To: "Weinsheimer, Bradley (ODAG)" <(b) (6) Subject: FW: In re: (b)(3) per USAO-DE Date: Sun, 23 Apr 2023 15:22:39 +0000 Importance: Normal Attachments: 2023.04.21 - Letter to M. Daly, L. Wolf .pdf FYI. I'm sure this will be raised during our meeting. From: Wolf, Lesley (USADE) < (b)(6), (b)(7)(C) per USAO-DE Sent: Friday, April 21, 2023 8:47 PM (USADE) < (b)(6), (b)(7)(C) per USAO-DE(USADE) < (b)(6), (b)(7)(C) p>; Weiss, David (USADE) <(b)(6), (b)(/)(C) per USAO-DI (USADE) <(b) (6) Subject: Fwd: In re: (b)(3) per USAO-DE Get Outlook for iOS From: (b)(6) Matthew Salerno Sent: Friday, April 21, 2023 6:55:46 PM >; Wolf, Lesley (USADE) < (b)(6), (b)(7)(C) per USAO-DE To: Daly, Mark F. (TAX) < (b) (6) (USADE) <(b)(6), (b)(7)(C) per USAO-DE> Cc: (b)(6) Brian McManus ;(b)(6) Timothy McCarten (b)(6) Christopher Clark Subject: (b)(3) per USAO-DE Dear Mr. Daly, Ms. Wolf, and Please see the attached correspondence. Best. Matt Matthew S. Salerno **LATHAM & WATKINS LLP** 1271 Avenue of the Americas New York, NY 10020 Direct Dial: (b) (6) Email: (b) (b) https://www.lw.com

From: "Weiss, David (USADE)" < (b) (6)

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CLARK SMITH VILLAZOR

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



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

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

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

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)

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.

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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

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).

From: (b)(6) Matthew Salerno

To: "Weinsheimer, Bradley (ODAG)" <(b) (6)

Cc: (b)(6) Christopher Clark ,(b)(6) Timothy McCarten

(b)(6) Brian McManus

Subject: (b)(3) per USAO-DE

Date: Fri, 21 Apr 2023 23:09:00 +0000

Importance: Normal

Attachments: 2023-04-21 C.Clark Letter to B. Weinsheimer.pdf; 2023-04-

21 C. Clark Letter to M. Daly, L. Wolf, O(5) (6)(5)(6)(7)(6) per US

Dear Brad,

Please see the attached correspondence.

Best, Matt

Matthew S. Salerno

LATHAM & WATKINS LLP

1271 Avenue of the Americas New York, NY 10020

Direct Dial: (b) (6) Email: (b) (6)

https://www.lw.com

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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)
(b) (6)

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,

<u>/s/ Christopher J. Clark</u> Christopher J. Clark

CLARK SMITH VILLAZOR

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



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
(b)(8). (b)(7)(6) per USAO-DE; EOUS

Assistant United States Attorney United States Attorney's Office 1313 N. Market Street, Suite 400 PO Box 2046 Wilmington, DE 19899

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Regards,

/s/ Christopher J. Clark

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From: (b)(6), (b)(7)(C) per EOUSA (USAEO)" < (b) (6)

To: "Weinsheimer, Bradley (ODAG)" < (b) (6)

Cc: "Wilkinson, Monty (USAEO)" < (b) (6)

<(b) (6)

<(b) (6)

<(b) (6)

<(b) (6)

<(b) (6)

<(c)

**Wong, Norman (USAEO)" < (b) (6)

<(d)

**White, Neil (USAEO)" < (b) (6)

**Shea, Carol (USAEO)" < (b) (6)

**White, Neil (USAEO)" < (b) (6)

**Subject: (b)(5); (b)(5) per EOUSA

**Date: Wed, 14 Dec 2022 16:01:16 +0000

Importance: Normal

Good Morning ADAG Weinsheimer --



Please feel free to contact me with any questions regarding this request.

(b)(6), (b)(7)(C) per EOUSA

Assistant United States Attorney/Assistant General Counsel General Counsel's Office (On Detail) Executive Office for United States Attorneys 175 N Street NE, Suite 5.100 Washington, DC 20530

Main: (b)(6)
Direct: (b)(6)
Cell: (b)(6)

From: "Blier, William M.(OIG)" <(b) (6)

To: "Drouet, Suzanne (OPR)" <(b) (6)

>

Cc: "Weinsheimer, Bradley (ODAG)" < (b) (6)

Subject: (b) (5)

Date: Tue, 25 Oct 2022 16:04:03 +0000

Importance: Normal

Attachments: (b) (5)

Suzanne,

(b) (5); (b)(3), (b)(5) per USAO-DE

(b)(5); (b)(5) per USAO-DE

(b) (5)

Thanks. Bill

Federal agents see chargeable tax, gun-purchase case against Hunter Biden

Delaware U.S. Attorney David Weiss, a Trump appointee, must decide whether to charge the son of the current president

By <u>Devlin Barrett</u>

and

Perry Stein

October 6, 2022 at 2:26 p.m. EDT

Hunter Biden, the son of President Biden, speaks to guests during the White House Easter Egg Roll on the South Lawn of the White House on April 18 in Washington. (Andrew Harnik/AP)

Listen

8 min

Comment

8220

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Federal agents investigating President Biden's son Hunter have gathered what they believe is sufficient evidence to charge him with tax crimes and a false statement related to a gun purchase, according to people familiar with the case. The next step is for the U.S. Attorney in Delaware, a Trump administration holdover, to decide on whether to file such charges, these people said.

The <u>investigation into Hunter Biden</u> began in 2018, and became a central focus for then-president Donald Trump during his unsuccessful 2020 reelection effort. Initially, the investigation centered around Hunter Biden's finances related

to <u>overseas business ties and consulting work</u>. Over time, investigators with multiple agencies focused closely on whether he did not report all of his income, and whether he lied on gun purchase paperwork in 2018, according to the people familiar with the situation, who spoke on the condition of anonymity to discuss an ongoing case.

Agents determined months ago they had assembled a viable criminal case against the younger Biden. But it is ultimately up to prosecutors at the Justice Department, not agents, to decide whether to file charges in cases where prosecutors believe the evidence is strong enough to lead to a likely conviction at trial.

