen. We are unaware of any affirmative steps that the Government has taken in response to our appeals for action—meanwhile, these leaks have only become more brazen and damaging in recent weeks.

Since our last correspondence, it is now apparent that IRS Supervisory Special Agent Shapley is the source of at least many of the most damaging and troubling leaks. On or about April 19, 2023, Supervisory Special Agent Shapley sent a letter to Congress, through his attorney, making allegations of "preferential treatment and politics improperly infecting decisions and protocols" in this investigation. The letter was presented to news outlets the same day. As was intended, the letter was then reported and reposted in publications across the globe and quickly became the subject of many thousands of social media posts. As noted in our April 21, 2023 letter, just like the illegal leaks by agents in October 2022, these leaks were designed to unduly pressure the Department to pursue specific criminal charges against our client, notwithstanding the overabundance of factual, legal, and procedural issues demanding a different result.

On May 22, 2023, the *New York Post* published an article identifying (but not naming) yet another federal agent who illegally leaked information protected by Rule 6(e) and Section 6103, this time "a special agent in the IRS's international tax and financial crimes group and worked on the Hunter Biden case since it was opened in 2018."[3] The article reported that both of the more recent leakers (the Special Agent and the individual now identified publicly as Supervisory Special Agent Shapley) purportedly had "expressed concerns internally for years about the case being swept under the rug" and that both leakers "lay out extensive claims of retaliation in new disclosures to Congress."

The second agent also provided a letter to Congress, quoted in the *New York Post* article, that likewise presents the agent's skewed version of events, reflecting (at best) an incomplete understanding of the legal and factual issues in the case that excludes the facts and legal arguments we had presented on Mr. Biden's behalf. As an illustration, the *New York Post* reported that the second agent's letter to Congress discussed details of "*a charged meeting on October 7, 2022, in which the U.S. Attorney for the District of [redacted][[4]] became aware that both the IRS and the FBI had longstanding concerns about the handling of the case.*" The letter further implies that agents were the subject of improper retaliation: "*[A]fter [federal agents] continued to communicate concerns . . ., [they and their team] were no longer invited to any further*

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dismiss an indictment for Rule 6(e) violations); *id.* at 256 (recognizing authority to dismiss indictments for "fundamental" error, where "structural protections of the grand jury have been so compromised as to render the proceedings fundamentally unfair").

[3] *See* S. Nelson, *Second Hunter Biden IRS whistleblower emerges after dismissal despite five years on case*, NEW YORK POST (May 22, 2023) (https://nypost.com/2023/05/22/second-hunter-biden-irs-whistleblower-emerges-after-five-years-on-case/).

[4] Text is redacted in original.

prosecutorial team calls and meetings on the case, effectively excluding them from the case." Absent from the agent's letter to Congress and the *New York Post* reporting is the fact that this "charged meeting" came the day after the *Washington Post* published an article including illegal leaks by federal agents claiming that the government had been "sitting" on chargeable offenses for months (which we understand was not the case).[5]

The May 22 *New York Post* article also purported to quote from a trove of leaked internal government emails and discussions related to this investigation. One leaked email, reportedly sent on May 18, 2023, claims that one of the investigators was "*removed [from the investigation] for doing the 'right thing,' including raising alarms about the Justice Department 'acting inappropriately.'*" In response, a government official apparently warned that these leakers had not followed the chain of command, and that such communications illegally distributed "*potential grand jury (aka 6e material) in the subject line and contents of [correspondence]*" to others within the government. Notwithstanding these warnings, this leaker provided all such materials to Congress on or about May 22, 2023, and the materials were promptly leaked to the *New York Post* and other conservative news outlets for national publication on the same day.

As nothing whatsoever was done to dissuade his conduct, on May 24, 2023, and without any legal justification, Supervisory Special Agent Shapley further alleged on a nationally televised broadcast that the ongoing investigation of our client involved "deviations from the normal process" that were "way outside the norm."[6]

Supervisory Special Agent Shapley and another leaker then testified about this investigation before the Ways and Means Committee on Friday, May 26 and June 1, 2023, respectively. The contents of both of the leakers' testimony—which contains a host of false allegations against our client, along with patently protected grand jury and taxpayer information—were released publicly on June 22, 2023, in an unprecedented attack on our client's rights as a private citizen.

Since then, Supervisory Special Agent Shapley has apparently made further public statements to national news outlets such as CBS News, including with respect to his views on this specific matter, the purported guilt or innocence of our client, and specific line-items of our client's tax returns. Whatever Supervisory Special Agent Shapley's purported reasons for reaching out to Congress, there is no justification or cognizable legal protection for his disclosures of confidential grand jury and tax information on nationally televised news broadcasts or media outlets, and such disclosures are not protected by any exceptions to either Rule 6(e) or Section 6103. Supervisory Special Agent Shapley's unlawful disclosures, including through interviews with various news outlets, are quite simply felonies.

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[5] D. Barrett, *Federal agents see chargeable tax, gun-purchase case against Hunter Biden*, WASHINGTON POST (Oct. 6, 2022) (https://www.washingtonpost.com/national-security/2022/10/06/hunter-biden-tax-gun-charges/).

[6] *See* J. Axelrod, M. Kaplan, A. Bast, *IRS whistleblower speaks: DOJ "slow walked" tax probe said to involve Hunter Biden*, CBS NEWS (May 24, 2023) (https://www.cbsnews.com/news/irs-whistleblower-tax-probe-hunter-biden/).

C. The Leaking of Grand Jury and Taxpayer Information Is An Unprecedented Injustice And Immeasurably Prejudicial

The release of the purported details regarding the investigation of our client is unprecedented. Our client cannot receive fair process where the very rules established to protect that process have been routinely and egregiously violated by the Government's own case agents. We are particularly concerned that these agents' leaks seem calculated to undermine scheduled proceedings in this matter.[7] This calculation makes clear that the agents' goals are not to point out issues of process or internal deliberation at the Department of Justice, but rather to harm our client through a series of misleading and illegal revelations.

Worse, as I explained to your Office during our June 7, 2023 meeting, the defense team discovered and related to the Government's lawyers in this case countless errors made by the very agents that are now illegally leaking information regarding the purported mishandling of their own botched investigation. However, neither this letter nor the national media is the forum to discuss our client's tax returns and the serious mistakes made by the agents in evaluating them. The law and good practice establish that these deliberations should take place between counsel, protected from disclosure by law. That process has taken place and produced a result between the U.S. Attorney's Office and our client.

As noted above, perhaps the most egregious and outrageous statements by Supervisory Special Agent Shapley are related to his public disclosure directly to national news media of various purported line-item entries in our client's tax returns, which he claims were improper. Obviously, we addressed a wide range of issues, including line-item entries in tax returns and the explanations for such entries, during our discussions with the Government. The idea that a federal agent would be emboldened to disclose and opine on the nature and purported validity or invalidity of such line items on national news is perhaps the most clear and obvious violation of Section 6103 on record. Continuing actions like this will only serve to further undermine the protections afforded to private citizens under investigation.

It would be hard to imagine a more grave and demonstrable prejudice stemming from continued Rule 6(e) and Section 6103 violations than those taking place presently. We would appreciate a response detailing the steps the Office is taking to protect the rights of our client and other individuals associated with this investigation.

* * *

[7] *See, e.g.*, Post Editorial Board, *Freeze Hunter's plea deal until we know which prosecutors lied to save him*, THE NEW YORK POST (June 27, 2023) (https://nypost.com/2023/06/27/freeze-hunter-biden-plea-deal-until-we-know-who-lied/); Op-Ed, Eileen J. O'Connor, *Throw Hunter Biden's Plea Deal in the Trash*, THE WALL STREET JOURNAL (June 27, 2023).

#83739.14

We greatly appreciate your continued attention to this matter.

Sincerely,

Christopher J. Clark

cc: Senior Special Agent [redacted] (Department of Justice, Office of Inspector General)
Brian C. McManus, Esq. (Latham & Watkins LLP)
Matthew S. Salerno, Esq. (Latham & Watkins LLP)
Timothy H. McCarten, Esq. (Latham & Watkins LLP)

#83739.15

From: (b)(6); (b)(7)(C) [redacted] (USADE)
Sent: Thu, 22 Jun 2023 18:10:31 +0000
To: David Van Den Berg
Subject: RE: [EXTERNAL] Law360 daily deadline comment request - please reply by 5:30 p.m.

Hi David,

Thank you for reaching out. We decline to comment on the release of the transcripts.

Best,

(b)(6); (b)(7)(C) [redacted]

From: David Van Den Berg (b)(6) [redacted]
Sent: Thursday, June 22, 2023 1:54 PM
To: USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] Law360 daily deadline comment request - please reply by 5:30 p.m.

Hello,
I'm David van den Berg, a tax reporter in Washington with Law360. We're an online legal news outlet and a division of Lexis Nexis, a legal publisher.

I'm writing to ask for comment from the US Attorney's Office for the District of Delaware in reaction to the House Ways and Means Committee releasing transcripts of IRS whistleblower interviews. One of the two transcripts is of an interview with IRS-CI agent Gary Shapley. I've provided excerpts for you below.

You'll find links to the transcripts here:
https://waysandmeans.house.gov/smith-testimony-of-irs-employees-reveals-biden-irs-doj-interfered-in-tax-investigation-of-hunter-biden-revealing-preferential-treatment-for-wealthy-and-politically-connected/

You can reach me anytime at this email or by phone at:
(b)(6) [redacted] (MS Teams recorded line)
(cell)

Thanks,
David

I am blowing the whistle because the Delaware U.S. Attorney's Office, Department of Justice Tax, and Department of Justice provided preferential treatment and unchecked conflicts of interest in an important and high-profile investigation of the President's son, Hunter Biden.

But the criminal tax investigation of Hunter Biden, led by the United States Attorney's Office for the District of Delaware, has been handled differently than any investigation I've ever been a part of for the

past 14 years of my IRS service. Some of the decisions seem to be influenced by politics. But whatever the motivations, at every stage decisions were made that had the effect of benefiting the subject of the investigation. These decisions included slow-walking investigative steps, not allowing enforcement actions to be executed, limiting investigators' line of questioning for witnesses, misleading investigators on charging authority, delaying any and all actions months before elections to ensure the investigation did not go overt well before policy memorandum mandated the pause

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The proper venue for a tax case is where the subject resides or where the return is prepared or filed. That meant the proper venue for the years we were looking into would either be Washington, D.C., or California, not Delaware.

However, on Monday, May 15th, my special agent in charge called me and told me that DOJ had requested an entirely new team from the IRS and that none of the 12 agents in my group would be able to work the case. This seems like clear retaliation for me making my disclosures. What's worse, after Special Agent emailed the Commissioner to point out the human cost of the IRS simply implementing DOJ's retaliatory direction, my assistant special agent in charge threatened him with leaking (6)(E) material. And my special agent in charge sent me and other supervisors an email at the same time that said we had to stay within our chain of command. I interpreted this as a clear warning to me and anyone else who might be thinking of blowing the whistle.

From: David Van Den Berg
Sent: Thu, 22 Jun 2023 16:22:08 -0400
To: (b)(6); (b)(7)(C) (USADE)
Subject: Re: [EXTERNAL] Law360 daily deadline comment request - please reply by 5:30 p.m.

(b)(6); (b)(7)(C)
I forgot to include one expert, and want to make sure your decline to comment applies to it as well. Please let me know ASAP. I'm sorry for the trouble.

Thanks,
David

The next meeting was in person on October 7th, 2022, and it took place in the Delaware U.S. Attorney's Office. This meeting included only senior-level managers from IRS CI, FBI, and the Delaware U.S. Attorney's Office. This ended up being my red-line meeting in our investigation for me. United States Attorney Weiss was present for the meeting. He surprised us by telling us on the charges, quote: "I'm not the deciding official on whether charges are filed," unquote. He then shocked us with the earth-shattering news that the Biden-appointed D.C. U.S. Attorney Matthew Graves would not allow him to charge in his district. To add to the surprise, U.S. Attorney Weiss stated that he subsequently asked for special counsel authority from Main DOJ at that time and was denied that authority. Instead, he was told to follow the process, which was known to send U.S. Attorney Weiss through another President Biden-appointed U.S. Attorney. This was troubling, because he stated that, if California does not support charging, he has no authority to charge in California. Because it had been denied, he informed us the government would not be bringing charges against Hunter Biden for the 2014-2015 tax years, for which the statute of limitations were set to expire in one month. All of our years of effort getting to the bottom of the massive amounts of foreign money Hunter Biden received from Burisma and others during that period would be for nothing. Weiss also told us that if the new United States Attorney for the Central District of California declined to support charging for the 2016 through 2019 years, he would have to request special counsel authority again from the Deputy Attorney General and/or the Attorney General. I couldn't understand why the IRS wasn't told in the summer of 2022 that D.C. had 29 already declined charges. Everyone in that meeting seemed shellshocked, and I felt misled by the Delaware United States Attorney's Office. At this point, I expressed to United States Attorney Weiss several concerns with how this case had been handled from the beginning. The meeting was very contentious and ended quite awkwardly. It would be the last in-person meeting I had with United States Attorney Weiss

On Thu, Jun 22, 2023 at 2:11 PM (b)(6); (b)(7)(C) (USADE)
(b)(6); (b)(7)(C) wrote:

Hi David,

Thank you for reaching out. We decline to comment on the release of the transcripts.

Best,

(b)(6); (b)(7)(C)

Duplicate

From: (b)(6); (b)(7)(C) (USADE)
Sent: Thu, 22 Jun 2023 20:25:18 +0000
To: David Van Den Berg
Subject: Re: [EXTERNAL] Law360 daily deadline comment request - please reply by 5:30 p.m.

Correct, no comment as to the transcripts.

Get Outlook for iOS
From: David Van Den Berg (b)(6)
Sent: Thursday, June 22, 2023 4:22:08 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: Re: [EXTERNAL] Law360 daily deadline comment request - please reply by 5:30 p.m.

