



**Trying to Prove a Negative:
Republicans' Unsubstantiated and Politically Motivated Attacks
against Special Counsel David Weiss's Investigation**



Democratic Staff Report
Committee on the Judiciary
U.S. House of Representatives

January 2, 2025

Foreword by the Ranking Member

On September 20, 2023, declaring that “the fix is in,” Chairman Jordan unleashed a torrent of accusations claiming that the Justice Department had improperly interfered in then-U.S. Attorney David Weiss’s investigation into Hunter Biden by, among other things, blocking Weiss from bringing charges; assigning politically motivated staff to run the investigation; and providing notice to the Secret Service before attempting to interview Mr. Biden.¹

The Chairman’s allegations were based largely on testimony provided by two IRS employees who testified before the House Committee on Ways & Means. Democratic Judiciary Committee Members and staff were prevented from either attending that interview or cross-examining those witnesses.

One year, nine interviews, countless taxpayer dollars, and hundreds of hours of Committee time later, it is abundantly clear that those witnesses’ contentions were based on a misunderstanding of law enforcement and prosecution processes and procedures. Chairman Jordan’s decision to treat on these untested claims as factual has proven to be a serious error.

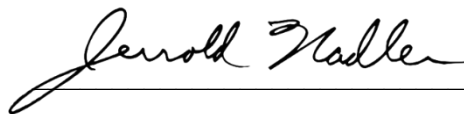
In fact, witness after witness testified that far from being working to protect Hunter Biden, prosecutors were working to build the strongest case possible against him.

Witnesses after witness testified that giving the Secret Service advance notice is standard procedure to ensure the safety of all involved anytime that armed agents intend to approach any protected person.

And witness after witness testified that they found it patently offensive for Republicans to accuse them of being motivated by politics to stop or slow-walk the investigation.

The proposed rules package for the 119th Congress includes provisions authorizing the Judiciary Committee to re-issue subpoenas to two of the line attorneys involved in the prosecution. This rule is patently unnecessary, as the Chairman already holds broad subpoena authority. Nevertheless, the rule’s inclusion in the proposed package makes it clear that the Chairman intends to continue spending time and money pursuing a baseless investigation, with the goal of hurting and attacking anyone – even line attorneys – involved in this prosecution.

The fix may be in. But “the fix” is the Chairman’s relentless push to waste taxpayer time and money trying to prove a set of facts that simply does not exist. It’s past time for the Committee to stop wasting time pursuing unsubstantiated, politically motivated investigations and to start doing the actual work of the American people.



Jerrold Nadler
Ranking Member
House Committee on the Judiciary

¹ *Hearing on Oversight of the U.S. Department of Justice Before the H. Comm. on the Judiciary*, 118th Cong. at 1-2 (Sept. 20, 2023), <https://www.govinfo.gov/content/pkg/CHRG-118hrg53649/pdf/CHRG-118hrg53649.pdf>

Contents

<i>Foreword by the Ranking Member</i>	1
II. Introduction.....	4
A. Congressional Republicans’ Inquiry into Weiss’s Investigation.....	7
III. There was no political interference in Special Counsel Weiss’s investigation.	10
A. Contrary to Republican claims, none of the prosecutors or investigators in this case were motivated by a desire to protect Hunter Biden or favor President Biden.	10
B. Witnesses repeatedly testified that political favoritism played no role in Weiss’s investigation.	15
C. Routine procedures and typical challenges—not political interference—drove investigative decision making in the Hunter Biden matter.	23
1. There is no evidence that the FBI improperly provided the Secret Service with advance notice of a plan to attempt a voluntary interview of Hunter Biden for political reasons.	24
2. Decisions not to interview certain witnesses were made for practical reasons that were not politically motivated.	28
3. The decisions regarding search warrants were tactical, were consistent with DOJ and IRS policies and were not politically motivated.....	32
4. The pace of the investigation was not driven by partisan considerations.....	42
5. Disagreements about case decisions between investigators and prosecutors are common and are not themselves evidence of politicization.	46
IV. Weiss had the necessary authority to bring any charges that he deemed appropriate in the Hunter Biden case, and he had this authority well before he was named Special Counsel.....	67
A. The Attorney General gave Weiss broad authority and did not interfere in his investigation.	67
B. Special Counsel Weiss had ultimate charging authority consistent with federal law and Department of Justice regulations.	69
1. Testimony from the case team confirms that Weiss has maintained charging authority in this case since the beginning of the investigation.	73
C. Weiss was not blocked from bringing charges by any U.S. Attorney’s Office or by DOJ’s Tax Division.	76
1. District of Columbia U.S. Attorney Matthew Graves did not block Weiss from bringing charges in the District of Columbia.	77
2. Central District of California U.S. Attorney Martin Estrada did not block Weiss from filing charges in California.	88
3. The Justice Department’s Tax Division never blocked Weiss from bringing charges..	95

D. Weiss held authority under 18 U.S.C. § 515 to file charges outside of the District of Delaware if needed.....	101
1. Weiss attempted to resolve Hunter Biden’s case with a plea agreement in which venue was waived—obviating the need for written conferral of § 515 authority to proceed in another district.	107
E. U.S. Attorney Weiss was never denied Special Counsel status.	108
V. Nobody ever blocked or denied Weiss’s authority to bring charges against Hunter Biden outside of Delaware. As discussed above, he was assured that he would have whatever authority he deemed necessary, and he was promptly granted that authority when the facts and circumstances of the case required it. Witness testimony debunks claims of retaliation and establishes that House Republicans’ investigations have harmed law enforcement officers and public servants.	109
A. Shapley and Ziegler were removed from the case due to their communication issues with prosecutors, not because of disclosures to Congress.....	110
B. Republicans’ politicized investigations are causing serious harm to law enforcement and public servants.....	113
1. Attorney General Merrick Garland testified about the increasing threats against public servants and the dangers of targeting individuals by name.	114
2. The FBI formed a new unit dedicated to threats against FBI employees.	115
3. Investigators and prosecutors involved with the Hunter Biden matter have faced threats to their safety because of far-right conspiracies targeting their work.	116
Glossary	125

I. Introduction

In December 2020, Hunter Biden, the son of then-President-elect Joe Biden, announced that the Delaware U.S. Attorney’s Office, headed by David Weiss, in conjunction with the Federal Bureau of Investigation (FBI) and the Internal Revenue Service (IRS), was investigating his tax affairs.² Media outlets reported at the time that the investigation had earlier included inquiries into possible money laundering violations, but, “The money laundering aspect of the case failed to gain traction after F.B.I. agents were unable to gather enough evidence for a prosecution.”³

When outgoing Attorney General Bill Barr was asked about the investigation into Hunter Biden later that month, he said that he believed that the matter was “being handled responsibly and professionally currently within the department, and to this point I have seen no reason to appoint a special counsel, and I have no plan to do so before I leave.”⁴

After President Biden was inaugurated on January 20, 2021, career Justice Department official Monty Wilkinson—then serving as acting attorney general while awaiting Merrick Garland’s confirmation—asked David Weiss, a Trump appointee, to stay on as U.S. Attorney for Delaware so that Weiss could continue managing the Hunter Biden investigation.⁵ During Merrick Garland’s confirmation hearing in February 2021, Garland said that he had “absolutely no reason to doubt that [asking Weiss to stay as U.S. Attorney in Delaware] was the correct decision.”⁶ Garland further testified that he had not discussed the Hunter Biden case with President Biden and noted, “The president made abundantly clear in every public statement before and after my nomination that decisions about investigations and prosecutions will be left to the Justice Department.”⁷

On October 6, 2022, the *Washington Post* reported:

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.⁸

² Adam Goldman, Katie Benner & Kenneth P. Vogel, *Hunter Biden Discloses He Is Focus of Federal Tax Inquiry*, N.Y. TIMES (Dec. 9, 2020), <https://www.nytimes.com/2020/12/09/us/politics/hunter-biden-tax-investigation.html>.