Given the intense political interest in a criminal probe involving the son of a sitting president, Attorney General Merrick Garland has made clear that the U.S. Attorney in Delaware, David C. Weiss, who was nominated by Trump in late 2017, is supervising the case.

Garland has vowed there will be no political or otherwise improper interference in the Hunter Biden case, and has not moved to push Weiss to make a decision, the people familiar with the matter said. It is not uncommon for Justice Department investigations to take years to finish. Justice Department policy would require any criminal tax charges to be approved by the department's tax division.

A spokeswoman for Weiss declined to comment, as did spokespeople for the Justice Department, and the FBI and the IRS, the two primary investigative agencies.

Asked about the case, Chris Clark, a lawyer for Hunter Biden, accused investigators of leaking information. "It is a federal felony for a federal agent to leak information about a Grand Jury investigation such as this one," Clark said in a written statement. "Any agent you cite as a source in your article apparently has committed such a felony. We expect the Department of Justice will diligently investigate and prosecute such bad actors. As is proper and legally required, we believe the prosecutors in this case are diligently and thoroughly weighing not just evidence provided by agents, but also all the other witnesses in this case, including witnesses for the defense. That is the job of the prosecutors. They should not be pressured, rushed, or criticized for doing their job."

Inside Hunter Biden's multi-million-dollar deals with a Chinese energy company

Any charging decision involving the Biden case is especially fraught because Trump and his allies have made accusations of corruption in Hunter Biden's business dealings a key line of attack against Democrats, both before and after the 2020 presidential race. At the height of the election campaign, Trump allies revealed that a Delaware computer shop owner had turned over to the FBI a laptop that had apparently belonged to Hunter Biden. Trump and others argued the data on the laptop showed evidence of unethical and possible illegal business deals; Joe Biden and his supporters denounced the efforts as a smear.

In March, <u>The Washington Post reported that two computer security experts</u> had reviewed thousands of the emails purportedly from Hunter Biden's computer and found they were authentic communications, based on cryptographic signatures from Google and other technology companies. It could not be determined for this article whether the laptop and its contents were useful in the Justice Department investigation.

The Biden probe has proceeded with relatively little fanfare in recent months amid the much larger and more public Justice Department and FBI investigation into whether Trump mishandled classified material at Mar-a-Lago — and a separate federal investigation into efforts to overturn the 2020 election results. Trump and his allies have sharply.criticized federal law enforcement over both those cases.

Pages from a Department of Justice court filing on Aug. 30 in response to a request from the legal team of former president Donald Trump for a special master to review the documents seized during the Aug. 8 search of Mar-a-Lago are photographed early Aug. 31. Included in the filing was an FBI photo of documents that were seized during the search. (Jon Elswick, AP)

Questions about the younger Biden's foreign business ventures have long dogged his father's political life. Trump and his GOP allies specifically cite as ethical conflicts Hunter Biden's past work for a Ukrainian gas company while his father was vice president, as well as his China-related business affairs. In a July 2019 phone call, Trump urged Ukrainian president Volodymyr Zelensky to investigate both Joe and Hunter Biden — part of a pressure campaign that led to the first of Trump's two impeachment trials in Congress.

In December 2020 federal agents sought to interview the younger Biden, leading him to <u>publicly acknowledge</u> that he was under investigation. "I take this matter very seriously but I am confident that a professional and objective review of these matters will demonstrate that I handled my affairs legally and appropriately, including with the benefit of professional tax advisors," Hunter Biden said in a statement at that time.

Clark, Hunter Biden's lawyer, said in his statement Thursday that he has "had no contact whatsoever with any federal investigative agent. Therefore, a rendition of the case from such an 'agent' is inherently biased, one-sided, and

inaccurate. It is regrettable that law enforcement agents appear to be violating the law to prejudice a case against a person who is a target simply because of his family name."

Republicans have pressed the Biden administration to appoint a special counsel to take over the investigation into the president's son, arguing the step was needed to ensure public confidence in the probe's outcome. Under Justice Department regulations, any special counsel would still answer to the attorney general, however. Garland chose not to make such an appointment, instead keeping the case with Weiss, whose previous career as a federal prosecutor stretches back decades and includes violent crime and white-collar cases.

In the early days of the Biden administration, <u>a Justice Department official said</u> removing Weiss as U.S. Attorney as he was overseeing the Hunter Biden case would likely spark significant political backlash.

Biden will ask Trump's U.S. attorneys to step down, with a few exceptions

In April, after White House chief of staff Ron Klain said Biden "is confident that his son didn't break the law," Garland was asked at a Senate hearing about how the Justice Department is handling the case.

Weiss "is in charge of that investigation. There will not be interference of any political or improper kind," Garland answered. "We put the investigation in the hands of a Trump appointee from the previous administration."

President Biden, center, waves as he is joined by, from left, son Hunter Biden, grandson Beau Biden, first lady Jill Biden and daughter-in-law Melissa Cohen as they stand at the top of the steps of Air Force One at Andrews Air Force Base, Md., on Aug. 10, before heading to South Carolina for a week-long vacation on Kiawah Island. (Susan Walsh/AP) The primary focus of the tax investigation has been whether Hunter Biden did not declare income related to his various business ventures, including overseas. The gun paperwork part of the investigation stems from 2018, a time period in which Hunter Biden, by his own account, was smoking crack cocaine.

In October of that year, Biden purchased a handgun, filling out a federal form in which he allegedly answered "no" to the question whether he was "an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?"

<u>From the archives: How Ukraine put Trump and Biden on a collision course</u>

According to <u>a book Hunter Biden later wrote</u> about his struggles with substance abuse, he was using drugs heavily that year.

Prosecutions for false statements on gun-purchase forms are relatively rare, but they do happen. Federal agents refer to such cases as "lying and buying." Historically, prosecutors have significant discretion to decide which ones are worth federal resources.

"A prosecutor can say they have bigger fish to catch, or they can decide to seek a deal," said Joseph G. Green, a retired agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives. "As agents, we would always include as many charges as we could, but it's ultimately up to the prosecutor to decide which ones they will bring."