Duplicate

From: (b)(6); (b)(7)(C) (USADE)
Sent: Sat, 19 Aug 2023 16:33:06 +0000
To: Hornbuckle, Wyn (PAO) (JMD)
Subject: Re: [EXTERNAL] Comment request - 5pET deadline today

Thanks, Wyn. I'd decline to comment as well.

Get Outlook for iOS
From: Hornbuckle, Wyn (PAO) (b)(6)
Sent: Saturday, August 19, 2023 12:19:49 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: Fwd: [EXTERNAL] Comment request - 5pET deadline today

Hey (b)(6); (b)(7)(C)
Flagging this, similar but more detailed narrative as the NYTs. Please flag for the team. I am planning to decline comment but call me if you want to discuss
(b)(6)

Sent from my iPhone

Begin forwarded message:

From: Betsy Woodruff (b)(6)
Date: August 19, 2023 at 11:51:05 AM EDT
To: "Hornbuckle, Wyn (PAO)" (b)(6)
Subject: [EXTERNAL] Comment request - 5pET deadline today

Hi Wyn,

I'm working on a story about the Hunter Biden investigation.

I have reviewed numerous written communications between Hunter's legal team and DOJ, as well as powerpoint slides presented to DOJ in multiple meetings. I'm using these materials to write a detailed story on Hunter's plea deal came together and fell apart. Here is a very detailed run-down of my reporting so you have total visibility. Please let me know if you have any comment. My deadline is 5pET today. I've listed some questions for you here. Below the questions is a detailed read-out of the reporting that will be in the story.

-After the hearing, DOJ decided that the language granting Biden protection from future prosecution needed to be much narrower than the language in the version of the agreement sent to Judge Norieka. Why did DOJ make this decision?

-Initially, Lesley Wolf signaled to Hunter Biden's lawyers that the investigation could be resolved simply through pretrial diversion. But later, DOJ decided Hunter Biden also needed to plead guilty to tax charges. When and why did DOJ change its position on the best way to resolve the tax and gun issues?

-Does DOJ have any further comment on how the deal was negotiated?

Here's my reporting:

-In a letter dated 10/31/2022, Chris Clark said President Biden would be a witness at trial because of the leaks to the Washington Post and the leak of the voicemail. “This of all cases justifies neither the spectacle of a sitting President testifying at a criminal trial nor the potential for a resulting Constitutional crisis,” he wrote. “There can be no doubt that these leaks have inserted President Biden into this case.” Biden would testify to undermine a case brought by prosecutors working on behalf of the USA - crazy.

-In that letter, Clark also argued that only political pressure could explain why the DOJ was considering charging Hunter on tax and guns, and that bringing charges would damage public confidence in DOJ. Clark said the case would have the same problems as the Sussmann prosecution. The letter included pictures of Bill Barr and Matt Whitaker talking about Hunter on cable news. Another slide deck had a picture of Chuck Grassley.

-On April 26, 2022, Hunter’s lawyers brought a 100-slide powerpoint presentation to a meeting with lawyers from the Tax Devision and the Delaware USAO. At the meeting, only tax charges seemed remotely imminent. They opened by arguing that Trump’s ceaseless demands for an prosecution of Hunter meant any case would damage DOJ's reputation. The political pressure by itself was reason enough not to bring charges. Biden's lawyers also argued that any issues with his taxes were the result of human error and drug problems, not malice. And they said Hunter's connection to Trump's first impeachment complicated his efforts to get his taxes sorted out. They cited this Hunter email: "I have a meeting tomorrow with impeachment lawyers for the day. It will have to wait until Tuesday I'm afraid."

-Later in 2022, DOJ confirmed Hunter could also face federal charges for a gun crime. Clark argued the same political pressure meant bringing gun charges would be scandalous. Nobody in the same situation was Hunter (allegedly) had ever been charged in Delaware with the same crime. DOJ was only weighing gun charges because of "the relentless political pressure from the opponents of the current President of the United States." Clark argued in the 10/31/2022 letter that the gun charge was "constitutionally dubious at best" under *Bruen*.

-Clark sought meetings with senior DOJ officials, including the head of CRIM, the head of TAX, OLC, OSG, the DAG, and the AG. He finally emailed Weinsheimer, asking who he could appeal to if Weiss decided to charge Hunter.
"To date we have heard nothing in this regard," he wrote. "Please advise whether you would be the appropriate person to hear our client's appeal, in the event that the U.S. Attorney's Office decides to charge Mr. Biden."

Weinsheimer met with Clark and Weiss on April 26.

On May 11, Weinsheimer thanked Clark for the meeting and told him Weiss would handle the next steps. On May 18, another lawyer for Biden sent two Delaware prosecutors the first draft of a proposed deal, which required no judge's sign-off and no guilty plea. The deal would be public and would also cover 3 corporate entities.

Biden would admit he was late filing his taxes for 2017 and 2018, and that he owned a gun while he was using drugs. He would promise to pay any outstanding taxes, to pay his taxes on time for the next five years, and to never own a gun again.

DOJ would drop charges if Hunter complied with the deal. The deal gave him broad immunity.

That evening, Lesley Wolf sent the Biden team a list of must-haves for a potential deal, many of which were already in the first draft. Wolf's must-haves included: filing a court document charging Biden with two tax misdemeanors and one felony gun offense; deal structured as a pretrial diversion agreement; Probation to supervise Biden; public deal referencing past drug use and current sobriety; no more drug use; consent to drug testing; lifetime gun ban; longer statement of facts; no public proclamation of innocence. Wolf later cited the Aegis DPA as a possible model deal. But unlike Aegis, Biden wouldn't need to cooperate.

A Hunter lawyer sent Wolf another draft.

Then Shapley did his CBS News interview. Within days, DOJ said Biden would need to plead guilty to tax charges. Biden's team agreed.

Email on 6/2/2022: Clark emailed Wolf about the importance of protection from prosecution. "This language or its functional equivalent is very critical to us"

There were more emails massaging the deal. On 6/7/2022, Wolf sent Biden's lawyers a draft with the final language providing immunity, as well as the relevant statements of facts discussing overseas business deals. The deal also required a judge's involvement to determine a breach.

6/8: Prosecutors sent the deal to the judge. They wanted to file the papers in court on 6/13. But 6/8 was Trump's first DOJ indictment and 6/13 was his arraignment. So the Biden stuff got postponed.

6/19: The FAUSA emailed Clark to say they got press outreach about Biden. Clark sent the FAUSA two draft statements announcing the deal. They went public the next day.

7/19: Probation Office signs off, with a few added recommendations (including an ammo ban) that were incorporated. A prosecutor sent the revised deal to the judge and said " "agreed on revisions"

Everything went sideways at the hearing.

Prosecutors and DOJ re-opened talks after the hearing. Talks went badly. In a letter on Aug. 7, Clark wrote that DOJ "without explanation, completely deleting the immunity provision" which was a nonstarter. Clark said the diversion agreement was already locked in.

The rest of the story just summarizes court filings.

Betsy Woodruff Swan
Politico National Correspondent
Mobile, Signal, and Whatsapp: (b)(6)

From: Kayla Gaskins
Sent: Wed, 28 Jun 2023 13:36:49 +0000
To: USADE-Press
Cc: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Another request

Hi (b)(6); (b)(7)(C)

I'm doing a follow-up report today on the Hunter Biden story with updates now that Gary Shapley is giving on-camera interviews. Reaching out to see if the District of Delaware has a statement they want to share or if the office still declines to comment on the story.

Best,

Kayla Gaskins
National Correspondent - Capitol Bureau
Sinclair Broadcast Group
(b)(6)

From: Herridge, Catherine
Sent: Thu, 31 Aug 2023 21:44:02 +0000
To: Hornbuckle, Wyn (PAO) (JMD); Creighton, Kelly M (PAO) (JMD); (b)(6); (b)(6); (USADE); (b)(6)
Cc: Triay, Andres; Legare, Robert; Herridge, Catherine
Subject: [EXTERNAL] CBS query -- time sensitive

Good afternoon,

We are reporting a story on the IRS whistleblower Gary Shapley, and claims from his attorney, Mark Lytle, about his interaction with Associate Deputy Attorney General Brad Weinsheimer in April and May. Because there are overlapping issues, I am adding both teams. We are requesting a response by 7pm. We will, of course, update our reporting as a response becomes available.

V/r
Catherine V Herridge
Senior Investigative Correspondent
CBS News Washington
(b)(6)

1. Is it accurate that ADAG Weinsheimer reach out to Lytle in late April (24/25) seeking more information about alleged political interference in the Hunter Biden probe, including records and interviews?
2. After they spoke, did the ADAG take any action to address their concerns about alleged preferential treatment, slowing rolling investigative steps?
3. Our reporting is that ADAG almost immediately met with Hunter Biden attorney Chris Clark and then US Attorney David Weiss. Is that accurate?
4. What was the purpose of that meeting?
5. Were the IRS whistleblowers removed from the probe at the direction of the Justice Department, as the whistleblowers allege, and if so on what basis?
6. After the whistleblowers were removed, why did ADAG Weinsheimer now refer them to Weiss?
7. How are ADAG Weinsheimer's interactions with Hunter Biden's legal team consistent with AG Garland and Mr. Weiss' statements that Weiss had the ultimate authority in the Hunter Biden case?

Thank you.
We are

"saw th letter, rep whistleblower, make sure client understand welcome to come in and discuss any improper conduct
If client has information of political interfence office of the deputy attorney general – receive records, interviews relative to that matter. Said Hunter Biden case"
Consult with client, tax issue"

From: USADE-Press
Sent: Wed, 28 Jun 2023 13:37:46 +0000
To: Kayla Gaskins
Cc: (b)(6); (b)(7)(C) (USADE)
Subject: Re: Another request

Hi Kayla,

We decline to comment.

Best,

(b)(6); (b)(7)(C)

Get Outlook for iOS

Duplicate

From: Hornbuckle, Wyn (PAO)
Sent: Wed, 13 Sep 2023 20:56:34 +0000
To: Herridge, Catherine; Legare, Robert; (b)(6); (b)(7)(C) (USADE)
Cc: Brown, Erica
Subject: RE: CBS News :: IRS whistleblower notes

Hi Catherine,
We'll decline to comment.

From: Herridge, Catherine (b)(6)
Sent: Wednesday, September 13, 2023 1:51 PM
To: Hornbuckle, Wyn (PAO) (b)(6); Legare, Robert (b)(6); (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Cc: Brown, Erica (b)(6)
Subject: [EXTERNAL] FW: CBS News :: IRS whistleblower notes

Good afternoon,

Please advise if there is additional comment you wish to provide on the Shapley, contemporaneous, handwritten notes from October 7, 2022. He previously provided to congress the email chain where he documents the allegations.

We are seeking a response by 5pm.
Thank you
Catherine V Herridge
Senior Investigative Correspondent
CBS News Washington

From: (b)(6); (b)(7)(C) (USADE)
Sent: Wed, 28 Jun 2023 16:29:29 +0000
To: Herridge, Catherine
Cc: Herridge, Catherine
Subject: Re: CBS Query

Hi Catherine,

We decline to comment.

Best,

(b)(6); (b)(7)(C)

Get Outlook for iOS
From: Herridge, Catherine (b)(6)
Sent: Wednesday, June 28, 2023 11:31:47 AM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Cc: Herridge, Catherine (b)(6)
Subject: [EXTERNAL] CBS Query

Hi (b)(6);

Trust you are well.

We have new reporting that the former business partner of Hunter and James Biden who worked directly with them on a 2017 China energy deal was never asked to testify, voluntarily or under subpoena, to the Delaware grand jury as part of US Attorney Weiss' investigation into the President's son and business dealings.

1. Is it accurate Bobulinski was not called to testify, and is so, what can be shared about the decision making.

2. Could Bobulinski be called in the future?

3. Bobulinski gave a voluntary interview to FBI agents at the bureau's Washington Field office in October 2020 and provided a thumb drive of his phone and email records including metadata. Was this information utilized by Mr. Weiss' team as part of the Hunter Biden probe?
4. Are you offering comment on the Shapley transcripts, specifically allegations that AUSA Wolf blocked investigative leads related to Joe Biden, and efforts to explore the WhatsAPP message were also blocked. Pgs 14, 17-21.

   https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf

We are, respectfully, asking for a response by close of business today.

Thank you.

Catherine V Herridge

Senior Investigative Correspondent, CBS News (b)(6)

From: Hornbuckle, Wyn (PAO)
Sent: Wed, 13 Sep 2023 20:01:28 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: RE: Comment request - Hunter Biden

FYI

From: Betsy Woodruff (b)(6)
Sent: Wednesday, September 13, 2023 3:29 PM
To: Hornbuckle, Wyn (PAO) (b)(6)
Subject: [EXTERNAL] Comment request - Hunter Biden

Hi Wyn,

I'm working on a story based on Ryeshia Holly's interview with House Judiciary.

The story will not name her, since I understand she works on sensitive investigations.

I've obtained her transcript. In it, she says the CA and DC US Attorneys declined to partner with Weiss to charge Hunter Biden with tax charges.

She also says she does not remember details that Shapley remembered from the Dec. 7 2022 meeting.

Please let me know if you all would like to comment. My deadline is 5pET today, and I'm happy to update with comment post-publication if you need more time.

Best,

Betsy Woodruff Swan
Politico National Correspondent
Mobile, Signal, and Whatsapp: (b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Sat, 1 Jul 2023 19:17:48 +0000
To: Josh Boswell
Cc: USADE-Press
Subject: Re: DailyMail.com request for comment

Hi Josh,

Thanks for reaching out. We decline to comment on staffing and personnel matters.