³ *Id.*

⁴ Ryan Lucas, *Barr Says No Need For Special Counsel For Hunter Biden Probe, Election Fraud Claims*, NPR (Dec. 21, 2020), <https://www.npr.org/2020/12/21/948787251/barr-says-no-need-for-special-counsel-for-hunter-biden-probe-election-fraud-clai>.

⁵ Katie Benner, *Justice Dept. Directs Trump-Appointed U.S. Attorneys to Leave*, N.Y. TIMES (Feb. 9, 2021), <https://www.nytimes.com/2021/02/09/us/politics/justice-department-us-attorneys.html>.

⁶ *Confirmation Hearing on the Nomination of Hon. Merrick Brian Garland to be Attorney General of the United States: Hearing Before the S. Comm. on the Judiciary*, 117th Cong. at 62 (Feb. 22, 2021), <https://www.govinfo.gov/content/pkg/CHRG-117shrg48356/pdf/CHRG-117shrg48356.pdf>.

⁷ *Id.* at 17.

⁸ Devlin Barrett & Perry Stein, *Federal agents see chargeable tax, gun-purchase case against Hunter Biden*, WASH. POST (Oct. 6, 2022), <https://www.washingtonpost.com/national-security/2022/10/06/hunter-biden-tax-gun-charges/>.

Hunter Biden’s attorneys have alleged that the information contained in the article includes leaked grand jury information and other law enforcement sensitive material which could only have been known by those working on the case.⁹

On June 20, 2023, the U.S. Attorney’s Office (USAO) in the District of Delaware filed a felony information charging Hunter Biden with one count of unlawful possession of a firearm while being a user of illegal narcotics.¹⁰ The charge was filed pursuant to a plea agreement in which Biden agreed to plead guilty to two misdemeanor counts of willful failure to pay taxes,¹¹ as well as a diversion agreement in which the government agreed to dismiss the firearm charge if Mr. Biden remained drug-free for 24 months and agreed not to own a firearm again.¹² As part of the plea agreement, Hunter Biden agreed to waive any challenge based on venue, which means that he agreed to waive the requirement that the U.S. Attorney bring the charges in the district in which the alleged offenses were committed.¹³

On July 26, 2023, Federal District Court Judge Maryellen Noreika deferred her decision about whether to accept or reject the plea agreement.¹⁴ In deferring the deal, Judge Noreika referenced its unusual structure and specifically questioned two of its points.¹⁵ First, Judge Noreika raised concerns about ambiguities surrounding a paragraph in the plea agreement that granted Hunter Biden immunity from future charges. Hunter Biden’s legal team was under the impression that the agreement’s immunity provision barred any charges at all against Hunter Biden based on the underlying investigation into his business dealings. Prosecutors, however, had a narrower view, saying that the deal would only give Hunter Biden immunity from additional tax charges between the years of 2014-2019, or charges related to the illegal gun possession—but arguing that the agreement did not foreclose potential charges on unrelated conduct discovered in the investigation.¹⁶ Judge Noreika directed the parties to continue working on the details of the plea agreement to resolve this ambiguity. Secondly, the judge had concerns about a provision of the diversion agreement that stated that if the U.S. Attorney’s Office believed that Hunter Biden violated the terms of his agreement, the Court would have to make a determination of whether a breach occurred before prosecutors could proceed with the gun

⁹ Letter from Christopher J. Clark, et al., Attorneys for Robert Hunter Biden, to the Hon. David C. Weiss, U.S. Att’y, D. Del. (Oct. 31, 2022) (on file with the Committee).

¹⁰ Info., *United States v. Robert Hunter Biden*, No. 1:23-cr-00061-MN (D. Del. Jun. 20, 2023), https://storage.courtlistener.com/recap/gov.uscourts.ded.82797/gov.uscourts.ded.82797.2.0_9.pdf.

¹¹ Michael S. Schmidt & Adam Entous, *Hunter Biden to Plead Guilty on Misdemeanor Tax Charges*, N.Y. TIMES (Jun. 20, 2023), <https://www.nytimes.com/2023/06/20/us/politics/hunter-biden-plea-deal-tax-charges.html>; Memorandum of Plea Agreement, *United States v. Robert Hunter Biden*, No. 1:23-mj-274-MN, ¶ 1 (D. Del. Aug. 2, 2023), https://storage.courtlistener.com/recap/gov.uscourts.ded.82801/gov.uscourts.ded.82801.28.0_1.pdf [hereinafter Hunter Biden Plea Agreement].

¹² *Id.*; Diversion Agreement, *United States v. Robert Hunter Biden*, No. 1:23-mj-61-MN (D. Del. Aug. 2, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.ded.82797/gov.uscourts.ded.82797.24.1.pdf>.

¹³ Hunter Biden Plea Agreement ¶ 1.

¹⁴ Glenn Thrush, Michael S. Schmidt & Chris Cameron, *Judge Puts Hunter Biden’s Plea Deal on Hold, Questioning Its Details*, N.Y. TIMES (Jul. 26, 2023), <https://www.nytimes.com/2023/07/26/us/politics/hunter-biden-plea-deal-charges.html>.

¹⁵ Perry Stein, Devlin Barrett & Matt Viser, *How a fight over immunity unraveled Hunter Biden’s plea deal*, WASH. POST (Aug. 17, 2023), <https://www.washingtonpost.com/national-security/2023/08/17/hunter-biden-plea-deal/>; Tr. of Plea Hearing, *United States v. Robert Hunter Biden*, No. 1:23-cr-00061-MN (D. Del. Jul. 27, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.ded.82797/gov.uscourts.ded.82797.16.0.pdf>.

¹⁶ *Id.*

charge.¹⁷ Contrary to Republicans' claims that Judge Noreika rejected the deal because it showed preferential treatment of Hunter Biden, the deal was deferred on largely procedural grounds. Indeed, Judge Noreika did not reject the plea agreement at all. Instead, she stated that she was deferring her decision on the agreement pending further information and further discussion between the parties.¹⁸

Ultimately, Weiss and Hunter Biden's legal team were unable to come to a new plea agreement.¹⁹ On August 8, 2023, U.S. Attorney Weiss asked Attorney General Garland to appoint him as Special Counsel.²⁰ The Attorney General granted that request three days later, on August 11, 2023.²¹

Also on August 11, Weiss moved to voluntarily dismiss the tax charges in Delaware without prejudice so that they could be brought in the district where venue lies, meaning the district in which the alleged offenses occurred—namely, in this case, the District of Columbia or the Central District of California.²²

On September 14, 2023, a grand jury in the District of Delaware indicted Hunter Biden on three felony gun-related charges, including two counts alleging that he falsely stated that he was not using illegal drugs when he acquired a firearm in October 2018, and one count alleging that he possessed a firearm while being a user of illegal drugs.²³ He was convicted of those charges in June 2024.²⁴

On December 7, 2023, a grand jury in the Central District of California indicted Hunter Biden on nine counts related to unpaid taxes from 2016-2019, including one felony tax evasion charge, two felony charges for filing false returns; and six misdemeanor charges for failure to file or pay taxes.²⁵ He pleaded guilty to all nine counts in September 2024.²⁶

¹⁷ *Id.*

¹⁸ Tr. of Plea Hearing, *United States v. Robert Hunter Biden*, No. 1:23-cr-00061-MN at 104-08 (D. Del. Jul. 27, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.ded.82797/gov.uscourts.ded.82797.16.0.pdf>

¹⁹ Perry Stein, Devlin Barrett & Matt Viser, *How a fight over immunity unraveled Hunter Biden's plea deal*, WASH. POST (Aug. 17, 2023), <https://www.washingtonpost.com/national-security/2023/08/17/hunter-biden-plea-deal/>.