From: "Weinsheimer, Bradley (ODAG)" <(b) (6)

To: "BenAry, Michael (ODAG)" < (b) $\overline{(6)}$

Subject: FW: Tax Memos re Hunter Biden **Date:** Wed, 19 Apr 2023 16:04:40 -0000

Importance: Normal

Attachments: Chief's Note Final(22024794.1).docx; RHB rev note(22024793.1).docx

For next week's meeting. I have asked the defense team to get me anything they want to provide by Friday.

Thanks, Brad.

From: Weiss, David (USADE) <(b) (6)

Sent: Wednesday, April 19, 2023 11:54 AM

To: Weinsheimer, Bradley (ODAG) <(b) (6)

Subject: Tax Memos re Hunter Biden

Brad,

Attached are the final supervisor memos on Hunter Biden.

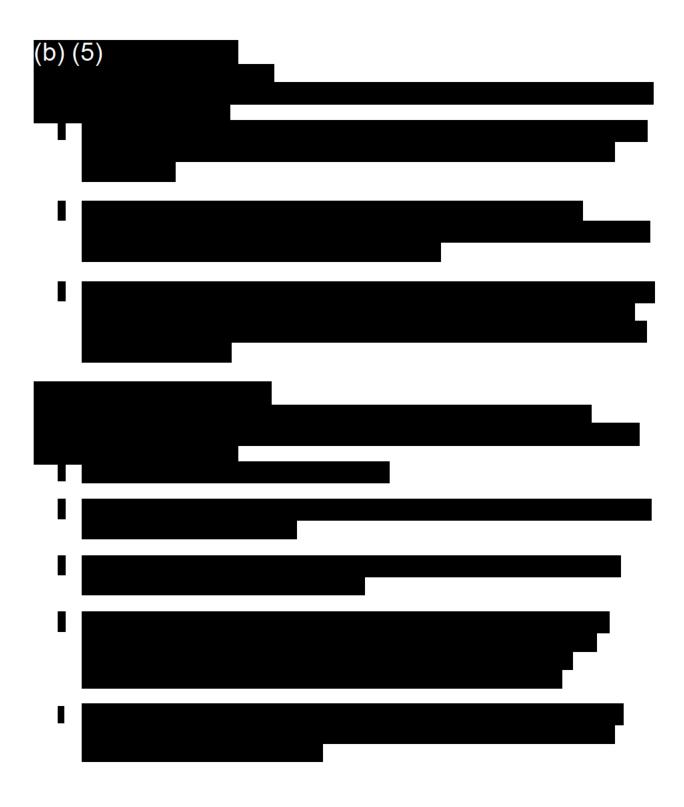
David

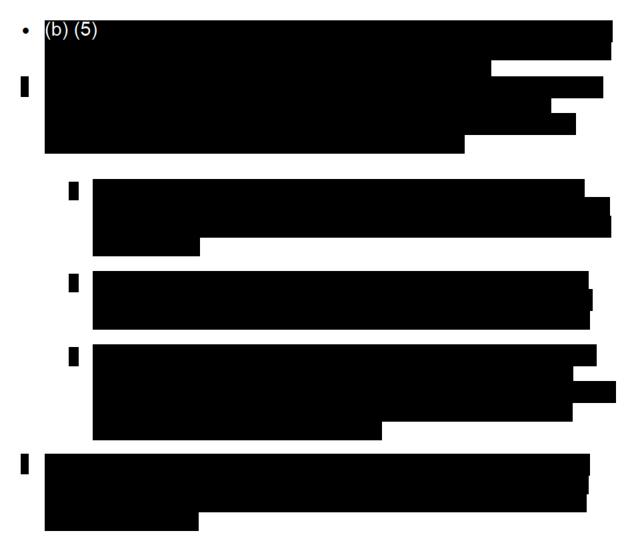
OPA Hot Topic Q&A

As of Monday, May 1, 2023

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IRS Whistleblower

Q: It was reported that lawyers for Hunter Biden met with DOJ officials at DOJ headquarters last week. What does the meeting signal about the status of the investigation?

For any questions regarding this investigation, I will refer you to the U.S. Attorney
in Delaware. I have no further comment.

Q: An attorney for an IRS special agent wrote to Congress asking for whistleblower protections regarding what appears to be claims of political interference by DOJ in the Hunter Biden tax probe. The reporting alleges that U.S. Attorney in Delaware David Weiss, who you have repeatedly claimed has independence in the investigation, asked to be named a special counsel in the probe but was turned down. Did you deny Weiss a special counsel?

• For any questions regarding this investigation, I will refer you to the U.S. Attorney in Delaware. I have no further comment.

Q: The whistleblower has also alleged that a senior political appointee that appears to be you lied under oath about how the DOJ is handling the case. Do you stand by your testimony under oath that the U.S. Attorney Weiss is free to run the investigation?

• For any questions regarding this investigation, I will refer you to the U.S. Attorney in Delaware. I have no further comment.

Q: Public reporting also alleges the agent has provided evidence that at least two Biden DOJ political appointees in U.S. attorneys' offices have declined to seek a tax indictment against Hunter Biden despite career investigators' recommendations to do so. Have you or any DOJ employees improperly influenced the case?