Best,

(b)(6); (b)(7)(C)

Get Outlook for iOS
From: Josh Boswell (b)(6)
Sent: Friday, June 30, 2023 6:17:43 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Cc: USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] DailyMail.com request for comment

Hi (b)(6) & team,

Josh Boswell from DailyMail.com here. I have a question about the Hunter Biden prosecution team.

In their sworn testimony, the two IRS whistleblowers refer many times to AUSA Wolf, and their issues in dealing with her in their five-year investigation. Ms. Wolf did not appear on Mr. Weiss' letter to the judge announcing his charges against Hunter Biden on June 20.

Instead it includes three AUSAs with which IRS Criminal Supervisory Special Agent Gary Shapley says he never dealt in his investigation of Mr. Biden, and who were not involved in the investigation to his knowledge.

Please can you tell me:

1. How recent and what previous involvement did Mr. Hines, Mr. Wise and (b)(6); (b)(7)(C) have in the Biden investigation?
2. Is Ms. Wolf still involved in the Biden investigation?
3. If not, what is the reason for her stopping? If so, please can you explain why she was not listed on the June 20 letter?
4. If there has been a change of AUSA personnel on the Biden investigation, please can you explain why?

You can reach me on (b)(6) if you want to call. A response by tomorrow AM would be much appreciated.

Kind regards,

Josh Boswell
Senior Reporter

Daily Mail | 13160 Mindanao Way Ste A, Marina del Rey, CA 90292

DailyMail.com

T: (b)(6)
E:

From: (b)(6); (b)(7)(C) (USADE)
Sent: Fri, 23 Jun 2023 16:56:39 +0000
To: Spunt, David
Cc: Mears Jr, William
Subject: RE: FOX NEWS COMMENT

Hi David,

Thanks for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)

From: Spunt, David (b)(6)
Sent: Friday, June 23, 2023 10:16 AM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Cc: Spunt, David (b)(6); Mears Jr, William (b)(6)
Subject: [EXTERNAL] FOX NEWS COMMENT
Importance: High

Hi (b)(6); (b)(7)(C)

Hope you are doing well. Reaching out to see if you or USA Weiss has any comment about the IRS whistleblower Gary Shapley who says he witnessed Weiss in a 2022 meeting say hat he was blocked from bringing Hunter Biden charges in that same year.

Weiss signed a letter to Jim Jordan earlier this month writing “I have been granted ultimate authority over this matter."

Reaching out to see if you have a statement.

Thanks!

David

David Spunt
Correspondent
Fox News
(b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Tue, 3 Oct 2023 01:41:18 +0000
To: Gregorian, Dareh (NBCUniversal)
Subject: Re: House probe

Hi Dareh,

We decline to comment.

Best,
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office - DE
(b)(6); (b)(7)(C)

From: Gregorian, Dareh (NBCUniversal) (b)(6)
Sent: Monday, October 2, 2023 8:01:52 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] House probe

Hi – I'm writing a story for the NBC News website on Matthew Graves going for a voluntary interview with House investigators tomorrow, so am mentioning the Gary Shapley allegations against the special counsel and wanted to see if you guys had any comment. Thanks, Dareh

From: (b)(6); (b)(7)(C) (USADE)
Sent: Mon, 21 Aug 2023 20:37:46 +0000
To: Herridge, Catherine
Subject: RE: IRS // October 7 2022 meeting

Hi Catherine,

W decline to comment.

Regards,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office – DE
Cell: (b)(6); (b)(7)(C)
Desk

From: Herridge, Catherine <(b)(6)
Sent: Monday, August 21, 2023 3:09 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] IRS // October 7 2022 meeting

Hi (b)(6);

Let us know if there is comment to add on these subpoenas for two IRS employees with knowledge of the October 7 2022 meeting. In his testimony, Gary Shapley alleged he did not have ultimate authority on charges, then US attorney Weiss had requested Special Counsel status and denied, as well as charged refused by the DC US attorney.

Many thanks,
Catherine

https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf

"The next meeting was in person on October 7th, 2022, and it took place in the Delaware U.S. Attorney's Office. This meeting included only senior-level managers from IRS CI, FBI, and the Delaware U.S. Attorney's Office. This ended up being my red-line meeting in our investigation for me. United States Attorney Weiss was present for the meeting. He surprised us by telling us on the charges, quote: "I'm not the deciding official on whether charges are filed," unquote. He then shocked us with the earth-shattering news that the Biden-appointed D.C. U.S. Attorney Matthew Graves would not allow him to charge in his district. To add to the surprise, U.S. Attorney Weiss stated that he subsequently asked for special counsel authority from Main DOJ at that time and was denied that authority. Instead, he was told to follow the process, which was known to send U.S. Attorney Weiss through another President Biden-appointed U.S. Attorney.

From: (b)(6); (b)(7)(C) (USADE)
Sent: Mon, 26 Jun 2023 16:37:33 +0000
To: Milton, Pat
Subject: RE: Questions

Hi Pat,

We decline to comment regarding your inquiries below.

Regards,

(b)(6); (b)(7)(C)

From: Milton, Pat (b)(6)
Sent: Monday, June 26, 2023 11:47 AM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] Questions

Hi (b)(6); (b)(7)(C)
With the full understanding that US Attorney Weiss is declining an on-camera interview with us at this time we respectfully had a few questions for a piece we are working for which we are seeking a response. Thank you.

- IRS Supervisor Gary Shapley has alleged to Congress that your office had sought to prosecute Hunter Biden in Washington, DC, and then in Los Angeles, but could not do so because the US Attorneys in those jurisdictions declined to do so. Is that accurate?
- Shapley also said that to override the resistance from US Attorneys in DC and California, you told him and others that you had sought special counsel status from DOJ. Is that accurate?
- Did you have the full authority to pursue charges against Hunter Biden, without sign off from other divisions or DOJ?

PAT MILTON
Senior Producer, Investigative Unit
CBS NEWS
Cell: (b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Sun, 1 Oct 2023 22:19:29 +0000
To: Barrett, Devlin
Cc: Stein, Perry
Bcc: Hornbuckle, Wyn (PAO) (JMD)
Subject: Re: reaching out

Hi Devlin,

We decline to comment.

Thanks,
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office - DE
(b)(6); (b)(7)(C)

From: Barrett, Devlin (b)(6)
Sent: Sunday, October 1, 2023 11:26 AM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Cc: Stein, Perry (b)(6)
Subject: [EXTERNAL] reaching out

Hi (b)(6); (b)(7)(C)
Sorry to bother you on a Sunday. I'm writing a story that tries to synthesize all the documents, transcripts, and other information that is known at this point about the arc of the Hunter Biden investigation while Weiss was handling it as US Attorney.
The story will reference some of the documents and emails that Ways and Means released last week relating to disagreements over investigative steps and the role of the tax division in those. It will also mention Shapley's complaints about Lesley Wolf in particular.
I know this is an area you guys have not commented on, but I wanted to double check once more just in case that has changed.
Specifically, my questions are:

1. Any comment on the two IRS agent's criticism in monthly significant case reports about Ms. Wolf?
2. Is there anything to say about whether or not Ms. Wolf has been taken off the Hunter Biden investigation?
3. Any comment on the assertion by Shapley and Ziegler that it was unusual for prosecutors to demand Shapley's emails, and then assert that the emails were so problematic that they might not be able to charge the case?
4. Any other comment, just in general, about the release of all of these documents and transcripts?

I am at (b)(6)

Thanks,
Dev

From: (b)(6); (b)(7)(C) (USADE)
Sent: Thu, 25 May 2023 14:31:07 +0000
To: Chatelain, Ryan M
Subject: RE: Request for comment

HI Ryan,

Yes, we decline to comment.

Regards,

(b)(6);
(b)(7)(C)

From: Chatelain, Ryan M (b)(6)
Sent: Thursday, May 25, 2023 10:11 AM
To: USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] Request for comment

Good morning,

I'm writing an article for Spectrum News on Gary Shapley's interview with CBS yesterday. I know your office declined to comment to CBS on this matter. For our own reporting, I just wanted to check to make sure that's still the case?

Thanks so much,

Ryan Chatelain
Digital Content Producer, National News
Spectrum News
(b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Wed, 28 Jun 2023 16:32:32 +0000
To: Chatelain, Ryan M; USADE-Press
Subject: Re: Request for comment

Hi Ryan,

Thank you for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)

Get Outlook for iOS
From: Chatelain, Ryan M (b)(6)
Sent: Wednesday, June 28, 2023 11:42:49 AM
To: USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] Request for comment

Good morning,

Does the U.S. Attorney's office have any comment in response to Gary Shapley's interview with CBS about the Hunter Biden interview? As I'm sure you know, he said he believes Hunter Biden could have been charged with more serious crimes and that U.S. Attorney Weiss told him in October 2022 that he was not the deciding person on bringing charges against Hunter Biden. Mr. Shapley also alleges he was blocked from pursuing leads into Joe Biden.

Thanks,

Ryan Chatelain
Digital Content Producer, National News
Spectrum News
(b)(6)

any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.

From: (b)(6); (b)(7)(C) (USADE)
Sent: Tue, 27 Jun 2023 21:07:51 +0000
To: Milton, Pat
Subject: RE: seeking response.

Hi Pat,

We decline to comment.

Thanks,

(b)(6); (b)(7)(C)

From: Milton, Pat (b)(6)
Sent: Tuesday, June 27, 2023 5:02 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] seeking response.

Hi (b)(6); (b)(7)(C)
Just wanted to flag. CBS news is airing a story tonight and tomorrow morning of its interview with IRS Agent Gary Shapley.
We are seeking response to the questions below for the piece.
Thank you.
Best, Pat Milton

Question for DOJ:

- IRS Supervisory Agent Gary Shapley told CBS News that the U.S. Attorney in Delaware said in an October 2022 that he did not have the final word on bringing charges against Hunter Biden. Can you comment?
- Shapley also repeated assertions he made to the House Ways and Means Committee – that he believes he witnessed political meddling in the Hunter Biden case – that were efforts to block him from pursuing certain leads or taking routine investigative steps. Can you respond?

From: (b)(6); (b)(7)(C) (USADE)
Sent: Tue, 2 Apr 2024 20:13:54 +0000
To: Joshua Christenson; Hornbuckle, Wyn (PAO) (JMD)
Subject: RE: [EXTERNAL] NY Post requesting comment on letter from House committee leaders

Hi Josh,

Thanks for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office – DE
(b)(6); (b)(7)(C)

From: Joshua Christenson (b)(6)
Sent: Tuesday, April 2, 2024 3:29 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C); Hornbuckle, Wyn (PAO)
(b)(6)
Subject: [EXTERNAL] NY Post requesting comment on letter from House committee leaders

Hello,

House committee leaders Jim Jordan, James Comer and Jason Smith wrote a letter to special counsel David Weiss' office today, inquiring about "serious allegations of whistleblower retaliation" against IRS agents Gary Shapley and Joseph Ziegler:

https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-04-02%20JDJ%20JC%20JS%20to%20Weiss%20re%20Retaliation%20Against%20Whistleblowers.pdf

They wrote to special counsel Weiss about recent court filings in Los Angeles regarding first son Hunter Biden:

"On March 11, 2024, you applied for an order to seal the Department's unredacted brief opposing Hunter Biden's motion to dismiss the charges against him on the grounds that it 'relates to a potential ongoing investigation(s) . . . .' The redacted portion of the Department's brief is in a paragraph about guidance from the IRS on whistleblowing options distributed to IRS employees, 'including Shapley and Ziegler,' suggesting that the whistleblowers may be subjects of the purported ongoing investigation."

Does the special counsel's office want to respond to the letter?

Thanks,

Josh

--

JOSH CHRISTENSON
POLITICS REPORTER**, New York Post**
(b)(6)
Cell/WhatsApp/Signal: (b)(6)
Twitter: @jchristenson_

From: (b)(6); (b)(7)(C) (USADE)
Sent: Mon, 11 Sep 2023 20:29:47 +0000
To: James Lynch; USADE-Press
Subject: RE: [EXTERNAL] Press Inquiry - David Weiss

Hi James,

Thanks for reaching out. We decline to comment.

Regards,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office – DE
Cell: (b)(6); (b)(7)(C)
Desk: (b)(6); (b)(7)(C)

From: James Lynch (b)(6)
Sent: Monday, September 11, 2023 1:09 PM
To: USADE-Press <USADE.Press@usa.doj.gov>; (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] Press Inquiry - David Weiss

USADE,

My name is James Lynch and I am a reporter for the Daily Caller. I have obtained an internal email sent by Delaware U.S. Attorney David Weiss to four of his USADE colleagues on April 29, 2023.

Weiss sent his colleagues a column in The Hill criticizing Attorney General Merrick Garland for not appointing a special counsel to oversee the ongoing investigation into Hunter Biden's taxes.

In the weeks after Garland's testimony, IRS whistleblowers Gary Shapley and Joseph Ziegler testified before Congress detailing special treatment Hunter Biden allegedly received from the Department of Justice.

Shapley's testimony raised questions about David Weiss' charging authority in the Hunter Biden case and whether he requested special counsel authority prior to his Aug. 11 special counsel appointment by Merrick Garland.

Weiss' special counsel designation followed the collapse of Hunter Biden's plea deal for two tax misdemeanors and the diversion agreement for his felony gun charge. The Delaware tax charges against Hunter Biden were withdrawn by Weiss to potentially charge him in a different jurisdiction.

Does the USADE have an explanation for why Weiss was spreading around criticism of Garland? Did Weiss believe he should've been named special counsel months before his appointment?

Please let me know if you can respond to my inquiry. My deadline is 6PM EST tonight.

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: James Lynch
Sent: Mon, 11 Sep 2023 16:30:22 -0400
To: (b)(6); (b)(7)(C) (USADE)
Cc: USADE-Press
Subject: Re: [EXTERNAL] Press Inquiry - David Weiss

Thank you for letting me know.

On Mon, Sep 11, 2023 at 4:29 PM (b)(6); (b)(7)(C) (USADE)
(b)(6); (b)(7)(C) wrote:

Hi James,

Thanks for reaching out. We decline to comment.