²⁰ Remarks as Delivered, *Attorney General Merrick B. Garland Delivers a Statement*, U.S. DEP'T OF JUSTICE OFF. OF PUB. AFFAIRS (Aug. 11, 2023), <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-statement>.

²¹ Merrick B. Garland, *Appointment of David C. Weiss as Special Counsel*, OFF. OF THE ATT'Y GEN. (Aug. 11, 2023), <https://www.justice.gov/d9/2023-08/order.appointment.of.david.c.weiss.as.special.counsel.pdf>.

²² United States' Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice So That Tax Charges Can Be Brought In A District Where Venue Lies, *United States v. Robert Hunter Biden*, No. 1:23-mj-274-MN, (D. Del. Aug. 11, 2023),

<https://storage.courtlistener.com/recap/gov.uscourts.ded.82801/gov.uscourts.ded.82801.31.0.pdf>.

²³ Indictment, *United States v. Robert Hunter Biden*, No. 1:23-cr-00061-MN (Sept. 14, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.ded.82797/gov.uscourts.ded.82797.40.0.pdf>.

²⁴ Betsy Woodruff Swan & Josh Gerstein, *Hunter Biden found guilty on federal gun charges*, POLITICO (Jun. 11, 2024), <https://www.politico.com/news/2024/06/11/hunter-biden-gun-trial-guilty-verdict-00162694>.

²⁵ Indictment, *United States v. Robert Hunter Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Dec. 7, 2023), <https://www.justice.gov/sco-weiss/media/1327746/dl>.

²⁶ Jackie Luna, *Hunter Biden pleads guilty in federal tax case*, REUTERS (Sept. 5, 2024), <https://www.reuters.com/legal/hunter-biden-intends-plead-guilty-federal-tax-case-nbc-news-reports-2024-09-05/>.

A. Congressional Republicans' Inquiry into Weiss's Investigation

House Judiciary Committee Chairman Jim Jordan has attacked the Justice Department's handling of the Hunter Biden investigation since at least the beginning of the 118th Congress, when he sent a letter to Attorney General Garland requesting documents about the case and alleging that the Attorney General's "refusal to appoint a special counsel here is conspicuous."²⁷

On May 26, 2023, the House Committee on Ways & Means interviewed IRS Supervisory Special Agent (SSA) Gary Shapley, who oversaw aspects of the investigation into Hunter Biden.²⁸ On June 1, the Ways & Means Committee interviewed Joseph Ziegler, who was the IRS case agent assigned to the investigation.²⁹ Shapley and Ziegler alleged that the FBI and the Department of Justice (DOJ) had interfered in particular investigative steps in this matter and had prevented U.S. Attorney Weiss from bringing charges in this matter for political reasons. Specifically, in relevant part for purposes of this Committee's investigation, they alleged that:

- The investigation is rife with politically motivated interference by DOJ and FBI leadership;
- FBI leadership gave the Secret Service and President Biden's transition team advance notice of IRS and FBI agents' plans to "surprise" Hunter Biden and request a voluntary interview on December 8, 2020;
- The Delaware USAO and DOJ interfered with plans to seek a search warrant for property owned by Hunter Biden and now-President Biden;
- During an October 7, 2022, meeting, U.S. Attorney Weiss stated that he was not the final decisionmaker on whether charges would be brought and that he had been denied the right to bring charges in other jurisdictions, including stating that he would need permission from the U.S. Attorneys' Offices for the Central District of California and the District of Columbia and from the DOJ Tax Division before he could bring charges;
- U.S. Attorney Weiss requested and was denied Special Counsel status prior to the October 7, 2022, meeting; and
- The DOJ and the Delaware USAO is intentionally "slow-walking" this investigation.

²⁷ Letter from the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, to the Hon. Merrick B. Garland, Att'y Gen. at 1 (Feb. 28, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-02-28-jdj-to-garland-re-del.-us-atty.pdf>.

²⁸ Interview with Gary A. Shapley, Jr., Supervisory Special Agent, Internal Revenue Serv., H. COMM. ON WAYS & MEANS (May 26, 2023), https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf [hereinafter Shapley Interview].

²⁹ Interview with Joseph Ziegler, Special Agent, Internal Revenue Serv., H. COMM. ON WAYS & MEANS (Jun. 1, 2023), https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf; see *Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Hearing Before the H. Comm. on Oversight & Accountability*, 118th Cong. (Jul. 19, 2023), <https://www.govinfo.gov/content/pkg/CHRG-118hhrg53006/pdf/CHRG-118hhrg53006.pdf>.

Shapley and Ziegler have also alleged that their entire investigative team was removed from the Hunter Biden case in retaliation for their Congressional testimony.³⁰

On July 25, 2023—the day before Hunter Biden was scheduled to appear in court to finalize his plea agreement—Chairman Jason Smith of the House Committee on Ways & Means submitted an amicus brief asking the Court to consider the information gathered by Congress before ruling on the plea agreement.³¹ Within hours of the plea deal becoming public, Congressional Republicans launched an attack and inserted themselves into the judicial process, attempting to color the news coverage of the plea negotiations as a “sweetheart deal” and using it to attack President Biden. A Republican Senator tweeted of the deal: “A slap on the wrist for Hunter Biden while ‘The Big Guy’ continues to hunt down his top political opponent. This doesn’t show equal justice. It’s a mockery of our legal system by a family that has no respect for our laws.”³² Representative Marjorie Taylor Greene of Georgia tweeted: “Hunter Biden pleading guilty to a gun charge and misdemeanor tax charges with no jail time is a stunt to make him look like he is just cooperating with the DOJ,” and called the DOJ “pathetic” and “weaponized.”³³

On July 31, 2023, after Judge Noreika denied the plea agreement, Chairman Jordan sent a letter to Attorney General Garland inquiring about the “Sweetheart Hunter Biden Plea Deal.”³⁴ The letter asked for specific details of the Department’s decision to approve the deal.³⁵ Republicans have continually alleged that this deal gave preferential treatment to Hunter Biden because he is the president’s son, admonishing the “sweetheart” plea deal in transcribed interviews, hearings, markups, and news interviews as insufficient to address Hunter Biden’s crimes.

Throughout the past year, Chairman Jordan and other Congressional Republicans have sent numerous letters and subpoenas to Attorney General Garland, U.S. Attorney’s Offices, and other IRS, DOJ, and FBI employees involved in the Hunter Biden investigation requesting information, documents, and testimony.

To date, eight witnesses have appeared for interviews before the Judiciary Committee to testify about Special Counsel Weiss’s handling of the Hunter Biden matter:

³⁰ Letter from the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, to the Hon. Merrick B. Garland, Att’y Gen. (May 25, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-05-25-jdj-to-garland-doj-re-irs-wb-retaliation.pdf>.

³¹ Zach Schonfeld, *GOP seeks to step in to Hunter Biden’s court case ahead of plea hearing*, HILL (Jul. 26, 2023), <https://thehill.com/regulation/court-battles/4120259-gop-seeks-to-step-in-to-hunter-bidens-court-case-ahead-of-plea-hearing/>; Member of the House of Representatives Comm. on Ways & Means’ *Amicus Curiae* Brief in Aid of Plea Hearing, *United States v. Robert Hunter Biden*, No. 23-mj-00274-MN (D. Del. Jul. 25, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.ded.82801/gov.uscourts.ded.82801.7.3.pdf>.