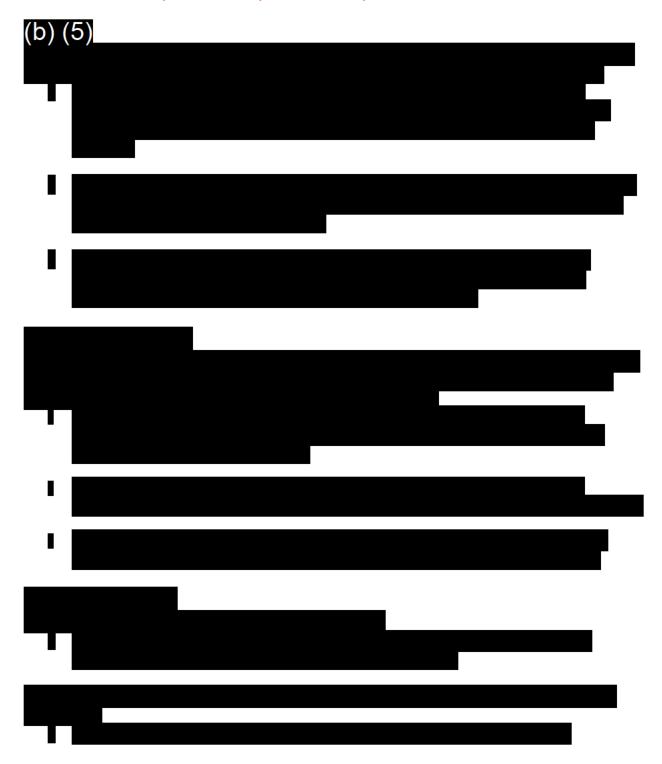
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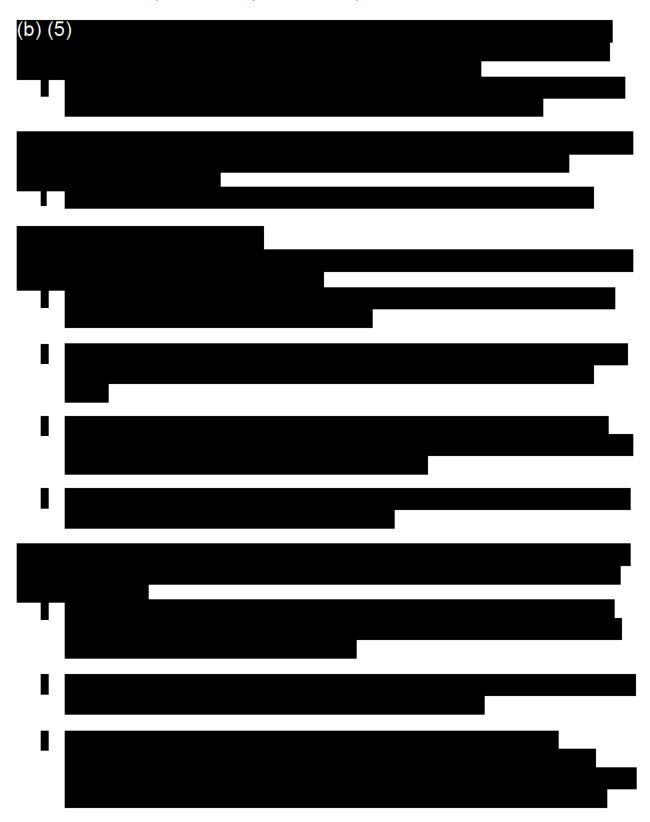