Regards,

(b)(6); (b)(7)(C)

Public Affairs

U.S. Attorney’s Office – DE

Cell: (b)(6); (b)(7)(C)

Desk: (b)(6); (b)(7)(C)

From: James Lynch (b)(6)
Sent: Monday, September 11, 2023 1:09 PM
To: USADE-Press <USADE.Press@usa.doj.gov>; (b)(6); (b)(7)(C) (USADE)
(b)(6); (b)(7)(C)
Subject: [EXTERNAL] Press Inquiry - David Weiss

USADE,

My name is James Lynch and I am a reporter for the Daily Caller. I have obtained an internal email sent by Delaware U.S. Attorney David Weiss to four of his USADE colleagues on April 29, 2023.

Weiss sent his colleagues a column in The Hill criticizing Attorney General Merrick Garland for not appointing a special counsel to oversee the ongoing investigation into Hunter Biden's taxes.

In the weeks after Garland's testimony, IRS whistleblowers Gary Shapley and Joseph Ziegler testified before Congress detailing special treatment Hunter Biden allegedly received from the Department of Justice.

Shapley's testimony raised questions about David Weiss' charging authority in the Hunter Biden case and whether he requested special counsel authority prior to his Aug. 11 special counsel appointment by Merrick Garland.

Weiss' special counsel designation followed the collapse of Hunter Biden's plea deal for two tax misdemeanors and the diversion agreement for his felony gun charge. The Delaware tax charges against Hunter Biden were withdrawn by Weiss to potentially charge him in a different jurisdiction.

Does the USADE have an explanation for why Weiss was spreading around criticism of Garland? Did Weiss believe he should've been named special counsel months before his appointment?

Please let me know if you can respond to my inquiry. My deadline is 6PM EST tonight.

--

James Lynch

Reporter, Daily Caller

(b)(6)

@jameslynch32

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: (b)(6); (b)(7)(C) (USADE)
Sent: Fri, 17 May 2024 15:40:47 +0000
To: Fred Lucas
Subject: RE: [EXTERNAL] Re: FoxNews.com inquiry on Special Counsel and IRS Whistleblowers

Hi Fred,

Thank you for reaching out. I've provided my direct email address for future use.

With respect to your request for comment, we decline to comment.

Warmest regards,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office – DE
iPhone – (b)(6); (b)(7)(C)

From: Fred Lucas (b)(6)
Sent: Friday, May 17, 2024 8:00 AM
To: USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] Re: FoxNews.com inquiry on Special Counsel and IRS Whistleblowers

Hello. I wanted to circle back on this inquiry.
I have an extension. If you could get back to me by 2 p.m., that would be great.
House Oversight Chairman James Comer has since weighed in on the side of Shapley and Zigler's claims about the DOJ.
I would appreciate any response.
Thank you.

Fred Lucas
(b)(6)

On Thu, May 16, 2024 at 12:50 PM Fred Lucas (b)(6) wrote:

Hello.
I am writing a freelance story for Fox News Digital. I hoped a spokesperson could respond.
I didn't know if there is a communications office for the Special Counsel's office, so I'm sending to the District of Delaware.
The group Empower Oversight recently sent this letter to the OSC asking that the agency provide clarification on the record about what U.S. Attorney Weiss suggested about the two IRS special agents that talk to Congress about the Hunter Biden investigation.

Here is the letter.
https://empowr.us/wp-content/uploads/2024/05/2024-05-14-Shapley-legal-team-to-OSC-1.pdf
This is a press release.
https://empowr.us/misleading-doj-filing-exposed-in-hunter-biden-case-tax-evasion-case/

I would appreciate any response. I have a 5 p.m. deadline, but that could be flexible.
Thank you.

Fred Lucas
(b)(6)

From: Gregorian, Dareh (NBCUniversal)
Sent: Tue, 3 Oct 2023 02:15:44 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: Re: [EXTERNAL] Re: House probe

Got it - thank you

Sent from my iPhone

On Oct 2, 2023, at 9:41 PM, (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C) wrote:

Hi Dareh,

We decline to comment.

Best,
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office - DE
(b)(6); (b)(7)(C)

From: Gregorian, Dareh (NBCUniversal) (b)(6)
Sent: Monday, October 2, 2023 8:01:52 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] House probe

Hi – I'm writing a story for the NBC News website on Matthew Graves going for a voluntary interview with House investigators tomorrow, so am mentioning the Gary Shapley allegations against the special counsel and wanted to see if you guys had any comment. Thanks, Dareh

From: (b)(6); (b)(7)(C) (USADE)
Sent: Wed, 5 Jul 2023 18:33:02 +0000
To: Josh Christenson; USADE-Press
Subject: RE: [EXTERNAL] Requesting comment on prosecutors involved in Weiss investigation

Hi Josh,

Thanks for reaching out. We decline to comment on staffing and personnel matters.

Best,

(b)(6); (b)(7)(C)

From: Josh Christenson (b)(6)
Sent: Wednesday, July 5, 2023 12:39 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C) ; USADE-Press <USADE.Press@usa.doj.gov>
Subject: [EXTERNAL] Requesting comment on prosecutors involved in Weiss investigation

Hi (b)(6); (b)(7)(C)

Lawyers for IRS supervisory agent Gary Shapley are saying that Special Assistant US Attorneys Leo Wise and Derek Hines and Assistant US Attorney (b)(6); (b)(7)(C) did not participate substantively in the investigation by the Delaware US Attorney's Office into first son Hunter Biden.

"None of the three were involved in the underlying investigation during Gary's tenure, to my knowledge," one attorney told the Daily Mail.

The attorneys point to testimony their client gave on May 26 to the House Ways and Means Committee, which never mentions the three prosecutors. Instead, that testimony mentions other veteran prosecutors at the Delaware office: Lesley Wolf, (b)(6); (b)(7)(C) and Shannon Hanson.

Is the office able to clarify when Wise, Hines and Wallace became involved in the probe? Would it care to comment on the claims from Shapley's lawyers?

I'd appreciate a prompt response.

Thanks,
Josh Christenson

--
Josh Christenson
Politics Reporter
New York Post
Cell/WhatsApp/Signal: (b)(6)

From: Chatelain, Ryan M
Sent: Wed, 28 Jun 2023 16:45:59 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: RE: [EXTERNAL] Webform submission from: Media Inquiries

Assumed as much. Thanks for getting back to me anyway, (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Sent: Wednesday, June 28, 2023 12:37 PM
To: Chatelain, Ryan M (b)(6)
Subject: Fwd: [EXTERNAL] Webform submission from: Media Inquiries

CAUTION: The e-mail below is from an external source. Please exercise caution before opening attachments, clicking links, or following guidance.

Hi Ryan,

Thank you for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office DE

Get Outlook for iOS

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, June 28, 2023 11:45 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, June 28, 2023 - 11:45AM EDT

Name: Ryan Chatelain

Email: (b)(6)

Topic:Other (please specify at the top of your message)

Media Outlet:Spectrum News

Deadline:ASAP

Inquiry:
RE: Hunter Biden investigation

Good morning,

Does DOJ have any comment in response to Gary Shapley's interview with CBS about the Hunter Biden investigation? As I'm sure you know, he said he believes Hunter Biden could have been charged with more serious crimes and that U.S. Attorney Weiss told him in October 2022 that he was not the deciding person on bringing charges against Hunter Biden, despite what David Weiss and AG Garland have said publicly. Mr. Shapley also alleges he was blocked from pursuing leads into Joe Biden.

Thanks,

Ryan Chatelain
Digital Content Producer, National News
Spectrum News
(b)(6)

From: Press
Sent: Wed, 28 Jun 2023 13:40:13 +0000
To: Hornbuckle, Wyn (PAO) (JMD); (b)(6); (b)(7)(C) (USADE)
Cc: Press
Subject: RE: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Public Affairs Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, June 28, 2023 9:39 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, June 28, 2023 - 9:39AM EDT

Name: Kayla Gaskins

Email: (b)(6)

Topic:Other (please specify at the top of your message)

Media Outlet:Sinclair Broadcast Group

Deadline:2 PM EST today

Inquiry:
Hello,

I'm doing a follow-up report today on the Hunter Biden story with updates now that Gary Shapley is giving on-camera interviews. Reaching out to see if the Justice Department has a statement they want to share or if the office still declines to comment on the story.

Best,
Kayla Gaskins

From: Press
Sent: Wed, 19 Jul 2023 16:41:50 +0000
To: Hornbuckle, Wyn (PAO) (JMD); (b)(6); (b)(7)(C) (USADE)
Cc: Press
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Public Affairs Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, July 19, 2023 12:15 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, July 19, 2023 - 12:14PM EDT

Name: James Lynch

Email: (b)(6)

Topic:National Security

Media Outlet:Daily Caller

Deadline:Wednesday 2PM

Inquiry:
DOJ,

My name is James Lynch and I am a reporter for the Daily Caller. IRS whistleblower Gary Shapley is set to testify to the House Oversight Committee Wednesday and a written version of his opening statement was released earlier today by Politico.

In the written statement, Shapley alleges that a reporter asked him about a letter Hunter Biden's attorneys allegedly wrote to the Justice Department about launching a criminal investigation into Shapley.

Can the DOJ comment on whether it received a letter about Shapley from Hunter Biden's attorneys? Does Hunter Biden's legal team frequently communicate with the DOJ?

Best,

From: Hornbuckle, Wyn (PAO)
Sent: Tue, 14 May 2024 17:43:48 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6); (b)(7)(C)
Flagging this for the SCO team, planning to decline comment.

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Tuesday, May 14, 2024 12:43 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Tuesday, May 14, 2024 - 12:43PM EDT

Name: James Lynch

Email: (b)(6)

Topic:Inspector General

Media Outlet:National Review

Deadline:4PM eastern Tuesday afternoon.

Inquiry:
Justice Department,

My name is James Lynch and I am a reporter for National Review. I am inquiring about a letter from IRS whistleblower Gary Shapley's attorneys recommending the Inspector General conduct an internal investigation of special counsel David C. Weiss.

Shapley's legal team at Empower Oversight, a whistleblower protection group, is urging the IG's office to investigate a recent court filing where Weiss's wording seemed to imply Shapley and IRS whistleblower Joseph Ziegler are under investigation.

However, it appears the office of the special counsel is actually investigating Shapley and Ziegler's retaliation claims. In a court filing last week, the government admitted the whistleblowers made legally protected disclosures as it attempts to have a judge partially dismiss Hunter Biden's lawsuit against the IRS.

The IRS agents, particularly Shapley, harshly criticized Weiss's handling of the Hunter Biden tax probe prior to his special counsel appointment.

Will the IG's office take up the matter and investigate Weiss's team? Does the Justice Department fully support the whistleblower protections afforded to Shapley and Ziegler? Can the DOJ confirm it is not investigating the IRS agents for alleged wrongdoing?

From: Hornbuckle, Wyn (PAO)
Sent: Tue, 19 Sep 2023 15:45:56 +0000
To: (b)(6); (b)(7)(C) [redacted] (USADE)
Subject: FW: Heads-up on a story

FYI, call me if you have any concerns.

From: Betsy Woodruff (b)(6) [redacted]
Sent: Tuesday, September 19, 2023 11:07 AM
To: Hornbuckle, Wyn (PAO) (b)(6) [redacted]
Subject: [EXTERNAL] Heads-up on a story

Hi Wyn,

I wanted to let you know that we obtained the transcript of Michael Batdorf's testimony to House Ways and Means, and are publishing it in the next few hours.

Below are excerpts we will note in our write-up of the transcript. Please let me know if DOJ has any comment.

"I think David Weiss had a more hands-on approach to this investigation than a normal U.S. attorney would with a hundred AUSAs [assistant U.S. Attorneys] and a thousand criminal cases," he said. "I think this was his focus and his AUSAs that were working this investigation, and he attended the meetings regularly."

About prosecutors in TAX:

"[T]his type of meeting occurs, and it's almost as if they're playing devil's advocate to our investigation and presenting to David Weiss all the pros and cons moving forward," Batdorf said of prosecutors.

"It was mostly cons," he added, without sharing more detail.

Regarding a call where they discussed the US Attorney for the Central District of CA declining to partner with Weiss:

“It was – investigative-wise, it was, looking at everything that he knows, can he and his team prosecute in Central California without the help of the U.S. Attorney’s Office, without knowing the judges out there?” Batdorf said. “Could he and his team do that?”

“He just mentioned, could him and his team prosecute it with everything?” he added.

A staffer interviewing Batdorf asked if Weiss worried about whether or not he would have the resources needed to prosecute Biden without help from the other U.S. Attorneys.

“He’s got a full U.S. Attorney’s Office to run, right?” the staffer asked. “Big caseload. No resource concerns, sending prosecutors out to California to – ”

“Okay, yeah, as far as like the travel and sending – having prosecutors be out there for months at a time, I mean, yeah, that was brought up,” Batdorf replied.

“As a concern?” the staffer asked.

“As a concern,” he said.

Fyi I'm noting that Batdorf's description of tensions suggests the situation was much more complex than how Weiss described it in his short letter to Lindsey Graham (where he said, “[I] have never been denied the authority to bring charges in any jurisdiction)

More on Weiss:

“At a very general level, David Weiss had concerns with Gary Shapley’s ability to remain objective in the investigation,” he said.

“[B]y the time it was November, and it was David Weiss’ moment of: I’m not talking to him anymore. He’s harassing me,’” Batdorf testified. “He didn’t say it, but in his email he basically says: Tell him to leave me alone.”

“At that point, it’s not a good situation for any investigative team to be in,” he added.