³² Rick Scott (@SenRickScott), TWITTER (June 20, 2023, 10:01 AM), <https://twitter.com/SenRickScott/status/1671156390474436614>.

³³ Marjorie Taylor Greene (@RepMTG), TWITTER (June 20, 2023, 9:54 AM), <https://twitter.com/RepMTG/status/1671154472234651652>.

³⁴ Press Release, *Republicans Launch Inquiry into Sweetheart Hunter Biden Plea Deal*, H. COMM. ON THE JUDICIARY (Jul. 31, 2023), <https://judiciary.house.gov/media/press-releases/republicans-launch-inquiry-sweetheart-hunter-biden-plea-deal>.

³⁵ *Id.*

- **Thomas Sobocinski**, the Special Agent in Charge (SAC) of the FBI's Baltimore Field Office, which covers cases in Maryland and Delaware, on September 7, 2023.
- An **Assistant Special Agent in Charge** (ASAC) in the FBI's Baltimore Field Office who is overseeing the Hunter Biden investigation, on September 11, 2023.
- **Matthew Graves**, the U.S. Attorney for the District of Columbia, on October 3, 2023.
- **E. Martin Estrada**, the U.S. Attorney for the Central District of California, on October 24, 2023.
- **Stuart Goldberg**, the Acting Deputy Assistant Attorney General (DAAG) for Criminal Matters at the DOJ's Tax Division, on October 25, 2023.
- **David Weiss**, Special Counsel for the Hunter Biden inquiry and U.S. Attorney for the District of Delaware, on November 7, 2023.
- **Lesley Wolf**, former Assistant United States Attorney (AUSA) for the District of Delaware, on December 14, 2023.
- A former **FBI Supervisory Special Agent** (SSA) from the Wilmington Resident Agency assigned to the Hunter Biden investigation, on February 6, 2024.

One witness appeared before the House Oversight Committee:

- A former **FBI supervisory special agent** (SSA) from the Wilmington Resident Agency assigned to the Hunter Biden matter, on July 17, 2023 (the same witness who appeared before the House Judiciary Committee on February 6, 2024).

Two witnesses other than Agents Shapley and Ziegler have appeared before the House Ways & Means Committee:

- **Darrell Waldon**, currently the IRS Executive Director of Advanced Analytics and Innovation, on September 8, 2023. Until February 2023, Mr. Waldon was the IRS Special Agent in Charge of the Washington Field Office and Mr. Shapley's supervisor.
- **Michael Batdorf**, Director of Field Operations (DFO) for IRS Criminal Investigations (IRS CI), on September 12, 2023.

Attorney General Garland has also discussed the Hunter Biden investigation multiple times during his appearances before Congress. This includes during hearings before the House Judiciary Committee on September 20, 2023, and June 4, 2024, when the Attorney General repeatedly affirmed that Weiss had full authority over this investigation, including the authority to bring charges wherever he deemed appropriate, and that the Attorney General had not interfered in this investigation at all.³⁶

³⁶ *Oversight of the U.S. Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (Sep. 20, 2023), <https://www.govinfo.gov/content/pkg/CHRG-118hrg53649/pdf/CHRG-118hrg53649.pdf>; *Oversight of the U.S. Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (Jun. 4, 2024).

II. There was no political interference in Special Counsel Weiss’s investigation.

A. Contrary to Republican claims, none of the prosecutors or investigators in this case were motivated by a desire to protect Hunter Biden or favor President Biden.

House Republicans have alleged that the investigators and prosecutors in this case were motivated by a desire to protect Hunter Biden and favor President Biden, in one instance even calling a witness “a big-time Democrat.”³⁷

In reality, the majority of those involved in this case are career prosecutors and investigators who have received multiple awards and commendations for their work. From the leadership in the FBI and IRS who oversaw the investigation, to the prosecutors in the DOJ and U.S. Attorney’s Offices, the Committee has seen no evidence of law enforcement taking actions that favored Hunter Biden based on partisan bias or political motivation.

Thomas Sobocinski, the Special Agent in Charge of the FBI’s Baltimore Field Office, which covers cases in Maryland and Delaware, has served as a career FBI employee for 25 years, including details overseas, and has received awards and commendations “from various U.S. Attorney’s Offices, from the Department of Defense, from the CIA, from the State Department, and other foreign governments” that partner with the FBI.³⁸ Likewise, the Assistant Special Agent in Charge in the Baltimore Field Office has served as a career FBI employee for 16 years in posts across the country.³⁹ Both of these investigators head the Baltimore Field Office, which is among the FBI’s largest field offices by geographic jurisdiction and which addresses a variety of criminal matters, including “nation-state actors” targeting Americans, “violent folks killing people on a regular basis,” and domestic terrorism incidents such as the investigation into and arrest of two individuals for conspiring to destroy the Maryland power grid—in comparison to which, the SAC noted, the Hunter Biden investigation is not the most dangerous matter.⁴⁰

The former FBI Supervisory Special Agent who was interviewed by both the Oversight and Judiciary Committees was the agent who opened the FBI’s investigation into Hunter Biden in 2019.⁴¹ He served the FBI for 20 years before his retirement in June 2022.⁴² He worked at the FBI’s Wilmington Resident Agency, which reports to the Baltimore Field Office, for 11 years, and he retired with the titles of Supervisory Senior Resident Agent, “which is the most senior of

³⁷ Interview with Matthew M. Graves, U.S. Att’y, D.C. at 28 (Oct. 3, 2023) (transcript on file with the Committee) [hereinafter Graves Interview].

³⁸ Interview with Thomas J. Sobocinski, Special Agent in Charge, Balt. Field Off., Fed. Bureau of Investigation at 51-52 (Sep. 7, 2023) (transcript on file with the Committee) [hereinafter Sobocinski Interview].

³⁹ Interview with an Ass’t Special Agent in Charge, Balt. Field Off. Fed. Bureau of Investigation at 46, 60 (Sep. 11, 2023) (transcript on file with the Committee) [hereinafter ASAC Interview].

⁴⁰ Sobocinski Interview at 52-55, 121, 158; Press Release, *Maryland Woman and Florida Man Charged Federally for Conspiring to Destroy Energy Facilities*, U.S. DEP’T OF JUSTICE OFF. OF PUB. AFFAIRS (Feb. 6, 2023), <https://www.justice.gov/opa/pr/maryland-woman-and-florida-man-charged-federally-conspiring-destroy-energy-facilities>.

⁴¹ Interview with a Ret. Supervisory Special Agent, Fed. Bureau of Investigation at 28 (Jul. 17, 2023), <https://oversight.house.gov/wp-content/uploads/2023/08/FBI-SSA-Transcribed-Interview-Transcript.pdf> [hereinafter Jul. 2023 SSA Interview]; Interview with a Ret. Supervisory Special Agent, Fed. Bureau of Investigation at 10 (Feb. 6, 2024) (transcript on file with the Committee) [hereinafter Feb. 2024 SSA Interview].