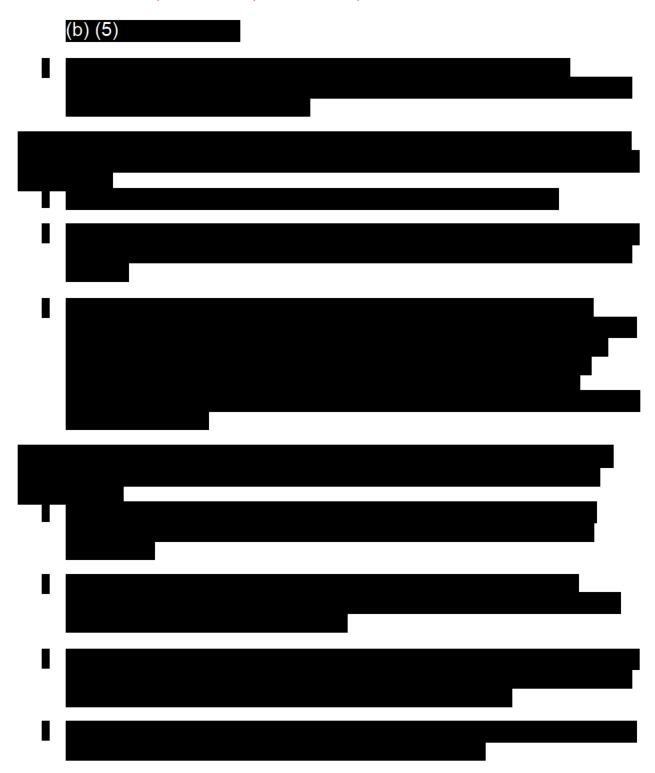






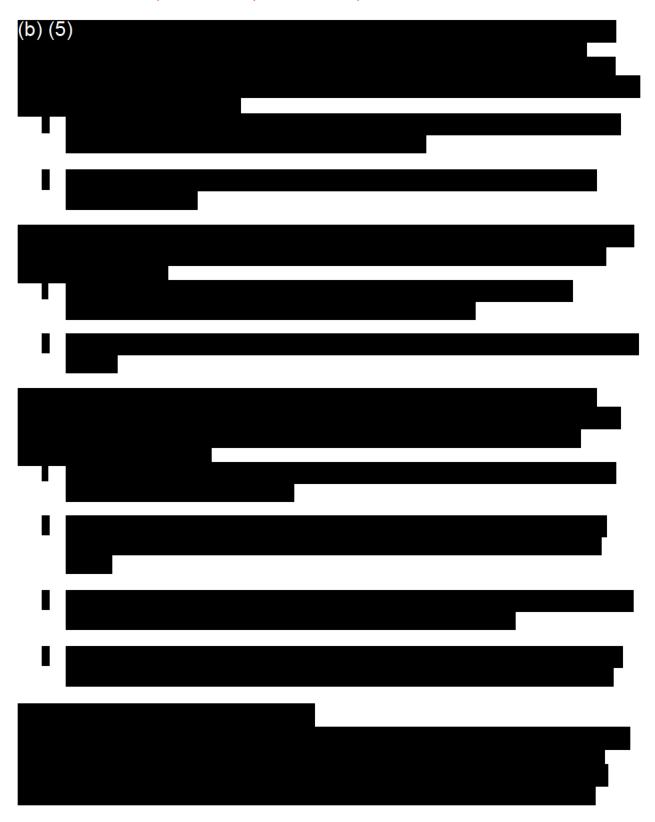


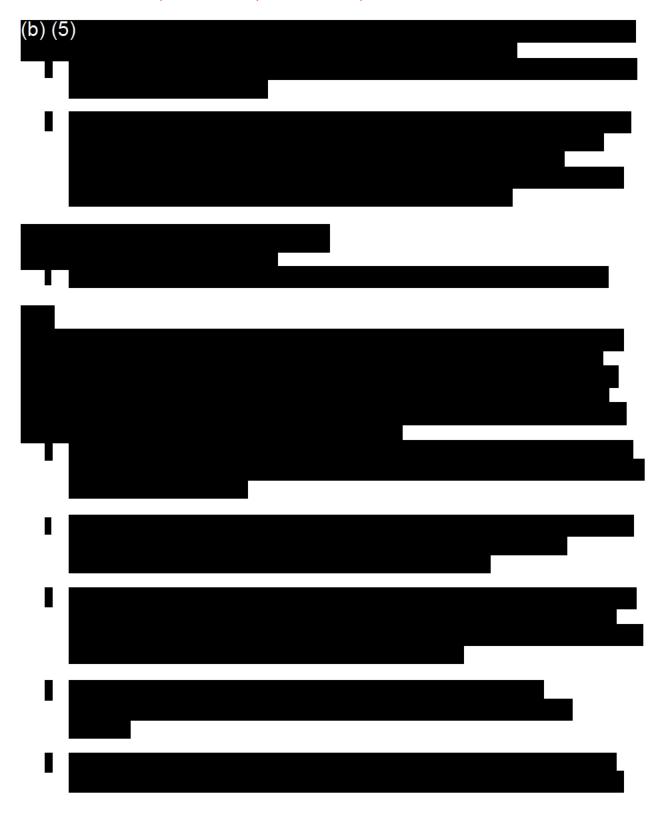




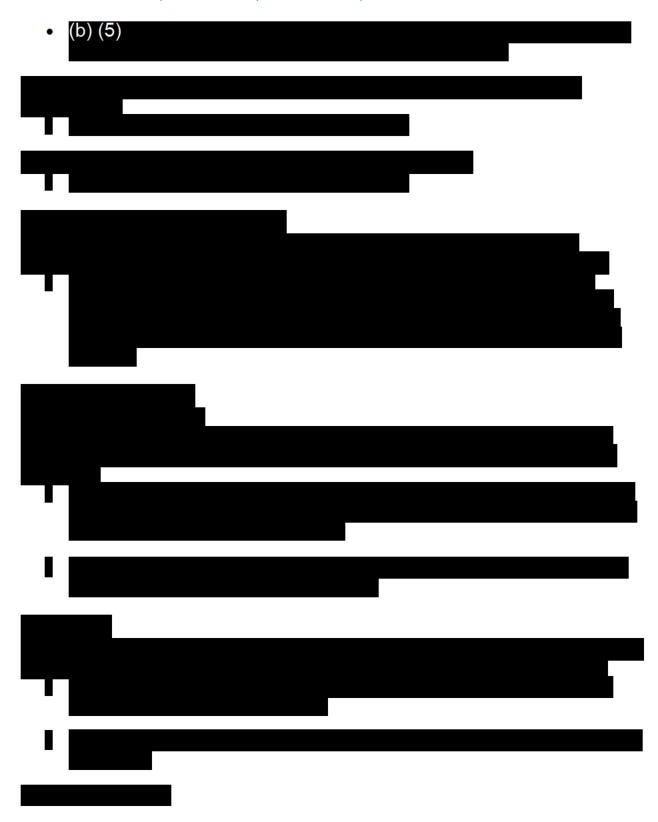


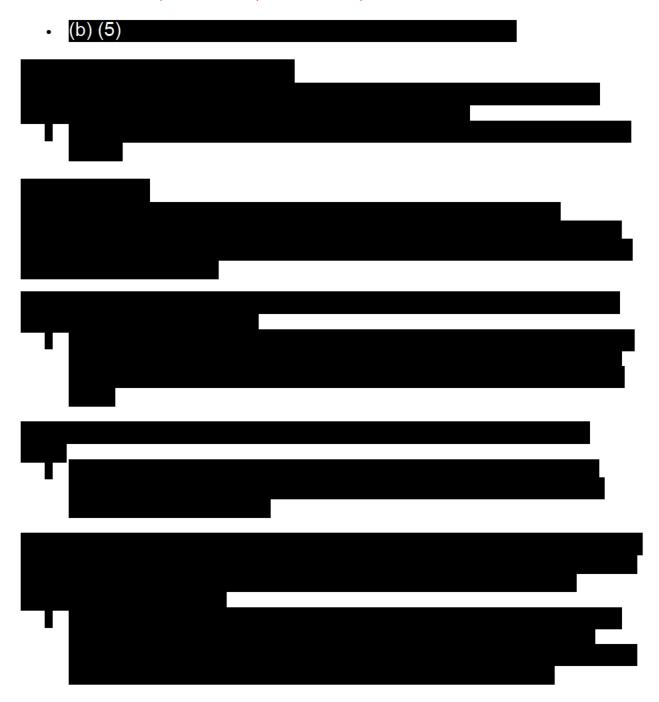










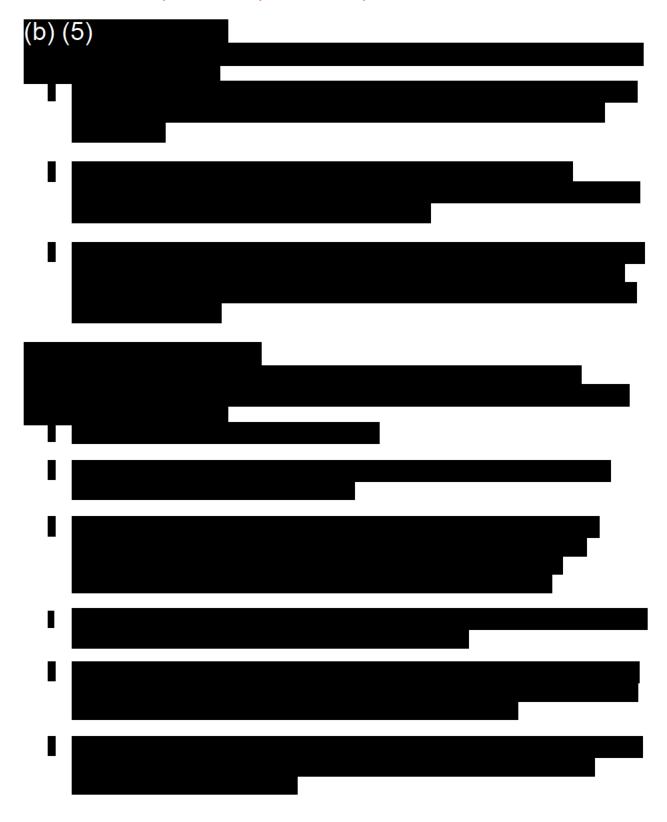


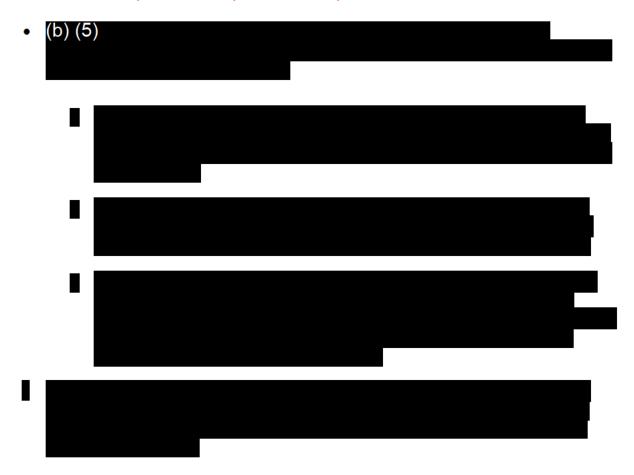
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(b) (5)			16





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As you know, I do not comment on ongoing investigations.

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Hold

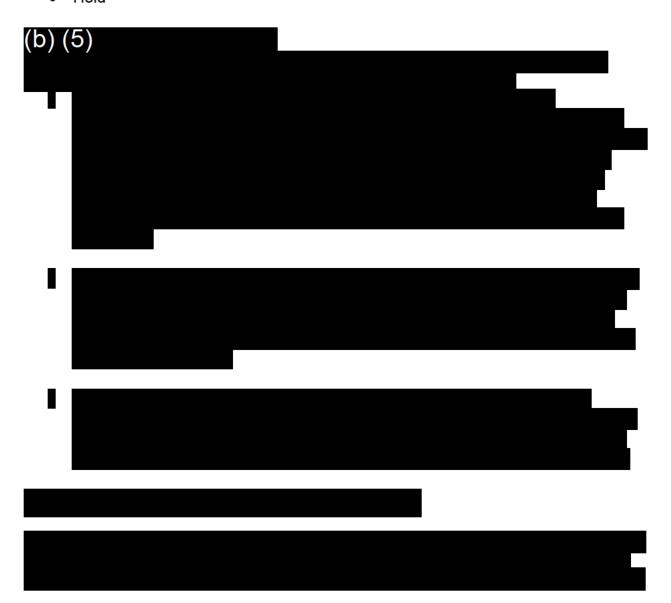
Q: The whistleblower has also alleged that a senior political appointee that appears to be you lied under oath about how the DOJ is handling the case. Do

you stand by your testimony under oath that the U.S. Attorney Weiss is free to run the investigation?

Hold

Q: Public reporting also alleges the agent has provided evidence that at least two Biden DOJ political appointees in U.S. attorneys' offices have declined to seek a tax indictment against Hunter Biden despite career investigators' recommendations to do so. Have you or any DOJ employees improperly influenced the case?