Betsy Woodruff Swan
Politico National Correspondent
Mobile, Signal, and Whatsapp: (b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Mon, 21 Aug 2023 19:15:08 +0000
To: Hornbuckle, Wyn (PAO) (JMD)
Subject: FW: IRS // October 7 2022 meeting
Attachments: 8.21.23 Batdorf Subpoena Cover Letter.pdf, 8.21.23 Waldon Subpoena Cover Letter.pdf

Will decline to comment.

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney's Office – DE
Cell: (b)(6); (b)(7)(C)
Desk

From: Herridge, Catherine (b)(6)
Sent: Monday, August 21, 2023 3:09 PM
To: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXTERNAL] IRS // October 7 2022 meeting

Hi (b)(6); (b)(7)(C)

Let us know if there is comment to add on these subpoenas for two IRS employees with knowledge of the October 7 2022 meeting. In his testimony, Gary Shapley alleged he did not have ultimate authority on charges, then US attorney Weiss had requested Special Counsel status and denied, as well as charged refused by the DC US attorney.

Many thanks,
Catherine

https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf

"The next meeting was in person on October 7th, 2022, and it took place in the Delaware U.S. Attorney's Office. This meeting included only senior-level managers from IRS CI, FBI, and the Delaware U.S. Attorney's Office. This ended up being my red-line meeting in our investigation for me. United States Attorney Weiss was present for the meeting. He surprised us by telling us on the charges, quote: "I'm not the deciding official on whether charges are filed," unquote. He then shocked us with the earth-shattering news that the Biden-appointed D.C. U.S. Attorney Matthew Graves would not allow him to charge in his district. To add to the surprise, U.S. Attorney Weiss stated that he subsequently asked for special counsel authority from Main DOJ at that time and was denied that authority. Instead, he was told to follow the process, which was known to send U.S. Attorney Weiss through another President Biden-appointed U.S. Attorney.

JASON SMITH
MISSOURI,
CHAIRMAN

MARK ROMAN, STAFF DIRECTOR
(202) 225–3625

RICHARD E. NEAL
MASSACHUSETTS,
RANKING MEMBER

BRANDON CASEY, STAFF DIRECTOR
(202) 225–4021

U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

August 21, 2023

Michael T. Batdorf
Director of Field Operations
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Mr. Batdorf:

In the wake of testimony from brave Internal Revenue Service (IRS) whistleblowers about special treatment for Hunter Biden during the course of a criminal investigation, multiple congressional committees are conducting oversight of the Executive Branch's commitment to impartial justice, as well as investigating the veracity of statements made in response to congressional inquiries. As part of this oversight, on June 29, 2023, the Committees on Ways and Means, Judiciary, and Oversight and Accountability requested that the IRS make you and another IRS official available for transcribed interviews before the Committee on Ways and Means.[1] The Committees requested the interview with you because you have been identified as someone who has direct knowledge of a key meeting on October 7, 2022, in which updates about the Hunter Biden investigation were discussed.[2]

To date, the IRS has refused to voluntarily cooperate with the pending request for a transcribed interview with you. Therefore, please find attached a subpoena compelling you to sit for a deposition before the Committee on Ways and Means. This subpoena is being issued pursuant to House Rule XI.2(m), and pursuant to the Committees' ongoing investigation into the aforementioned matter. The details surrounding the IRS's refusal to cooperate with our request are outlined below.

The IRS responded to the Committees' June 29 letter on July 13, stating that it "will await the outcome of your discussions with [the Department of Justice (DOJ)] before authorizing any testimony (or providing substantive information by other means) regarding pending litigation or any investigations overseen by DOJ."[3] The IRS's July 13 response letter also raises

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[1] Letter from Chairmen Jim Jordan, Jason Smith, and James Comer, to Daniel Werfel, Commissioner, Internal Revenue Service (June 29, 2023).
[2] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023).
[3] Letter from Daniel Werfel, Commissioner of Internal Revenue Service, to The Hon. Jason Smith, Chairman, H. Comm. on Ways and Means (July 13, 2023).

the notion of "legal restrictions on the information that [its] employees may provide regarding specific enforcement activity, including criminal investigations."[4] Yet, the July 13 response does not cite a single legal provision nor does it explain how Congress's oversight authority can be limited by any such legal restrictions.

Thus, the IRS's July 13 response letter appears to have adopted the several rationales for why DOJ would not immediately comply with the Committees' request for transcribed interviews with DOJ officials.[5] In response, the Committees sent a letter to the IRS on July 21, that addressed those reasons and reiterated our request for the IRS's voluntary cooperation with the pending request for transcribed interviews with you and the other official listed in our June 29 letters. The July 21 letter to the IRS requested that the IRS contact the Committee on Ways and Means majority staff as soon as possible to schedule these transcribed interviews. The letter noted that absent cooperation with the request, the Committee on Ways and Means would issue subpoenas to obtain the required testimony. The IRS responded to the Committees' July 21 letter on July 24, but did not agree to schedule the requested interviews.

Then, on July 26, Judge Maryellen Noreika of the U.S. District Court for the District of Delaware declined to accept DOJ's unusual plea and pretrial diversion agreements with Hunter Biden.[6] Subsequently, DOJ moved to withdraw the criminal information filed before the District Court in Delaware, stating that plea negotiations were "at an impasse."[7] DOJ's filings came shortly after Attorney General Merrick Garland named U.S. Attorney David Weiss as special counsel.[8] Although both Attorney General Garland and U.S. Attorney Weiss have stated that U.S. Attorney Weiss had "ultimate authority" over the investigation and prosecution of Hunter Biden, nearly five years after the investigation into Hunter Biden was first opened the Attorney General now asserts that special counsel status is necessary to pursue the case.[9] The timing of this decision to appoint U.S. Attorney Weiss as a special counsel also comes after whistleblowers have raised serious and unchallenged allegations of impropriety in the investigation of Hunter Biden.[10]

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[4] *Id.*
[5] Letter from Carlos Felipe Uriarte, Assistant Att'y Gen., U.S. Dep't of Just., to The Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary (July 13, 2021).
[6] Transcript of Record at 108, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023). *See also,* Glenn Thrush and Michael S. Schmidt, *Judge delays Hunter Biden plea deal*, N.Y. TIMES (July 26, 2023); Perry Stein, Karl Baker, Devlin Barrett, and Matt Viser, *Judge puts Hunter Biden guilty plea on hold for now*, WASH. POST (July 26, 2023); Phil McCausland and Tom Winter, *Hunter Biden pleads not guilty after plea deal is derailed*, NBC NEWS (July 26, 2023).
[7] U.S. Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice so that Tax Charges Can Be Brought in a District Where Venue Lies, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 11, 2023) [hereinafter U.S. Motion to Voluntarily Dismiss]. *See also,* Kaelan Deese, *Hunter Biden investigation: Prosecutors are at 'impasse' on plea and expect a trial*, WASH. EXAMINER (Aug. 11, 2023).
[8] Off. of the Att'y Gen., Order No. 5730-2023, Appointment of David C. Weiss as Special Counsel (2023). *See also,* Kaelan Deese, *Hunter Biden investigation: Prosecutors are at 'impasse' on plea and expect a trial*, WASH. EXAMINER (Aug. 11, 2023).
[9] *Id.*
[10] *Id.*

Of note, the whistleblowers testified to and provided supporting documents regarding an October 7, 2022 meeting in which U.S. Attorney Weiss stated that he is not the deciding person on whether charges are filed.[11] The recent decision to grant U.S. Attorney Weiss special counsel status, especially in light of the whistleblowers' testimony, U.S. Attorney Weiss' handling of the case to date, and his inconsistent statements to Congress about his authority raises serious questions about the handling of this investigation, and reinforces the Committee's need to speak with individuals with knowledge of the investigation.

Based on information provided by whistleblowers and made available to the Committee, you have unique information that is relevant and necessary to inform our oversight and potential legislative reforms.[12] For example, the whistleblowers allege politicization and misconduct with respect to the investigation of Hunter Biden. Specifically, the Committee is examining claims that the investigation was purposely slow-walked and subjected to improper and politically motivated interference.[13] You were part of the chain of command for these whistleblowers and received an email from Supervisory Special Agent Gary Shapley in which he detailed a key prosecution team meeting on October 7, 2022.[14] What Supervisory Special Agent Shapley detailed in that email is an essential piece of our investigation. Your testimony about these subjects is necessary for the Committee to advance its ongoing investigation. The Committee has sought to obtain the IRS's voluntary compliance with our request to conduct a transcribed interview of you and has engaged in good faith with the agency to address the purported reasons why it could not comply. Nevertheless, the agency has still has not agreed to make you available.

Because the IRS has failed to comply voluntarily with these requests, please find attached a subpoena compelling your appearance at a deposition.

Sincerely,

Jason Smith
Chairman
Committee on Ways and Means

[11] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023); Transcribed Interview of [Redacted], Special Agent, Internal Revenue Serv. (June 1, 2023).
[12] *Id.*
[13] *Id.*
[14] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023) at Ex. 10.

JASON SMITH
MISSOURI,
CHAIRMAN

MARK ROMAN, STAFF DIRECTOR
(202) 225–3625

RICHARD E. NEAL
MASSACHUSETTS,
RANKING MEMBER

BRANDON CASEY, STAFF DIRECTOR
(202) 225–4021

U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

August 21, 2023

Darrell J. Waldon
Special Agent in Charge
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Mr. Waldon:

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[4] *Id.*

[5] Letter from Carlos Felipe Uriarte, Assistant Att'y Gen., U.S. Dep't of Just., to The Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary (July 13, 2021).

[6] Transcript of Record at 108, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023). *See also,* Glenn Thrush and Michael S. Schmidt, *Judge delays Hunter Biden plea deal*, N.Y. TIMES (July 26, 2023); Perry Stein, Karl Baker, Devlin Barrett, and Matt Viser, *Judge puts Hunter Biden guilty plea on hold for now*, WASH. POST (July 26, 2023); Phil McCausland and Tom Winter, *Hunter Biden pleads not guilty after plea deal is derailed*, NBC NEWS (July 26, 2023).

[7] U.S. Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice so that Tax Charges Can Be Brought in a District Where Venue Lies, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 11, 2023) [hereinafter U.S. Motion to Voluntarily Dismiss]. *See also,* Kaelan Deese, *Hunter Biden investigation: Prosecutors are at 'impasse' on plea and expect a trial*, WASH. EXAMINER (Aug. 11, 2023).

[8] Off. of the Att'y Gen., Order No. 5730-2023, Appointment of David C. Weiss as Special Counsel (2023). *See also,* Kaelan Deese, *Hunter Biden investigation: Prosecutors are at 'impasse' on plea and expect a trial*, WASH. EXAMINER (Aug. 11, 2023).

[9] *Id.*

[10] *Id.*

Of note, the whistleblowers testified to and provided supporting documents regarding an October 7, 2022 meeting in which U.S. Attorney Weiss stated that he is not the deciding person on whether charges are filed.[11] The recent decision to grant U.S. Attorney Weiss special counsel status, especially in light of the whistleblowers' testimony, U.S. Attorney Weiss' handling of the case to date, and his inconsistent statements to Congress about his authority raises serious questions about the handling of this investigation, and reinforces the Committee's need to speak with individuals with knowledge of the investigation.

Based on information provided by whistleblowers and made available to the Committee, you have unique information that is relevant and necessary to inform our oversight and potential legislative reforms.[12] For example, the whistleblowers allege politicization and misconduct with respect to the investigation of Hunter Biden. Specifically, the Committee is examining claims that the investigation was purposely slow-walked and subjected to improper and politically motivated interference.[13] You were part of the chain of command for these whistleblowers and received an email from Supervisory Special Agent Gary Shapley in which he detailed a key prosecution team meeting on October 7, 2022.[14] What Supervisory Special Agent Shapley detailed in that email is an essential piece of our investigation. Your testimony about these subjects is necessary for the Committee to advance its ongoing investigation. The Committee has sought to obtain the IRS's voluntary compliance with our request to conduct a transcribed interview of you and has engaged in good faith with the agency to address the purported reasons why it could not comply. Nevertheless, the agency has still has not agreed to make you available.

Because the IRS has failed to comply voluntarily with these requests, please find attached a subpoena compelling your appearance at a deposition.

Sincerely,

____
Jason Smith
Chairman
Committee on Ways and Means

[11] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023); Transcribed Interview of [Redacted], Special Agent, Internal Revenue Serv. (June 1, 2023).
[12] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023); Transcribed Interview of [Redacted], Special Agent, Internal Revenue Serv. (June 1, 2023).
[13] *Id.*
[14] *See* Transcribed Interview of Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023) at Ex. 10.

From: (b)(6); (b)(7)(C) (USADE)
Sent: Fri, 23 Jun 2023 13:27:28 +0000
To: (b)(6)
Subject: Fwd: [EXTERNAL] Webform submission from: Media Inquiries

Hi Alexs,

Thank you for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorneys Office - DE

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Friday, June 23, 2023 7:42 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Friday, June 23, 2023 - 7:41AM EDT

Name: Aleks Phillips

Email: (b)(6)

Topic:U.S. Attorneys

Media Outlet:Newsweek

Deadline:Asap

Inquiry:
Hi there,

I wanted to approach the DOJ for comment regarding testimony released by the House Ways and Means Committee yesterday about the IRS investigation into Hunter Biden.

Gary Shapley, one of the whistleblowers, told the committee that he had evidence that the DOJ "provided preferential treatment, slow-walked the investigation, did nothing to avoid obvious conflicts of interest in this investigation."

He said some of the decision made in the case “seem to be influenced by politics,” citing an example of DOJ officials having supposedly “dragged their feet” over a request for physical search warrants of addresses in California, Arkansas, New York and Washington D.C. in March 2020.

Shapley alleged that the team he had led in the IRS investigation into Hunter Biden’s tax affairs was repeatedly denied access to Hunter Biden’s laptop while in the FBI’s possession and told by the FBI how many people they could interview. After a storage unit containing documents came to light, Shapley alleged Hunter Biden’s defense team was informed by the U.S. attorney’s office before a search warrant could be executed.