⁴² Feb. 2024 SSA Interview at 7.

the supervisors” at a resident agency, and Supervisory Special Agent.⁴³ Throughout his career, he received multiple awards recognizing his work from the FBI, from the national Office of the United States Attorneys, and “from various U.S. Attorney's Offices and other agencies.”⁴⁴

The IRS leadership on this case is likewise composed of career employees with extensive experience. Darrell Waldon joined the IRS in 2006.⁴⁵ In his nearly two decades at the IRS, he has always held non-political, career positions. Mr. Waldon has received numerous IRS awards and has been selected for leadership and management programs based on his performance throughout his career.⁴⁶ At the time of his interview, Mr. Waldon was the Executive Director of Advanced Analytics and Innovation for the IRS’s Criminal Investigations division.⁴⁷ Prior to that, he was the Special Agent in Charge of the IRS’s Washington, D.C., Field Office.⁴⁸

Similarly, Michael Batdorf joined the IRS as a field agent in North Carolina in 2001.⁴⁹ He worked there for eight years before becoming a supervisory special agent in Columbus, Ohio from 2009-2013.⁵⁰ He then became the ASAC in the Chicago Field Office, then the SAC of the Oakland, California, Field Office.⁵¹ He moved back to Washington, D.C., area in 2018 and held two other supervisory positions before becoming the Director of Field Operations for the Southern Area—the position he held at the time of his interview.⁵²

Stuart Goldberg has served as a career attorney in the Department of Justice since 1988.⁵³ He started as a trial attorney in the Public Integrity Section of the U.S. Attorney’s Office for the District of Maryland, working his way up to ultimately become the First Assistant in that Office, before moving on to Main Justice, where he held multiple positions in the Deputy Attorney General’s Office.⁵⁴ Mr. Goldberg joined the Justice Department’s Tax Division in 2015, and he is currently the Acting Deputy Assistant Attorney General for Criminal Matters at the Tax Division.⁵⁵

Lesley Wolf served as an Assistant U.S. Attorney in the District of Delaware for 16 years, until 2023.⁵⁶ Her DOJ career spanned four presidential administrations (Republican and

⁴³ *Id.* at 10.

⁴⁴ *Id.* at 46.

⁴⁵ Interview with Darrell Waldon, Exec. Dir. of Advanced Analytics Innovation, Internal Revenue Serv., H. COMM. ON WAYS & MEANS at 9 (Sep. 8, 2023), https://gop-waysandmeans.house.gov/wp-content/uploads/2024/03/HWM251550_Final_Redacted_Waldon-with-Exhibits.pdf [hereinafter Waldon Interview].

⁴⁶ *Id.* at 108.

⁴⁷ *Id.* at 9.

⁴⁸ *Id.* at 10.

⁴⁹ Interview with Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv., H. COMM. ON WAYS & MEANS AT 11 (Sep. 12, 2023), https://gop-waysandmeans.house.gov/wp-content/uploads/2024/03/HWM255550_Final_Redacted_Batdorf-with-Exhibits.pdf [hereinafter Batdorf Interview].

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* at 8, 11.

⁵³ Interview with Stuart Goldberg, Acting Deputy Ass’t Att’y Gen., Tax Div., Dep’t of Justice at 7 (Oct. 25, 2023) (transcript on file with the Committee) [hereinafter Goldberg Interview].

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Interview with Lesley Wolf, former Ass’t U.S. Att’y, D. Del. at 13 (Dec. 14, 2023) (transcript on file with the Committee) [hereinafter Wolf Interview].

Democratic), and she has never been a political appointee.⁵⁷ In 2020, she received the Department of Justice’s Director’s Award, and she also has received recognition from federal agencies including the FBI and IRS.⁵⁸ She told the Committee, “At no time did politics play a role in or in any way impact my work as a Federal prosecutor.”⁵⁹

With respect to the three political appointees involved in the case—Special Counsel David Weiss, Washington, D.C., U.S. Attorney Matthew Graves, and Central District of California U.S. Attorney Martin Estrada—each spent substantial time as a career prosecutor prior to assuming their current roles, and each said that political considerations play no role in their prosecutorial decisions.

Special Counsel David Weiss started as a career prosecutor in the U.S. Attorney’s Office in Delaware in 1986.⁶⁰ He stayed for three and a half years before going into private practice then returning to serve as a career prosecutor again in 2007 as the First Assistant U.S. Attorney to Colm Connolly, an appointee of President George W. Bush.⁶¹ He remained at the Delaware USAO as a career employee until 2017, when he was interviewed for the U.S. Attorney appointment by Deputy Attorney General Rod Rosenstein—a President Trump appointee—and nominated by President Trump.⁶² In an announcement about the nominations, the Trump White House wrote that Weiss and other nominees “share the President’s vision for ‘Making America Safe Again.’”⁶³ During his interview before the Committee, Weiss testified:

Q Is it fair to say that you’ve served under both Republican and Democratic administrations?

A I have.

Q And, in fact, for the majority of your time at the U.S. Attorney’s Office, you were a career prosecutor, not a political appointee, correct?

A That is correct. I consider myself first and foremost a prosecutor.⁶⁴

Washington, D.C., U.S. Attorney Matthew Graves was likewise a career prosecutor in the District of Columbia for many years before being nominated to his current position. He was originally hired as a line attorney in 2007 by interim U.S. Attorney Jeff Taylor, “a lifelong Republican, [who] had worked in the White House and had worked in [the] Senate Judiciary Committee.”⁶⁵ Graves spent nearly a decade prosecuting fraud, public corruption, and tax fraud

⁵⁷ *Id.* at 43-45.

⁵⁸ *Id.* at 46-47.

⁵⁹ *Id.* at 9.

⁶⁰ Interview with David Weiss, Special Counsel & U.S. Att’y, D. Del. at 50 (Nov. 7, 2023) (transcript on file with the Committee) [hereinafter Weiss Interview].

⁶¹ *Id.* at 50-51.

⁶² *Id.* at 52-53.

⁶³ *President Donald J. Trump Announces Ninth Wave of United States Attorney Nominations and Third Wave of United States Marshal Nominations*, WHITE HOUSE (Nov. 17, 2017), <https://trumpwhitehouse.archives.gov/presidential-actions/president-donald-j-trump-announces-ninth-wave-united-states-attorney-nominations-third-wave-united-states-marshall-nominations/>.

⁶⁴ Weiss Interview at 54.

⁶⁵ Graves Interview at 52, 76.

cases, among other matters.⁶⁶ During that time, he prosecuted multiple Democratic politicians, including former Congressman Jesse Jackson, Jr., and former Chicago Alderman Sandra Stevens Jackson for tax fraud; former Washington, D.C., City Councilmember Harry Thomas and his aide Neil Rodgers for theft and fraud; and former Washington, D.C., City Council Chairman Kwame Brown for bank fraud.⁶⁷ Given this background, the accusation that he made decisions based on political motivations is absurd. As he explained (emphasis added):

Q And so, when you became a prosecutor at the U.S. Attorney's Office, it was your intention to be a career prosecutor and not to be influenced in any way by politics of the person who was at the head of the office. Is that fair to say?

A That is correct.

Q And, in your experience in that office for 10 years as a career prosecutor, is that the way you were allowed to do your work?

A Absolutely.

Q Nonpartisan?

A Absolutely.

Q And, as a U.S. attorney currently, do you have anything that you would like to share about how partisanship does or doesn't influence the decisions that you make?

A **It doesn't influence in any way whatsoever.** As you pointed out in the earlier questioning, every elected official that we've ever ultimately prosecuted was a Democrat. That is irrelevant to us. It is simply these Justice Manual requirements and whether they are met.

Q Okay. So there has been an allegation made that Mr. Weiss, quote, "went to D.C. U.S. Attorney's Office in early summer to request to charge there," and the, quote, "Biden-appointed U.S. attorney," end quote, said that you couldn't charge in the district. Do you have any response to being referred to in that context as the, quote, "Biden-appointed United States Attorney"?

A I mean, it is true, like every other presidentially appointed, Senate-confirmed U.S. attorney that is currently serving, that I was appointed by the President. **But the fact that I was appointed by the President, if**

⁶⁶ *Id.* at 52-54.