Hold



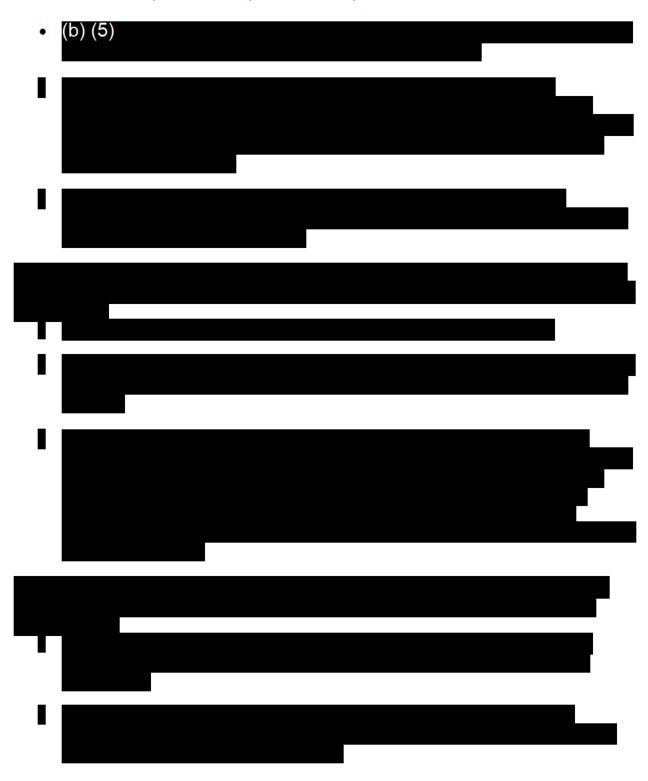










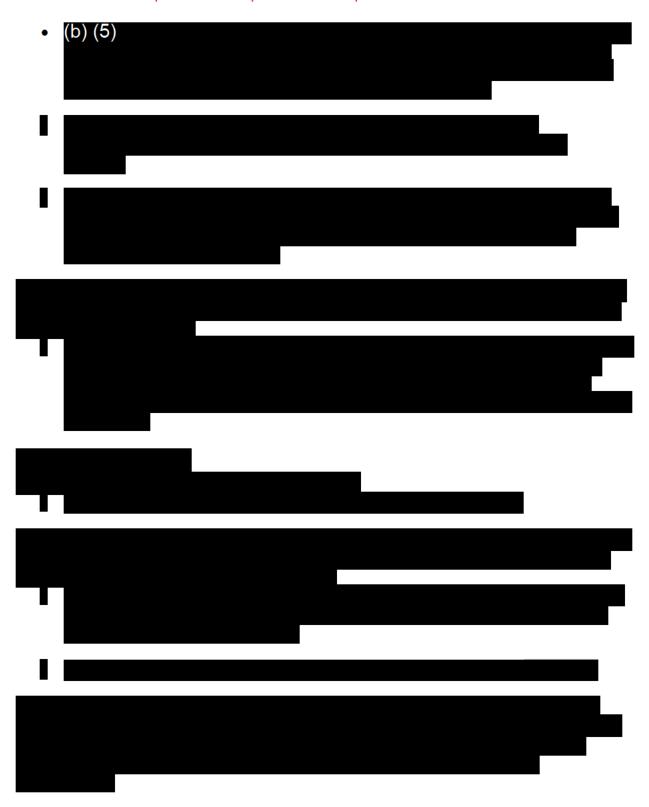


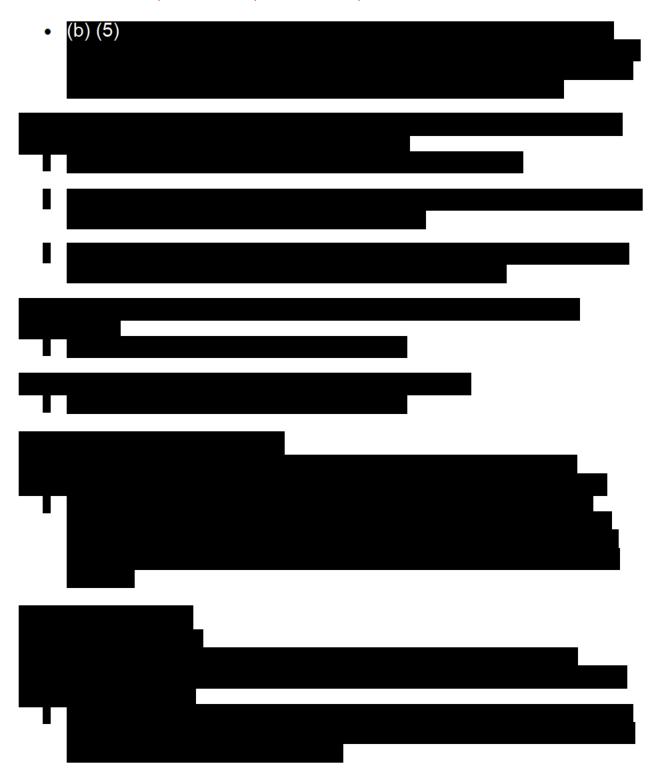
















DRAFT / DELIBERATIVE / PREDECISIONAL/NOT REVIEWED BY PRINCIPALS

OPA Hot Topic Q&A

As of Friday, April 21, 2023

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IRS Whistleblower

Q: An attorney for an IRS special agent wrote to Congress asking for whistleblower protections regarding what appears to be claims of extreme political interference by DOJ in the Hunter Biden tax probe. According to public reporting, the agent has provided evidence that at least two Biden DOJ political appointees in U.S. attorneys' offices have declined to seek a tax indictment against Hunter Biden despite career investigators' recommendations to do so. Reporting also alleges that Weiss asked to be named a special counsel in the probe but was turned down. Did you deny Weiss a special counsel? Have you or any DOJ employees improperly influenced the case, including by determining the tactics investigators can and cannot use? Do you stand by your testimony under oath that Weiss has independence in the investigation?