When a 90-page memo recommending prosecution over tax evasion and false return charges was presented to the U.S. attorney’s office in Washington D.C., Shapley alleged that the Biden appointee for the office had declined to bring charges and that Weiss “had no authority to overrule them.”

I'm aware of the statement given to AP, but I wanted to give the DOJ the opportunity to confirm or deny the above allegations, and respond to the claims made by Shapley.

Kind regards,
Aleks

From: (b)(6); (b)(7)(C) (USADE)
Sent: Wed, 28 Jun 2023 16:37:16 +0000
To: (b)(6)
Subject: Fwd: [EXTERNAL] Webform submission from: Media Inquiries

Hi Ryan,

Thank you for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorney’s Office DE

Get Outlook for iOS

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, June 28, 2023 11:45 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, June 28, 2023 - 11:45AM EDT

Name: Ryan Chatelain

Email: (b)(6)

Topic:Other (please specify at the top of your message)

Media Outlet:Spectrum News

Deadline:ASAP

Inquiry:
RE: Hunter Biden investigation

Good morning,

Does DOJ have any comment in response to Gary Shapley’s interview with CBS about the Hunter Biden investigation? As I’m sure you know, he said he believes Hunter Biden could have been charged with more serious crimes and that U.S. Attorney Weiss told him in October 2022 that he was not the deciding person on bringing charges against Hunter Biden, despite what David Weiss and AG Garland have said publicly. Mr. Shapley also alleges he was blocked from pursuing leads into Joe Biden.

Thanks,

Ryan Chatelain
Digital Content Producer, National News
Spectrum News
(b)(6)

From: (b)(6); (b)(7)(C) (USADE)
Sent: Fri, 23 Jun 2023 13:30:07 +0000
To: (b)(6)
Subject: Fwd: [EXTERNAL] Webform submission from: Media Inquiries

Hi Kayla,

Thank you for reaching out. We decline to comment.

Best,

(b)(6); (b)(7)(C)
Public Affairs
U.S. Attorneys Office - DE

Get Outlook for iOS

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Friday, June 23, 2023 9:12 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Friday, June 23, 2023 - 9:12AM EDT

Name: Kayla Gaskins

Email: (b)(6)

Topic:Tax

Media Outlet:Sinclair Broadcast Group

Deadline:2:30 pm

Inquiry:
Hello,

Reaching out to see if the Justice Department has a statement on IRS whistleblower Gary Shapley's account of the investigation into Hunter Biden, which alleges David Weiss did not have full autonomy in the case and charges. I'd like to be able to share the DOJ's side in our coverage today.

Best,
Kayla Gaskins

From: Milton, Pat
Sent: Tue, 27 Jun 2023 21:10:05 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Re: seeking response.

Thank you.

PAT MILTON
Senior Producer, Investigative Unit
CBS NEWS
Cell: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Sent: Tuesday, June 27, 2023 5:07:51 PM
To: Milton, Pat (b)(6)
Subject: RE: seeking response.

External Email

Hi Pat,

We decline to comment.

Thanks,

(b)(6);

Duplicate

From: Josh Christenson
Sent: Wed, 5 Jul 2023 12:39:00 -0400
To: (b)(6); (b)(7)(C) (USADE); USADE-Press
Subject: [EXTERNAL] Requesting comment on prosecutors involved in Weiss investigation

Hi (b)(6); (b)(7)(C)

Lawyers for IRS supervisory agent Gary Shapley are saying that Special Assistant US Attorneys Leo Wise and Derek Hines and Assistant US Attorney (b)(6); (b)(7)(C) did not participate substantively in the investigation by the Delaware US Attorney's Office into first son Hunter Biden.

"None of the three were involved in the underlying investigation during Gary's tenure, to my knowledge," one attorney told the Daily Mail.

The attorneys point to testimony their client gave on May 26 to the House Ways and Means Committee, which never mentions the three prosecutors. Instead, that testimony mentions other veteran prosecutors at the Delaware office: Lesley Wolf, (b)(6); (b)(7)(C) and Shannon Hanson.

Is the office able to clarify when Wise, Hines and (b)(6); (b)(7)(C) became involved in the probe? Would it care to comment on the claims from Shapley's lawyers?

I'd appreciate a prompt response.

Thanks,
Josh Christenson

--
Josh Christenson
Politics Reporter
New York Post
Cell/WhatsApp/Signal: (b)(6)

From: Josh Christenson
Sent: Fri, 23 Jun 2023 09:07:49 -0400
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Requesting comment on whistleblowers' testimony to House Ways and Means Committee

Hi (b)(6); (b)(7)(C)

I was hoping to get a comment or a statement from the US Attorney's Office today following the disclosure of two IRS investigators' testimony to the House Ways and Means Committee.

Also, would the office be able to confirm the following details?

Delaware US Attorney David Weiss sought to bring federal charges against first son Hunter Biden in the Central District of California and in Washington, DC, last year and was denied both times by US attorneys Martin Estrada and Matthew Graves, respectively.

According to one of the whistleblowers, who has remained anonymous, the investigation covered the years 2014 through 2019, during which Hunter and his associates received approximately $17.3 million from Ukraine, Romania and China — with the first son bringing in $8.3 million for himself.

The IRS investigators pressed for felony charges against Hunter for ducking $2.2 million in tax payments.

Assistant US Attorney Lesley Wolf discouraged investigators from pursuing lines of questioning related to Joe Biden, saying at one point that there was “no specific criminality,” according to IRS supervisory agent Gary Shapley.

I'd appreciate a prompt response.

Thanks,
Josh

--
Josh Christenson
Politics Reporter
New York Post
Cell/WhatsApp/Signal: (b)(6)

From: Montenegro, Lori (NBCUniversal)
Sent: Wed, 28 Jun 2023 19:36:48 +0000
To: USADE-Press
Subject: [EXTERNAL] TELEMUNDO NETWORK NEWS/ INQUIRY

Greetings!

I am writing from Telemundo's National newscast – regarding statements made by an IRS whistle blower
Gary Shapely in an on camera interview with CBS News.

Mr. Shapely says that he believes that

"U.S. Attorney David Weiss was blocked from pursuing charges on various matters against President Joe Biden's son Hunter.

Shapley reiterated that both Weiss and Attorney General Merrick Garland's claims that the U.S. attorney had the power to bring whatever charges he wanted did not appear to be true."

We are working on a story for Today's newscast that airs Nationally and would like to include Mr. Weiss reaction or that of the prosecutor's office in our reporting.

Our deadline is 5:15pm E.S.T.

If you have any further questions please do not hesitate to reach out (b)(6)

NOTICIAS TELEMUNDO
A Division of NBCUniversal

Lori Montenegro - Bureau Chief
Washington DC
(b)(6)
C- (b)(6)

From: Hornbuckle, Wyn (PAO)
Sent: Wed, 3 Apr 2024 21:07:57 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

Hi (b)(6);
I'm declining to comment, but do you happen to have the filing in question?

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, April 3, 2024 4:48 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, April 3, 2024 - 4:47PM EDT

Name: Steven Richards

Email: (b)(6)

Topic:Tax

Media Outlet:Just the News

Deadline:April 3 @ 8pm EST

Inquiry:
In a filing early last month, Special Counsel David Weiss referenced an ongoing investigation and, though redacted, context suggests it may be an investigation into IRS whistleblowers Gary Shapley and Joseph Ziegler's disclosures to Congress, though it is not clear.

I know that DOJ does not normally comment on investigations, if it exists, but I wanted to give the Department an opportunity for a statement if it is able to answer anything about the information referenced in Weiss' filing.

Regards,
Steven Richards

From: Hornbuckle, Wyn (PAO)
Sent: Mon, 11 Sep 2023 18:33:28 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

Hey (b)(6); (b)(7)(C)
For awareness.

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Monday, September 11, 2023 1:28 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Monday, September 11, 2023 - 1:28PM EDT

Name: James Lynch

Email: (b)(6)

Topic:U.S. Attorneys

Media Outlet:Daily Caller

Deadline:Monday 6PM EST

Inquiry:
Department of Justice,

My name is James Lynch and I am a reporter for the Daily Caller. I have obtained an internal email sent by Delaware U.S. Attorney David Weiss to four of his USADE colleagues on April 29, 2022.

Weiss sent his colleagues a column in The Hill criticizing Attorney General Garland for not appointing a special counsel to oversee the ongoing investigation into Hunter Biden's taxes.

IRS whistleblowers Gary Shapley and Joseph Ziegler have testified before Congress with allegations that Hunter Biden received special treatment from DOJ prosecutors during the tax investigation.

Shapley's testimony raised questions about David Weiss' charging authority in the Hunter Biden case and whether Weiss requested special counsel authority prior to his Aug. 11 appointment by AG Garland.

Does the DOJ have a response to Weiss spreading around criticism of Garland? Did Weiss believe he should've been named special counsel long before before his appointment?

Best,

From: Press
Sent: Fri, 23 Jun 2023 13:23:18 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Press; Hornbuckle, Wyn (PAO) (JMD)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Thursday, June 22, 2023 5:33 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Thursday, June 22, 2023 - 5:32PM EDT

Name: Diana Glebova

Email: (b)(6)

Topic:Federal Bureau of Investigation (FBI)

Media Outlet:Daily Caller

Deadline:ASAP

Inquiry:
Hello,

This is Diana Glebova, Daily Caller's White House Correspondent.

I'm doing a story on the IRS whistleblower alleging that an attourney at the DOJ thought about the "optics" of conducting a search of Joe Biden's home during an investigation into Hunter Biden.

Wanted to give the DOJ the opportunity to respond on the veracity of these claims.

Here is the testimony:
https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf

The specific details are below:

On Sept. 3, of 2020, Assistant U.S. Attorney Lesley Wolf told investigators "there was more than enough probable cause for the physical search warrant there, but the question was whether the juice was worth the squeeze," Shapley said.

Wolf also said "that optics were a driving factor in the decision on whether to execute a search warrant. She said a lot of evidence in our investigation would be found in the guest house of former Vice President Biden, but said there is no way we will get that approved," Shapley alleged.

The DOJ prosecutors also wanted to completely remove Hunter Biden's name from electronic search warrants, Shapley said.

After Hunter Biden had been assigned Secret Service protection on approximately Dec. 3 of 2020, Shapley said IRS investigators "developed a plan for the FBI Los Angeles special agent in charge to reach out at 8 a.m. on December 8th to the Secret Service Los Angeles special agent in charge and tell them that we would be coming to the residence to seek an interview with Hunter Biden and that it was part of an official investigation."

Before they could execute the plan, Shapley said the FBI headquarters "had notified Secret Service headquarters and the transition team about the planned actions the following day."

"This essentially tipped off a group of people very close to President Biden and Hunter Biden and gave this group an opportunity to obstruct the approach on the witnesses," Shapley added.

Thank you.

Best,

Diana

From: Press
Sent: Wed, 28 Jun 2023 15:46:20 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Hornbuckle, Wyn (PAO) (JMD); Dulaney, Emma (PAO); Press
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, June 28, 2023 11:45 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, June 28, 2023 - 11:45AM EDT

Name: Ryan Chatelain

Email: (b)(6)

Topic:Other (please specify at the top of your message)

Media Outlet:Spectrum News

Deadline:ASAP

Inquiry:
RE: Hunter Biden investigation

Good morning,

Does DOJ have any comment in response to Gary Shapley's interview with CBS about the Hunter Biden investigation? As I'm sure you know, he said he believes Hunter Biden could have been charged with more serious crimes and that U.S. Attorney Weiss told him in October 2022 that he was not the deciding person on bringing charges against Hunter Biden, despite what David Weiss and AG Garland have said publicly. Mr. Shapley also alleges he was blocked from pursuing leads into Joe Biden.

Thanks,

Ryan Chatelain
Digital Content Producer, National News

Spectrum News

(b)(6)

From: Press
Sent: Wed, 28 Jun 2023 13:40:29 +0000
To: Hornbuckle, Wyn (PAO) (JMD); (b)(6); (b)(7)(C) [redacted] (USADE)
Cc: Press
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6) [redacted]
Public Affairs Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6) [redacted]

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Wednesday, June 28, 2023 9:39 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Wednesday, June 28, 2023 - 9:39AM EDT

Name: Kayla Gaskins

Email: (b)(6) [redacted]

Topic:Other (please specify at the top of your message)

Media Outlet:Sinclair Broadcast Group

Deadline:2 PM EST today

Inquiry:
Hello,

I'm doing a follow-up report today on the Hunter Biden story with updates now that Gary Shapley is giving on-camera interviews. Reaching out to see if the Justice Department has a statement they want to share or if the office still declines to comment on the story.

Best,
Kayla Gaskins

From: Press
Sent: Fri, 23 Jun 2023 13:22:37 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Press; Hornbuckle, Wyn (PAO) (JMD)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Friday, June 23, 2023 9:12 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Friday, June 23, 2023 - 9:12AM EDT

Name: Kayla Gaskins

Email: (b)(6)

Topic:Tax

Media Outlet:Sinclair Broadcast Group

Deadline:2:30 pm

Inquiry:
Hello,

Reaching out to see if the Justice Department has a statement on IRS whistleblower Gary Shapley's account of the investigation into Hunter Biden, which alleges David Weiss did not have full autonomy in the case and charges. I'd like to be able to share the DOJ's side in our coverage today.

Best,
Kayla Gaskins

From: Press
Sent: Fri, 23 Jun 2023 13:20:44 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Press; Hornbuckle, Wyn (PAO) (JMD)
Subject: FW: [EXTERNAL] Webform submission from: Media Inquiries

(b)(6)
Intern, Office of Public Affairs
U.S. Department of Justice
(b)(6)

From: United States Department of Justice <no-reply@usdoj.gov>
Sent: Friday, June 23, 2023 7:42 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Webform submission from: Media Inquiries

Date:Friday, June 23, 2023 - 7:41AM EDT

Name: Aleks Phillips

Email: (b)(6)

Topic:U.S. Attorneys

Media Outlet:Newsweek

Deadline:Asap

Inquiry:
Hi there,

I wanted to approach the DOJ for comment regarding testimony released by the House Ways and Means Committee yesterday about the IRS investigation into Hunter Biden.