⁶⁷ *Id.* at 54-56; Press Release, Former Congressman Jesse L. Jackson, Jr. Sentenced, U.S. ATT'Y'S OFF. D.C. (Aug. 14, 2013), <https://www.justice.gov/usao-dc/pr/former-congressman-jesse-l-jackson-jr-sentenced>; Spencer S. Hsu, *Neil S. Rodgers, aide to former D.C. Council member, convicted of fraud*, WASH. POST (Mar. 16, 2015), https://www.washingtonpost.com/local/crime/neil-s-rodgers-aide-to-former-dc-council-member-convicted-of-fraud/2015/03/16/bd158220-c1d8-11e4-9ec2-b418f57a4a99_story.html; Press Release, *Former Council Chairman Kwame R. Brown Sentenced for Bank Fraud and Campaign Finance Violation*, U.S. ATT'Y'S OFF. D.C. (Nov. 13, 2012), <https://archives.fbi.gov/archives/washingtondc/press-releases/2012/former-council-chairman-kwame-r-brown-sentenced-for-bank-fraud-and-campaign-finance-violation>.

this is the insinuation, has absolutely nothing to do with the charging decisions that we make in any case.⁶⁸

Finally, U.S. Attorney Martin Estrada first joined the U.S. Attorney's Office in the Central District of California in 2007 as a "rookie learning how to prosecute cases."⁶⁹ He then spent seven years prosecuting primarily organized crime.⁷⁰ He described his responsibilities as a career prosecutor:

I did mostly Eurasian organized crime, Russian-Armenian organized crime cases. I also did gang cases in the context of Mexican Mafia cases. We indicted one of the largest Mexican Mafia cases in the country involving eight verified members. I also did some work on Crips gangs that were manufacturing and distributing PCP and some cases on MS-13, which is a gang that originated in Los Angeles but is largely Central American and is now present all over the country, including in this area.⁷¹

Like U.S. Attorney Graves, U.S. Attorney Estrada has prosecuted multiple Democratic politicians:

Q I want to talk through some of the cases that you have overseen since you became the U.S. Attorney in September of last year.

Are you familiar with a defendant named Jose Huizar?

A Yeah. Jose Huizar was a member of the Los Angeles City Council for about 15 years. He was one of the highest ranking members in the city council. He was the first Latino to be a fellow of Princeton University. He was a very sort of high-riser in California politics. We indicted him actually on RICO charges, and he pled guilty I believe either late last year or early this year.

Q And which political party was Mr. Huizar a member of?

A He was a Democrat.

Q ... [D]id he also plead guilty to a count of tax evasion?

A My understanding is yes.

Q Okay. So is it fair to say that while you were serving as U.S. Attorney, your office actually prosecuted a Democratic politician for tax-related crimes?

A While I've been U.S. Attorney, we've prosecuted several Democratic politicians for a variety of crimes. The most prominent one, we tried an

⁶⁸ Graves Interview at 77-78.

⁶⁹ Interview with Estaban Martin Estrada, U.S. Att'y, C.D. Cal. at 44 (Oct. 24, 2023) (transcript on file with the Committee) [hereinafter Estrada Interview].

⁷⁰ *Id.* at 8, 44.

⁷¹ *Id.* at 44.

individual named Mark Ridley-Thomas. He was one of the most powerful African-American politicians in the State, if not the country. He served in the city council but also as a member of the county board of supervisors, also in the State assembly and also in the State senate. We charged him with bribery with regard to funneling money to his son who had left his position in the State senate after there were allegations of sexual harassment. And his father, Mark Ridley-Thomas, funneled money through USC to his son inappropriately.

But there's many beyond that. We've indicted three different city council members in the last few years, all Democrats. We also have indicted several other politicians in the L.A. area. L.A. is not just the city of Los Angeles. There are many other cities around there, and we've indicted many individuals.

Q Is it fair to say that your office is not swayed by political party when considering whether to charge an individual?

A We are -- we adhere to the Justice Manual and the principle of validating cases unbiasedly and just based on the facts and law, and we take the facts and law where they take us. And that could mean any individual, regardless of his or hers fame, position, power. It doesn't matter.⁷²

And U.S. Attorney Estrada further confirmed that "throughout my tenure as U.S. Attorney, Assistant United States Attorney, [and] frankly, as a practicing lawyer," he has "made all decisions without reference to political considerations."⁷³

B. Witnesses repeatedly testified that political favoritism played no role in Weiss's investigation.

House Republicans have repeatedly claimed that David Weiss and the career prosecutors and FBI agents in this investigation did not aggressively pursue charges against Hunter Biden because he had the last name "Biden." This allegation is false and disregards testimony from nine different witnesses who said that political considerations played no role in this investigation.

When Special Counsel Weiss appeared before the Committee on November 7, 2023, he said directly: "Throughout this investigation, the career prosecutors on my team and I have made decisions based on the facts and the law. Political considerations played no part in our decisionmaking."⁷⁴

This statement echoes what Weiss wrote in a June 7, 2023, letter to Chairman Jordan:

In February 2021, I was asked to remain as United States Attorney for the District of Delaware to continue my oversight of the matter. Since that time, I have fulfilled my responsibilities, consistent with Department practices and procedures, and will continue to do so. Throughout my tenure as U.S. Attorney my decisions

⁷² *Id.* at 45-46.

⁷³ *Id.* at 104.

⁷⁴ Weiss Interview at 9.

have been made—and with respect to the matter must be made—without reference to political considerations.⁷⁵

Indeed, Republicans have not been able to credibly identify any specific investigative or prosecutorial decision that Weiss or anyone working on this investigation made based on political considerations.

To the contrary, eight witnesses directly supported Weiss’s statements:⁷⁶ (1) Thomas Sobocinski, the SAC of the FBI’s Baltimore Field Office; (2) an ASAC in the FBI’s Baltimore Field Office; (3) the former FBI SSA assigned to this case; (4) Washington, D.C., U.S. Attorney Matthew Graves; (5) Central District of California U.S. Attorney Martin Estrada; (6) Stuart Goldberg, the Acting Deputy Assistant Attorney General for Criminal Matters at DOJ’s Tax Division; (7) Darrell Waldon, the IRS Executive Director of Advanced Analytics and former Special Agent in Charge of the Washington Field Office; and (8) Lesley Wolf, a former Assistant U. S. Attorney for the District of Delaware.

SAC Sobocinski testified that, in his view, Weiss’s statement in the June 7 letter that all decisions in the Hunter Biden matter have been made “without reference to political considerations” was a true statement—an assertion supported by U.S. Attorney Graves, U.S. Attorney Estrada, the FBI Baltimore ASAC, the former FBI SSA, and former AUSA Leslie Wolf.⁷⁷

Sobocinski also told the Committee that he did not believe that “President Biden interfered in this investigation in any way,” and testified that he had no reason to believe that Weiss lied to Congress about the extent of his authority nor that the Attorney General prevented Weiss from taking any step or denied Weiss any resources.⁷⁸

In addition, Sobocinski explained that when he asked the investigative team whether they had concerns about political interference in the Hunter Biden matter, nobody involved in the investigation—including Gary Shapley—responded in the affirmative.⁷⁹ Specifically, during his transcribed interview, Sobocinski was shown Gary Shapley’s notes about an October 7, 2022, meeting of investigative team leadership, and the SAC was asked about a line reading, “4. FBI SAC asked the room if anyone though the case had been politicized.”⁸⁰

⁷⁵ Letter from the Hon. David C. Weiss, U.S. Att’y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 3 (June 7, 2023) (Att. A).