Hold

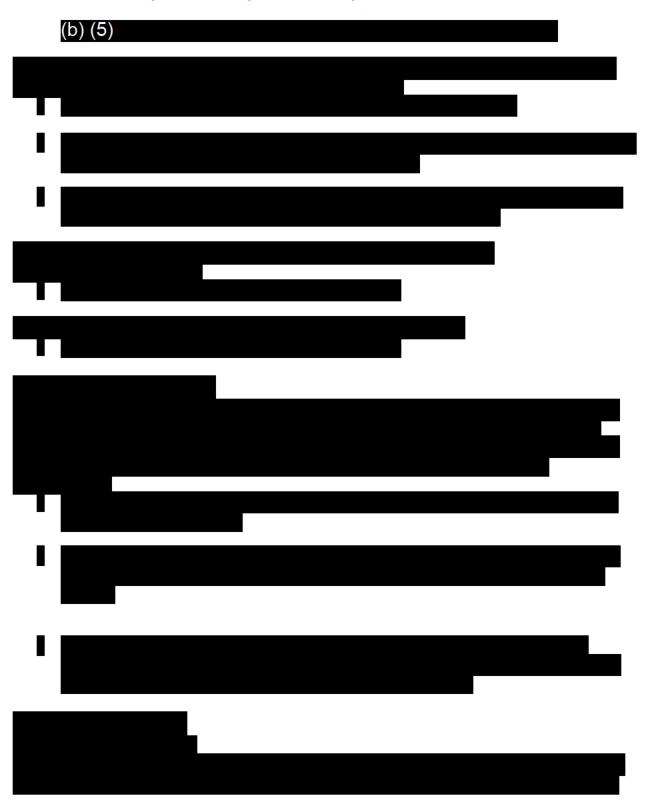






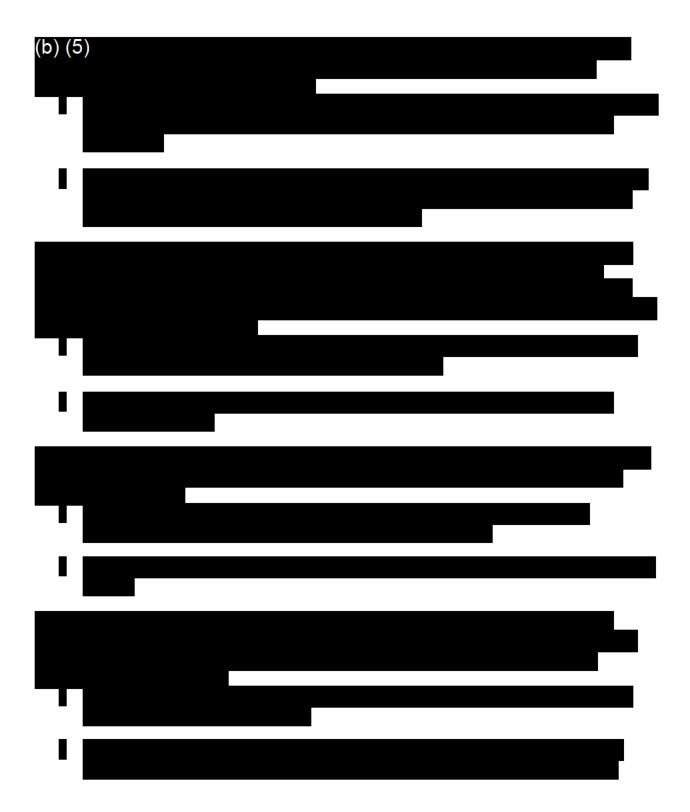








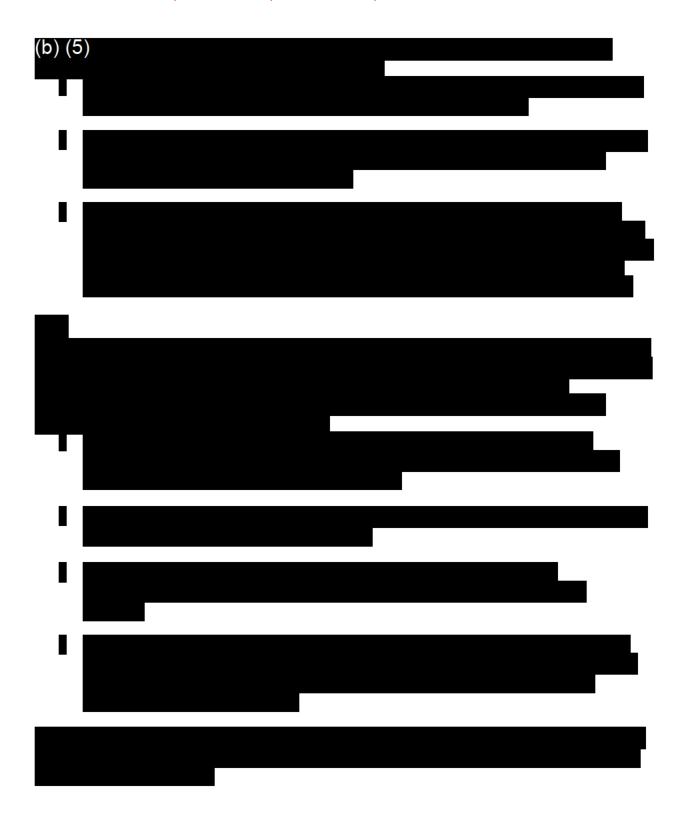














Weiss Investigation Referrals

QUESTIONS



• (b) (5)

ANSWERS



• (b) (5)

BACKGROUND

Congressional Oversight of Biden Family Members

- In September 2020, then-Senate Finance Committee (SFC) Chairman Grassley and Homeland Security and Governmental Affairs Committee (HSGAC) chairman Ron Johnson issued a report of their investigation into potential conflicts of interest involving Hunter Biden's financial relationships and then-Vice President Biden.
 - The report asserted that Hunter Biden's service on the board of Ukrainian energy company Burisma, whose founder was at the center of corruption allegations, created the perception of a conflict of interest and was "awkward for U.S. officials pushing an anticorruption agenda in Ukraine."
 - The report also asserted that Hunter Biden and other Biden family members (President Biden's brother James Biden and his wife, Sara Biden) "received millions of dollars from foreign nationals with questionable backgrounds" and had "extensive financial connections" with Chinese individuals linked to the PRC government.

- In early 2022, Senators Grassley and Johnson released bank records and made several floor speeches elaborating on their prior claims about Hunter and James Biden's financial ties to PRC-linked individuals and entities.
- Since January 2023, the House Committee on Oversight and Reform been "investigating the Biden family's domestic and international business dealings to determine whether these activities compromise U.S. national security and President Biden's ability to lead with impartiality."
 - On January 11, 2023, Chairman Comer sent a letter to the Treasury Department requesting Suspicious Activity Reports involving various Biden family associates and Hunter, James, and Sara Biden. On March 14, 2023, the Treasury Department agreed to make the SARs available.
 - On March 16, 2023, Comer released a memo summarizing financial records the committee obtained in response to a subpoena. The memo claims that Hunter, James, Hallie, and an unknown Biden collectively received over \$1.3 million in payments from Rob Walker, a Biden family associate who had obtained most of his money from a Chinese energy company.
 - On May 3, 2023, citing "highly credible unclassified whistleblower disclosures," Comer subpoenas the FBI for an FD-1023 that "describes an alleged criminal scheme involving then-Vice president Biden and a foreign national relating to the exchange of money for policy decisions."
 - On May 10, 2023, Comer and several other House Oversight Committee Republicans held a press conference to discuss what they say are more than \$10 million in payments to Biden family members from companies run by foreign nationals.

AG Testimony and IRS Whistleblower

- During his March 1, 2023, testimony before the Senate Judiciary Committee, Attorney General Garland addressed the independence of U.S. Attorney's Weiss's investigation in response to questions from Senator Grassley. He testified:
 - "The U.S. Attorney in Delaware has been advised that he has full authority to make those kinds of referrals that you're talking about [referrals to U.S. Attorneys in other districts] or to bring cases in other jurisdictions if he feels it's necessary. And I assure you that if he does, he will be able to do that."
 - o In response Grassley's question, "has the Delaware U.S. Attorney sought

DRAFT - PREDECISIONAL - DELIBERATIVE

permission of another U.S. Attorney's Office, such as the District of Columbia or in California to bring charges?" the Attorney General testified, "I don't know the answer to that ... and I don't want to get into the internal elements of decision-making by the U.S. Attorney, but he has been advised that he is not to be denied anything that he needs. And if that were to happen, it should ascend through the Department's ranks, and I have not heard anything from that office to suggest that they are not able to do everything that the U.S. Attorney wants to do."

- On April 19, 2023, an attorney representing an IRS Criminal Supervisory Special Agent "who has been overseeing the ongoing and sensitive investigation of a high-profile, controversial subject since early 2020" wrote to several congressional committees about his client's interest in making a protected whistleblower disclosure. The letter indicated that the IRS whistleblower's disclosures "(1) contradict sworn testimony to Congress by a senior political appointee, (2) involve failure to mitigate clear conflicts of interest in the ultimate disposition of the case, and (3) detail examples of preferential treatment and politics improperly infecting decisions and protocols that would normally be followed by career law enforcement professionals in similar circumstances if the subject was not politically connected."
- According to John Solomon's <u>Just the News</u> website, the IRS whistleblower "has provided evidence that at least two Biden DOJ political appointees in U.S. Attorney's Offices have declined to seek a tax indictment against Hunter Biden despite career investigators' recommendations to do so and the blessings of career prosecutors in the DOJ Tax Division."