Gary Shapley, one of the whistleblowers, told the committee that he had evidence that the DOJ "provided preferential treatment, slow-walked the investigation, did nothing to avoid obvious conflicts of interest in this investigation."

He said some of the decision made in the case "seem to be influenced by politics," citing an example of DOJ officials having supposedly "dragged their feet" over a request for physical search warrants of addresses in California, Arkansas, New York and Washington D.C. in March 2020.

Shapley alleged that the team he had led in the IRS investigation into Hunter Biden's tax affairs was repeatedly denied access to Hunter Biden's laptop while in the FBI's possession and told by the FBI how many people they could interview. After a storage unit containing documents came to light, Shapley alleged Hunter Biden's defense team was informed by the U.S. attorney's office before a search warrant could be executed.

When a 90-page memo recommending prosecution over tax evasion and false return charges was presented to the U.S. attorney's office in Washington D.C., Shapley alleged that the Biden appointee for the office had declined to bring charges and that Weiss "had no authority to overrule them."

I'm aware of the statement given to AP, but I wanted to give the DOJ the opportunity to confirm or deny the above allegations, and respond to the claims made by Shapley.

Kind regards,
Aleks

From: David Van Den Berg
Sent: Thu, 25 May 2023 12:33:43 -0400
To: USADE-Press
Subject: [EXTERNAL] Law360 daily deadline comment request - please reply by 5 p.m.

Hello,
I'm David van den Berg, a federal tax reporter with Law360 in Washington. We're an online legal news outlet and a division of Lexis Nexis, a legal publisher.

Yesterday, an interview with Gary Shapley, an IRS special agent, aired on the CBS Evening News in which he said DOJ is slow-walking a high-profile, sensitive case in ways that benefit the subject of the case. CBS said that is Hunter Biden. You'll find the video and a news story about it here:
https://www.cbsnews.com/news/irs-whistleblower-tax-probe-hunter-biden/

Please reply with any statement the U.S. Attorney's Office for the District of Delaware has.

You can reach me anytime at this email or by phone at:
(b)(6) [redacted] (MS Teams recorded line)
(cell)

Thanks,
David

From: Amy Sherman
Sent: Sat, 24 Jun 2023 08:20:33 -0400
To: USADE-Press
Subject: [EXTERNAL] PolitiFact question

Good morning: For PolitiFact we are writing a story on Monday about the IRS whistleblower allegations including Shapley's statement about US Atty Weiss and AUSA Wolf. Any response to the allegations that prosecutors in your office slow walked the case because Hunter is Joe Biden's son? Does Weiss agree with Shapley's statement that Weiss said that he was not the deciding person on whether charges were filed and that he sought special counsel authority and was denied? Can you confirm that Weiss sought the authority to charge in DC and/or California? Please respond by noon Monday. Thanks- Amy

--
Amy Sherman
PolitiFact staff writer fact-checking claims about voting and democracy as well as statements by and about presidential candidates
(b)(6)
All of our fact-checks and articles about elections
Want to get updates on the accuracy of politicians' claims? Sign up for our newsletter!

From: James Lynch
Sent: Mon, 25 Sep 2023 14:32:59 -0400
To: USADE-Press
Subject: [EXTERNAL] Press Inquiry - David Weiss & Gary Shapley

USADE,

My name is James Lynch and I am a reporter for the Daily Caller. I am curious about the rift between Delaware U.S. Attorney David Weiss and IRS whistleblower Gary Shapley described in the testimonies of IRS officials Michael Batdorf and Darrell Waldon.

Batdorf and Waldon both spoke to the House Ways and Means Committee about how Weiss decided to stop communicating with Shapley after an Oct. 7, 2022 meeting where Shapley alleges Weiss said he did not have final charging authority in the Hunter Biden case.

The two IRS officials said they made the decision to remove Shapley from the case in December 2022 after his rift with Weiss.

Can the U.S. Attorney's Office for the District of Delaware explain why Weiss allegedly became frustrated with Shapley? Did Weiss have Shapley removed from the case because of this apparent frustration?

Please let me know if you can get back to me on this. My deadline is 6PM EST.

Best,

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: James Lynch
Sent: Mon, 11 Sep 2023 13:08:31 -0400
To: USADE-Press; (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Press Inquiry - David Weiss

USADE,

My name is James Lynch and I am a reporter for the Daily Caller. I have obtained an internal email sent by Delaware U.S. Attorney David Weiss to four of his USADE colleagues on April 29, 2023.

Weiss sent his colleagues a column in The Hill criticizing Attorney General Merrick Garland for not appointing a special counsel to oversee the ongoing investigation into Hunter Biden's taxes.

In the weeks after Garland's testimony, IRS whistleblowers Gary Shapley and Joseph Ziegler testified before Congress detailing special treatment Hunter Biden allegedly received from the Department of Justice.

Shapley's testimony raised questions about David Weiss' charging authority in the Hunter Biden case and whether he requested special counsel authority prior to his Aug. 11 special counsel appointment by Merrick Garland.

Weiss' special counsel designation followed the collapse of Hunter Biden's plea deal for two tax misdemeanors and the diversion agreement for his felony gun charge. The Delaware tax charges against Hunter Biden were withdrawn by Weiss to potentially charge him in a different jurisdiction.

Does the USADE have an explanation for why Weiss was spreading around criticism of Garland? Did Weiss believe he should've been named special counsel months before his appointment?

Please let me know if you can respond to my inquiry. My deadline is 6PM EST tonight.

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: James Lynch
Sent: Thu, 5 Oct 2023 14:16:16 -0400
To: USADE-Press
Subject: [EXTERNAL] Press Inquiry - Gary Shapley Memo

USADE,

My name is James Lynch and I am a reporter for the Daily Caller. I am curious about a December 2020 memo from IRS whistleblower Gary Shapley alleging that USAO and FBI officials were "openly mocking" congressional inquiries into the Hunter Biden case.

"The USAO and FBI received congressional inquiries concerning this investigation and have repeatedly ignored their requests, openly mocking the members of congress who made the requests," Shapley wrote in the memo.

Earlier in the memo, Shapley refers to the USADE when describing how the Delaware U.S. Attorney's Office allegedly prevented investigators from searching Hunter Biden's storage unit.

Is the USADE willing to comment on the substance of Shapley's memo? Did the USADE respond appropriately to congressional inquiries through the DOJ OLA?

My deadline is 8PM tonight. Please let me know if the USADE can respond to my inquiry.

Best,

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: James Lynch
Sent: Wed, 23 Aug 2023 09:32:19 -0400
To: USADE-Press; (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Press Inquiry - Lesley Wolf

Delaware U.S. Attorney's Office,

My name is James Lynch and I am a reporter for the Daily Caller. I am inquiring about Delaware Assistant U.S. Attorney Lesley Wolf and her role in the ongoing Department of Justice investigation of Robert Hunter Biden, the president's son.

IRS whistleblowers Gary Shapley and Joseph Ziegler, two IRS agents who worked on the Hunter Biden case, accused Wolf of obstructing the investigation into Hunter Biden by blocking investigators from carrying out search warrants and allegedly tipping off Biden's defense counsel to a planned search on his northern Virginia storage facility.

Wolf's name has not appeared on any court documents for the Hunter Biden case since his charges were announced in June 2023, despite her extensive work on the investigation. DOJ special attorney Leo Wise appeared in Delaware court on July 26 and his signature has been on all of the court documents alongside special counsel David Weiss. Wise is working in Main DOJ's Public Integrity Section (PIN) as of June 2023 and previously worked as a U.S. Attorney for the District of Maryland.

Can the USADE provide an explanation for why Wolf appears to have been removed from the Hunter Biden case? Is Wolf's alleged misconduct under investigation from the DOJ's Office of Professional Responsibility or Inspector General?

Best,

--
James Lynch
Reporter, Daily Caller
(b)(6)
@jameslynch32

From: Steven Nelson
Sent: Wed, 30 Aug 2023 18:56:39 -0400
To: USADE-Press
Subject: [EXTERNAL] Press Q: Bradley Weinsheimer

Good evening,

Does special counsel Weiss have any comment on this report regarding Bradley Weinsheimer reaching out to the IRS whistleblower Gary Shapley's legal team on April 25 — one day before he participated in an April 26 meeting with Weiss and Hunter Biden's legal team?

https://www.dailymail.co.uk/news/article-12458523/Merrick-Garland-underling-contacted-IRS-whistleblower-Hunter-Biden-sweetheart-deal.html

Shapley's team says that Weinsheimer's outreach further proves that Weiss was not independently steering the Hunter Biden investigation because Weinsheimer reports to Deputy Attorney General Monaco.

--
Steven Nelson
New York Post
Signal/cell: (b)(6)

From: Kayla Gaskins
Sent: Wed, 28 Jun 2023 13:40:03 +0000
To: USADE-Press
Subject: [EXTERNAL] Re: [EXT] Re: Another request

Thank you!

Kayla Gaskins
National Correspondent - Capitol Bureau
Sinclair Broadcast Group
(b)(6)

From: USADE-Press <USADE.Press@usdoj.gov>
Sent: Wednesday, June 28, 2023 9:37 AM
To: Kayla Gaskins (b)(6)
Cc: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Subject: [EXT] Re: Another request

CAUTION: This email originated from outside of Sinclair. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kayla,

We decline to comment.

Best,

(b)(6); (b)(7)(C)

Get Outlook for iOS

Duplicate

From: Herridge, Catherine
Sent: Wed, 13 Sep 2023 19:10:57 +0000
To: Hornbuckle, Wyn (PAO) (JMD); Legare, Robert; (b)(6); (b)(7)(C) (USADE)
Cc: Brown, Erica
Subject: [EXTERNAL] RE: CBS News :: IRS whistleblower notes // checking back please

Duplicate

From: Herridge, Catherine
Sent: Thu, 31 Aug 2023 23:50:12 +0000
To: Hornbuckle, Wyn (PAO) (JMD); Creighton, Kelly M (PAO) (JMD); (b)(6); (b)(6); (USADE); (b)(6)
Cc: Triay, Andres; Legare, Robert
Subject: [EXTERNAL] RE: CBS query -- time sensitive // follow up

I will be working on the story tomorrow morning. If the department declines to comment or has a statement to provide we would be glad to have by noon please.
Thank you.
Catherine

From: Herridge, Catherine (b)(6)
Sent: Thursday, August 31, 2023 5:44 PM
To: (b)(6); (b)(6); (b)(6); (b)(7)(C); (b)(6)
Cc: Triay, Andres (b)(6); Legare, Robert (b)(6); Herridge, Catherine (b)(6)
Subject: CBS query -- time sensitive

Good afternoon,

We are reporting a story on the IRS whistleblower Gary Shapley, and claims from his attorney, Mark Lytle, about his interaction with Associate Deputy Attorney General Brad Weinsheimer in April and May. Because there are overlapping issues, I am adding both teams. We are requesting a response by 7pm. We will, of course, update our reporting as a response becomes available.

V/r
Catherine V Herridge
Senior Investigative Correspondent
CBS News Washington
(b)(6)

1. Is it accurate that ADAG Weinsheimer reach out to Lytle in late April (24/25) seeking more information about alleged political interference in the Hunter Biden probe, including records and interviews?
2. After they spoke, did the ADAG take any action to address their concerns about alleged preferential treatment, slowing rolling investigative steps?
3. Our reporting is that ADAG almost immediately met with Hunter Biden attorney Chris Clark and then US Attorney David Weiss. Is that accurate?
4. What was the purpose of that meeting?
5. Were the IRS whistleblowers removed from the probe at the direction of the Justice Department, as the whistleblowers allege, and if so on what basis?
6. After the whistleblowers were removed, why did ADAG Weinsheimer now refer them to Weiss?

7. How are ADAG Weinsheimer's interactions with Hunter Biden's legal team consistent with AG Garland and Mr. Weiss' statements that Weiss had the ultimate authority in the Hunter Biden case?

Thank you.
We are

"saw th letter, rep whistleblower, make sure client understand welcome to come in and discuss any improper conduct
If client has information of political interfence office of the deputy attorney general – receive records, interviews relative to that matter. Said Hunter Biden case"
Consult with client, tax issue"

From: Herridge, Catherine
Sent: Thu, 31 Aug 2023 21:54:36 +0000
To: Hornbuckle, Wyn (PAO) (JMD); Creighton, Kelly M (PAO) (JMD); (b)(6);
(b)(6); (USADE); (b)(6) Iverson, Dena (PAO)
Cc: Triay, Andres; Legare, Robert
Subject: [EXTERNAL] RE: CBS query -- time sensitive

+ Dena

Duplicate

Duplicate

From: Herridge, Catherine
Sent: Wed, 28 Jun 2023 19:23:23 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Re: CBS Query

Thank you for responding.
Catherine

From: (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C)
Sent: Wednesday, June 28, 2023 12:29:29 PM
To: Herridge, Catherine (b)(6)
Cc: Herridge, Catherine (b)(6)
Subject: Re: CBS Query

External Email

Duplicate

From: Spunt, David
Sent: Mon, 26 Jun 2023 17:27:13 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Mears Jr, William; Spunt, David
Subject: [EXTERNAL] RE: FOX NEWS COMMENT

Hi (b)(6); (b)(7)(C)

I know you declined comment before but reaching out now in case USA Weiss wants to comment or plans to come before congress etc.

I'd also like to put in a request for an interview with him.

Let us know and keep me posted on any updates!

Thanks!