⁷⁶ The ninth witness, IRS Criminal Investigations Director of Field Operations Michael Batdorf, did not provide any information to suggest that Weiss had acted based on any improper political influence or considerations, but he was not specifically asked whether he had information to support or refute Weiss’s statements.

⁷⁷ Sobocinski Interview at 62; Graves Interview at 118-19; Estrada Interview at 98; ASAC Interview at 55-56, 118; Jul. 2023 SSA Interview at 58; Wolf Interview at 75.

⁷⁸ Sobocinski Interview at 75.

⁷⁹ *Id.* at 56-58.

⁸⁰ *Id.* at 47; Email from Gary Shapley, Supervisory Special Agent, Internal Revenue Serv., to Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv. (Oct. 7, 2022, 6:09 PM) (Att. B)

Sobocinski confirmed that during this meeting, he did ask all of the October 7, 2022, meeting attendees—including Gary Shapley—if anyone thought the matter had been politicized.⁸¹ Nobody on the case team said that it had:

Q But when you asked whether the case had been politicized, in essence, is it fair to say you were asking whether there had been any political favoritism?

A I was asking in a room of leaders on this case to say, “Hey, we are working together. We’re moving this thing forward. Do you think there’s any manipulation from the outside that’s stopping us from what we’re doing?”

Q And you thought at that point the answer was no?

A Thought that it was no, and nobody in that room raised their voice to say anything other.⁸²

SAC Sobocinski later testified that he would have remembered if anyone had raised these concerns, and he specifically noted that Shapley had not raised any concerns about politicization during the meeting:

Q You were asked a little bit ago about number 4, which is when you asked the room whether anyone thought the case had been politicized.

A Uh-huh.

Q And just again for the record, you do recall saying that?

A I do.

Q And do you recall anybody responding in the affirmative?

A No.

Q Okay. And do you recall if there was a discussion around that?

A There was. I mean, I opened it, I talked about my personal view, once again talked about on the need for us to come together, there’s a media leak. Obviously, media leaks are very important for us in the FBI. We have a process we go through then to make a referral so that other entities within the Department will look into that. It’s not my responsibility.

My responsibility is to work this with my team to continue moving it forward, although I had -- you know, the FBI were my direct reports. I felt we were working as a team on this case. We each had our own role. And if we wanted to move this forward, now was the time to talk about any

⁸¹ Sobocinski Interview, 47-49, 56-58.

⁸² Sobocinski Interview at 49.

concerns at the U.S. attorney, the SAC for IRS, and myself to at least, at our level, discuss if there were concerns.

And so I took the lead at that and opened it up and said, “Hey, I didn’t, but I want to hear if anybody else does and let’s move through that.”

Q And did anybody say that they had concerns that the investigation had been politicized?

A No.

Q And you, sitting here today, you would recall if somebody had said that, correct?

A I would have.

Q And if somebody had raised such a concern, what specific steps do you think you might have taken in response to that?

A I would have tried to get a better understanding of what they thought. Obviously, people can have different perspectives for things that are going on.

But for me, in the time I’ve spent in law enforcement, it’s important for us to be apolitical. That is what makes the FBI so good at what we do. We work these cases to resolution regardless of what that target is, and it’s important to replicate that in a nonpolitical way. That’s a core function of what we do. And so if something is interfering with that, then I find that to be incredibly troubling.

Q Okay. And so, again, you asked if anyone in the room had concerns. Mr. Shapley did not say he had concerns, for example?

A He did not.⁸³

Darrell Waldon—Gary Shapley’s direct supervisor in the IRS’s Criminal Investigations division at the time—agreed that he didn’t feel the Hunter Biden matter had been politicized.⁸⁴ He was also specially asked about the question SAC Sobocinski asked case team leadership at the October 7, 2022, meeting:

Q Back to this email, number 4: “FBI SAC asked the room if anyone thought the case had been politicized -- we can discuss this if you prefer.” Is that a reference to Special Agent in Charge Sobocinski of the FBI?

A That’s correct. Mr. Sobocinski asked that question ...

Q ... And what did you understand that question to be referring to?

⁸³ Sobocinski Interview at 56–58.

⁸⁴ Waldon Interview at 41.

A My understanding was whether or not there were any political influences or pressures being applied to Mr. Weiss and his team ...

Q ... And did you reply to that question in the meeting?

A I don't believe that was directed at us, but more so the U.S. Attorney's Office. So I don't recall replying.

Q Okay. Do you recall if anyone from the U.S. Attorney's Office replied?

A Yes.

Q Okay. And what did they say?

A No.

Q And that wasn't directed at you; you didn't reply. But did you feel the case had been politicized?

A No.⁸⁵

The ASAC in the Baltimore Field Office likewise testified that she did not recall anyone at the October 7, 2022, meeting saying that the investigation had been impacted by political considerations and that she would have remembered it if anyone had said there was politicization in the Hunter Biden matter:

Q Do you recall if anybody said they thought the case had been politicized?

A I don't.

Q And, if somebody had said that they thought the case had been impacted by any type of political pressures, would you have recalled that?

A I think so.

Q If somebody had said that, are there steps that you think you might have taken in response to those concerns?

A Yes.

Q What steps might you have taken?

A Well, I probably -- if I'm in a room to hear it, I would say from my opinion that it has not been politicized by the investigators. I think everybody that was -- is and is working this ongoing matter are doing their jobs and are doing their jobs to the best of their ability. And, if there's any political, you know, or anything being politicized, that is outside of the investigative entities.⁸⁶

⁸⁵ *Id.* at 40–41.

⁸⁶ ASAC Interview at 52–53.

The ASAC further explained that by “investigative entities,” she meant the entire team working on the case, and she stated plainly, “I did not think anyone involved in the ongoing matter was politicizing it.”⁸⁷ She clarified:

Q You testified clearly that you did not feel like the case was being politicized by the investigative entities. And those were the words you used, “investigative entities.” I just want to clarify, do you also feel that the case was free from politicalization from the prosecutory entities, so the U.S. Attorney and the other trial attorneys?

A Yes. And I apologize. When I -- most of the time when I say “investigative,” I’m thinking of the whole team, and so maybe I will try and be clearer in saying “the team” or just really specify in this sense. But I think of it as a team atmosphere because, again, we’re working the cases together, although we have our specific roles. But, yes, I was talking about everyone, that I did not think anyone involved in the ongoing matter was politicizing it.⁸⁸

The ASAC reiterated a third time that there was no political interference in this matter, testifying, “I have no awareness of any political influence from the FBI, from the IRS, from the U.S. Attorney’s Office. None.”⁸⁹ She added:

Q What about from President Biden or from the White House?

A I have no knowledge of any influence from the White House.

Q There have been allegations that FBI’s and the Delaware U.S. Attorney’s Office’s handling of this case is an example of a two-tiered system of justice. What’s your reaction to that allegation?

A I think the investigation is being worked thoroughly, and I don’t have a concern that there is a two-tiered system being applied to this investigation.⁹⁰

The FBI Supervisory Special Agent from the Wilmington Resident Agency agreed that he had no knowledge of political interference in the Hunter Biden investigation, and he would have reported had he been aware of any such interference:

Q If you had been party to political interference in FBI investigations, you would have reported that out somewhere, wouldn’t you have?

A I hope I would’ve.

Q But you didn’t do that in this instance?

⁸⁷ *Id.* at 56.

⁸⁸ *Id.*

⁸⁹ ASAC Interview at 118.