David

David Spunt
Correspondent
Fox News
(b)(6)

Duplicate

From: Spunt, David
Sent: Fri, 23 Jun 2023 18:21:46 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Mears Jr, William
Subject: [EXTERNAL] RE: FOX NEWS COMMENT

Thanks (b)(6); (b)(7)(C)

Also pointing out AG Garland was asked about Weiss making a public comment and he said this:

"I would support Mr. Weiss explaining or testifying on these matters when he deems appropriate."

Let me know if there's a statement or an interview available.

David

David Spunt
Correspondent
Fox News
(b)(6)

Duplicate

From: Herridge, Catherine
Sent: Mon, 21 Aug 2023 20:42:05 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] RE: IRS // October 7 2022 meeting

Received and thank you.

Duplicate

From: Theresa Schliep
Sent: Thu, 29 Jun 2023 14:48:30 -0400
To: USADE-Press
Subject: [EXTERNAL] Re: June 7 Letter from US Atty Weiss to Jim Jordan
Attachments: IRS letter.pdf, garland letter.pdf, secret service letter.pdf

Also, I figure I can also ask if the USAO would like to provide a comment for a story I'm writing on the attached letters concerning the Hunter Biden probe. Please let me know when you can, thank you!

Best,
Theresa

On Thu, Jun 29, 2023 at 2:14 PM Theresa Schliep (b)(6) wrote:
Hello Kim,

Thanks so much for taking my call! I'm just digging around to see if I can get a copy of the June 7 letter from U.S. Attorney Weiss to Rep. Jim Jordan concerning the Hunter Biden situation. It's detailed at the bottom of this story from Politico: https://www.politico.com/news/2023/06/22/irs-whistleblowers-hunter-biden-case-00103252

Please let me know if you can help -- or feel free to send me along to someone else who you think might be able to provide me with a copy. Thanks so much for your time!

Best,
Theresa

--

Theresa Schliep (she/her)
Tax Correspondent
LAW360 Tax Authority
111 West 19th St.
5th Floor
New York, NY 10011

(o) (b)(6)
(m)

--

Theresa Schliep (she/her)
Tax Correspondent

LAW360 Tax Authority
111 West 19th St.
5th Floor
New York, NY 10011

(o) (b)(6)
(m)

Congress of the United States
Washington, DC 20515

June 29, 2023

The Honorable Daniel Werfel
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, D.C. 20224

Dear Commissioner Werfel:

Our Committees are continuing to conduct oversight of the programs and operations of the U.S. Department of Justice (DOJ) and Internal Revenue Service (IRS) within their respective jurisdictions. Recent startling testimony from IRS whistleblowers raises serious questions about the Agency's commitment to evenhanded justice and the veracity of assertions made to the Committee on Ways and Means. To fully assess these allegations, testimony is required from several Agency employees. We expect your full cooperation as we arrange these transcribed interviews.

From recent testimony before the Committee on Ways and Means, we have identified several Agency employees who we believe possess information concerning allegations of politicization and misconduct with respect to the investigation of Hunter Biden. Specifically, the Committees seek to examine whistleblower claims that the investigation of Hunter Biden was purposely slow-walked and subjected to improper and politically motivated interference.[1] The Committees must obtain the first-hand testimony from these individuals to fully assess the serious allegations raised by these brave IRS whistleblowers. Accordingly, we ask that you initially make the following Agency employees available for transcribed interviews before the Committee on Ways and Means promptly:

1. Michael T. Batdorf
2. Darrell J. Waldon

We anticipate that we may require testimony from additional Agency employees as our oversight continues, and we expect your cooperation in facilitating these future interviews as well. To the extent that the Agency attempts to interfere with our oversight by asserting that line-level employees are off-limits to congressional oversight, please be advised that we will not accept that excuse. Congressional committees have regularly received testimony from non-

[1] *See* Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023); Transcribed interview of Case Agent, Internal Revenue Service (June 1, 2023).

Senate-confirmed and line-level DOJ employees in the past.[2] We expect this past precedent to apply to our oversight in this matter as well.

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."[3] Pursuant to Rule X of the Rules of the House of Representatives, the Committee on Ways and Means is authorized to conduct oversight of the IRS and the administration of the Internal Revenue Code.[4] The Committee on the Judiciary has jurisdiction over criminal justice matters in the U.S. The Committee on Oversight and Accountability may examine "any matter" at any time. The Committees' need to obtain first-hand testimony from Agency employees is vital for carrying out our oversight and for informing potential legislative reforms to the operations and activities of the Agency.

To avoid any unnecessary delay, we ask that you please direct your staff to work with the Committee on Ways and Means staff to begin scheduling these transcribed interviews as soon as possible, but no later than 5:00 p.m. on July 13, 2023. Please be aware that the Committees will resort to compulsory process to obtain the required testimony. Thank you for your prompt attention to this matter.

Sincerely,

Jason Smith
Chairman
Committee on the Ways and Means

Jim Jordan
Chairman
Committee on the Judiciary

James Comer
Chairman
Committee on Oversight and Accountability

[2] *See, e.g.*, Transcribed interview of Gary Grindler, U.S. Dep't of Justice (Dec. 14, 2011); Transcribed interview of Jack Smith, U.S. Dep't of Justice (May 29, 2014); Transcribed interview of Richard Pilger, U.S. Dep't of Justice (May 6, 2014); Transcribed interview Maame Frimpong, U.S. Dep't of Justice (July 19, 2016); Transcribed interview of Michael B. Steinbach, U.S. Dep't of Justice (June 16, 2020); Transcribed interview of Bruce Ohr, U.S. Dep't of Justice (June 30, 2020); Transcribed interview of Stuart Evans, U.S. Dep't of Justice (July 31, 2020); Transcribed interview of Deputy Chief, Counterintelligence and Export Control Section, U.S. Dep't of Justice (Sept. 18, 2020).
[3] *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).
[4] Rules of the U.S. House of Representatives, R. X (2023).

cc: The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means

The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

Congress of the United States
Washington, DC 20515

June 29, 2023

The Honorable Merrick B. Garland
Attorney General
Department of Justice
Washington, DC 20530

Dear Attorney General Garland:

Our Committees are continuing to conduct oversight of the programs and operations of the Department of Justice and Internal Revenue Service within their respective jurisdictions. Recent startling testimony from Internal Revenue Service whistleblowers raises serious questions about the Department's commitment to evenhanded justice and the veracity of assertions made to the Committee on the Judiciary. In order to fully assess these allegations, testimony is required from several Department and Federal Bureau of Investigation employees. We expect your full cooperation as we arrange these transcribed interviews.

From recent testimony before the Ways and Means Committee, we have identified several Department employees who we believe to possess information concerning allegations of politicization and misconduct with respect to the Department's investigation of Hunter Biden. Specifically, the Committees seek to examine whistleblower claims that the Department's investigation of Hunter Biden was purposely slow-walked and subjected to improper and politically motivated interference.[1] The Committees must obtain the first-hand testimony from these individuals to fully assess the serious allegations raised by these brave IRS whistleblowers. Accordingly, we ask that you initially make the following Department employees available for transcribed interviews before the Judiciary Committee promptly:

1. Lesley Wolf
2. Jack Morgan
3. Mark Daly
4. Matthew Graves
5. E. Martin Estrada
6. David Weiss
7. Stuart Goldberg
8. Shawn Weede
9. Shannon Hanson
10. Tom Sobocinski (FBI)
11. Ryeshia Holley (FBI)

We anticipate that we may require testimony from additional Department or FBI employees as our oversight continues, and we expect your cooperation in facilitating these future interviews as well. To the extent that the Department attempts to interfere with our oversight by asserting that line-level employees are off-limits to congressional oversight, please be advised that we will not

[1] *See* Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023); Transcribed interview of Case Agent, Internal Revenue Service (June 1, 2023).

accept that excuse. Congressional committees have regularly received testimony from non-Senate-confirmed and line-level Justice Department employees in the past.[2] We expect this past precedent to apply to our oversight in this matter as well.

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."[3] Pursuant to Rule X of the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction over criminal justice matters in the United States.[4] The Committee on Ways and Means is authorized to conduct oversight of the Internal Revenue Service and the administration of the Internal Revenue Code. The Committee on Oversight and Accountability may examine "any matter" at any time. The Committees' need to obtain first-hand testimony from Department employees is vital for carrying out our oversight and for informing potential legislative reforms to the operations and activities of the Department.

To avoid any unnecessary delay, we ask that you please direct your staff to work with the Judiciary Committee staff to begin scheduling these transcribed interviews as soon as possible, but no later than 5:00 p.m. on July 13, 2023. Please be aware that the Committees will resort to compulsory process to obtain the required testimony. Thank you for your prompt attention to this matter.

Sincerely,

Jim Jordan
Chairman
Committee on the Judiciary

Jason Smith
Chairman
Committee on Ways and Means

James Comer
Chairman
Committee on Oversight and Accountability

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[2] *See, e.g.*, Transcribed interview of Gary Grindler, U.S. Dep't of Justice (Dec. 14, 2011); Transcribed interview of Jack Smith, U.S. Dep't of Justice (May 29, 2014); Transcribed interview of Richard Pilger, U.S. Dep't of Justice (May 6, 2014); Transcribed interview Maame Frimpong, U.S. Dep't of Justice (July 19, 2016); Transcribed interview of Michael B. Steinbach, U.S. Dep't of Justice (June 16, 2020); Transcribed interview of Bruce Ohr, U.S. Dep't of Justice (June 30, 2020); Transcribed interview of Stuart Evans, U.S. Dep't of Justice (July 31, 2020); Transcribed interview of Deputy Chief, Counterintelligence and Export Control Section, U.S. Dep't of Justice (Sept. 18, 2020).

[3] *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

[4] Rules of the U.S. House of Representatives, R. X (2023).

cc: The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means

The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

Congress of the United States
Washington, DC 20515

June 29, 2023

Ms. Kimberly Cheatle
Director
United States Secret Service
245 Murray Ln SW – Bldg. T-5
Washington, DC 20223

Dear Director Cheatle:

Our Committees are continuing to conduct oversight of the programs and operations of the Department of Justice, Internal Revenue Service, and U.S. Secret Service (Secret Service) within their respective jurisdictions. Recent startling testimony from Internal Revenue Service whistleblowers raises serious questions about the federal government's commitment to evenhanded justice and the veracity of assertions made to Congress. In order to fully assess these allegations, testimony is required from several Secret Service employees. We expect your full cooperation as we arrange these transcribed interviews.

From recent testimony before the Ways and Means Committee, we believe Secret Service employees possess information concerning allegations of politicization and misconduct with respect to the Department of Justice's investigation of Hunter Biden. Specifically, the Committees seek to examine whistleblower claims that on December 7, 2020, a whistleblower was informed "that FBI headquarters had notified Secret Service headquarters, and the Biden transition team, about IRS CI's plan to interview Hunter."[1] The whistleblower added, "this essentially tipped off a group of people very close to President Biden and Hunter Biden and gave this group an opportunity to obstruct the approach on the witnesses."[2]

Furthermore, there is evidence that the Department of Justice's investigation of Hunter Biden was purposely slow-walked and subjected to improper and politically motivated interference.[3] The Committees must obtain the first-hand testimony from Secret Service employees to fully assess the serious allegations raised by these brave IRS whistleblowers. Accordingly, we ask that you initially make all Secret Service employees who received the December 7, 2020 tip-off from FBI and all Secret Service employees who may have passed this information along to the Biden family or presidential transition team available for transcribed interviews before the Oversight and Accountability Committee promptly.

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[1] *See* Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023) at 19.
[2] *Id*.
[3] *See* Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023); Transcribed interview of Case Agent, Internal Revenue Service (June 1, 2023).

We anticipate that we may require testimony from additional Secret Service employees as our oversight continues, and we expect your cooperation in facilitating these future interviews as well.

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."[4] Pursuant to Rule X of the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction over criminal justice matters in the United States.[5] The Committee on Ways and Means is authorized to conduct oversight of the Internal Revenue Service and the administration of the Internal Revenue Code. The Committee on Oversight and Accountability may examine "any matter" at any time. The Committees' need to obtain first-hand testimony from Secret Service employees is vital for carrying out our oversight and for informing potential legislative reforms to the operations and activities of the Department.

To avoid any unnecessary delay, we ask that you please direct your staff to work with the Oversight and Accountability Committee staff to begin scheduling these transcribed interviews as soon as possible, but no later than 5:00 p.m. on July 13, 2023. Please be aware that the Committees will resort to compulsory process to obtain the required testimony. Thank you for your prompt attention to this matter.

Sincerely,

James Comer
Chairman
Committee on Oversight and Accountability

Jason Smith
Chairman
Committee on Ways and Means

Jim Jordan
Chairman
Committee on the Judiciary

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[4] *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).
[5] Rules of the U.S. House of Representatives, R. X (2023).

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means

The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

From: James Lynch
Sent: Mon, 11 Sep 2023 13:23:30 -0400
To: USADE-Press; (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Re: Press Inquiry - David Weiss

Correction: The email was sent in April of 2022.

Duplicate

From: Milton, Pat
Sent: Mon, 26 Jun 2023 16:42:04 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] Re: Questions

Thank you.

Get Outlook for iOS

Duplicate

From: Barrett, Devlin
Sent: Sun, 1 Oct 2023 22:20:35 +0000
To: (b)(6); (b)(7)(C) (USADE)
Cc: Stein, Perry
Subject: [EXTERNAL] Re: reaching out

Got it, thanks

Sent from my iPhone

On Oct 1, 2023, at 6:19 PM, (b)(6); (b)(7)(C) (USADE) (b)(6); (b)(7)(C) wrote:

CAUTION: EXTERNAL SENDER

Duplicate

From: Chatelain, Ryan M
Sent: Thu, 25 May 2023 14:46:09 +0000
To: (b)(6); (b)(7)(C) (USADE)
Subject: [EXTERNAL] RE: Request for comment

Thanks for getting back to me, (b)(6); (b)(7)(C)

Duplicate