⁹⁰ *Id.*

A Well, I wasn't aware of political interference personally.⁹¹

The SSA further confirmed that he never saw U.S. Attorney Weiss or AUSAs in the Delaware USAO make decisions based on political motivations:

Q Are you familiar with U.S. Attorney Weiss?

A Yes, I know him.

Q Have you ever known U.S. Attorney Weiss to make prosecutorial decisions based upon political influence?

A No.

Q Have you ever known any of the AUSAs in the U.S. Attorney's Office for the Office of Delaware to let their prosecutorial decisions be guided by political interference?

A No.⁹²

DOJ Tax Division Acting DAAG Goldberg was asked extensively about whether partisan political considerations impacted the decision making of Weiss or anyone else involved in this case. He testified, "So just keeping things at a very high level, partisan politics, in my view, played no role and hasn't played and I expect will play no role in the way the Tax Division in the Department of Justice handles the Hunter Biden case."⁹³ He further explained:

Q In this case, in the Hunter Biden investigation in particular, do you have any reason to believe that President Biden interfered in the investigation in any way?

A So let me just keep it at a very high level so we don't get into line here. I'm not aware of any interference with the case on a partisan political basis.

Q Do you have any reason to believe that any of the line attorneys were intimidated or were worried about working on this case because it involved the son of President Biden?

A My expectation, based on my involvement with them on this case, is that they were going to make the recommendations they thought were appropriate based on the facts and the law.

Q We went through this earlier but one more time for the record. Throughout your tenure at the Justice Department's Tax Division, have you made all decisions without reference to political considerations?

⁹¹ Jul. 2023 SSA Interview at 49.

⁹² *Id.* at 58.

⁹³ Goldberg Interview at 41.

- A Yes.
- Q And particularly with respect to the Hunter Biden investigation, have you made all decisions without reference to political considerations?
- A Yes.
- Q To the best of your knowledge, has U.S. Attorney Weiss made all decisions in the Hunter Biden matter without reference to political considerations?
- A Yes.
- Q To the best of your knowledge, has U.S. Attorney Matt Graves made all decisions in the Hunter Biden investigation without reference to political considerations?
- A I fully expect to answer yes, but I've had very little dealings – I've had no direct dealings with Matt Graves.
- Q Understood. To the best of your knowledge.
- A Right.
- Q ... [T]o the best of your knowledge in the Hunter Biden matter, has U.S. Attorney Estrada made all decisions without reference to political considerations?
- A And I'm not aware of him letting political considerations interfere. But again, I've never talked to Mr. Estrada, so I just want to make that clear.
- Q To the best of your knowledge in the Hunter Biden matter, have the employees of Mr. Weiss' office made all decisions without reference to political considerations?
- A Yes.
- Q To the best of your knowledge in the Hunter Biden matter has assistant U.S. Attorney Lesley Wolf made all decisions without reference to political considerations?
- A I'm not aware of politics having an impact on the Hunter Biden case, no partisan political considerations to my knowledge have factored into that case.
- Q And that includes with respect to Lesley Wolf in particular?
- A It includes everybody involved in the case.

Q And one last question on this line, to the best of your knowledge, ha[ve] all Justice Department Tax Division employees made all decisions without reference to political considerations in the Hunter Biden matter?

A Yes.⁹⁴

Former AUSA Wolf repeatedly told the Committee that politics never impacted her work as a career prosecutor and that at all times during her career in the District of Delaware—including during the Hunter Biden investigation—she acted “consistently with the Justice Manual, DOJ policy directives, and my statutory legal and ethical obligations.”⁹⁵ For example, she agreed:

Q And you’ve testified repeatedly in your opening statement and in response to questions that you were not influenced by any personal or political bias in your role on the Hunter Biden prosecution team or in any prosecution that you’ve handled. Is that fair to say?

A Yes.

Q Okay. And all of your actions in this case and others, your recommendations to your superiors were guided by your statutory and ethical obligations as a Federal prosecutor. Is that fair?

A Yes.⁹⁶

C. Routine procedures and typical challenges—not political interference—drove investigative decision making in the Hunter Biden matter.

House Republicans allege that IRS and Justice Department investigators did not aggressively investigate this case because they wanted to protect Hunter Biden. To the extent that Republicans cite specific investigative actions as evidence of political bias or favorable treatment, the evidence that this Committee has reviewed, including testimony from Shapley and Ziegler, confirms that in truth, all investigative decisions were made for strategic and tactical reasons, not because of improper political motivations. Witnesses also noted that disagreements between prosecutors and investigating agents are common and explained that, when disagreements arise, prosecutors hold the final decision making authority because of their legal training and experience and because prosecutors are the ones charged with bringing the case to trial.

⁹⁴ *Id.* at 106-07.

⁹⁵ Wolf Interview at 11; *e.g.*, *Id.* at 9, 11, 43, 93, 103, 114.

⁹⁶ Wolf Interview at 72.

1. There is no evidence that the FBI improperly provided the Secret Service with advance notice of a plan to attempt a voluntary interview of Hunter Biden for political reasons.

Investigators in this case contacted several witnesses, including Hunter Biden, on December 8, 2020, and requested voluntary interviews from them.⁹⁷ House Republicans allege that, because of political considerations, FBI headquarters deviated from procedure and “tipped off” the Secret Service the night before investigators planned to approach Hunter Biden, causing Hunter Biden to decline to participate in the interview.⁹⁸ In reality, multiple witnesses have testified that (1) giving the Secret Service advance notice is standard procedure when armed agents intend to approach any protected person to ensure the safety of all involved; and (2) investigators were requesting a voluntary interview which Hunter Biden, an attorney represented by other attorneys, would have almost certainly declined whether or not he knew about it the night before.

Baltimore SAC Sobocinski described expected procedures based on his previous experience as a Secret Service agent:

Q [W]ould you agree that if somebody had tipped off the transition team, the political transition team, that that would have politicized the investigation?

A I can’t comment about specifically this case. But you haven’t asked, but I’ll say it. I was a Secret Service agent. And it would have been expected for me, and I would expect an investigative entity if they were going to want to interview a protectee of mine, to come directly to me.

And so I don’t know what that process would look like during that moment in time to get to that protectee. I just don’t know what that would look like.

Q Okay.

A But it would definitely be of concern to me if I was a Secret Service agent and somebody’s knocking on my door -- an armed individual claiming to be somebody is knocking on my door. Yeah, that would have been a concern for me.⁹⁹

Sobocinski further explained that the Secret Service is generally given advance notice for the safety of all involved:

Q [T]here was conversation earlier about trying to surprise a witness, to conducting interviews, whether it might be advantageous to surprise a witness. And I think you had said that you had -- as a former Secret

⁹⁷ Jul. 2023 SSA Interview at 20; Shapley Interview at 18-19.

⁹⁸ E.g., Press Release, *Comer Releases Former FBI Supervisory Special Agent’s Transcribed Interview Transcript*, H. COMM. ON OVERSIGHT & ACCOUNTABILITY (Aug. 14, 2023), <https://oversight.house.gov/release/comer-releases-former-fbi-supervisory-special-agents-transcribed-interview-transcript/>.

⁹⁹ Sobocinski Interview at 48-49.

Service agent yourself, there are certainly certain particular considerations to be taken into account. Do you recall that?

A I do.

Q And can you explain a little bit further what those considerations may be?

A So it's been over 25 years, but, you know, as a Secret Service agent, you know, you're there to protect individuals as designated by law. And so that is a full encompassing protection of them. Depending on the protectee, you prohibit people from coming in contact with them or restrict that or protect them. And so as a Secret Service agent, anybody knocking on their door is somebody that they're interested in, and somebody interested who is obviously carrying a gun and potentially in an adversarial issue is something that they would want to know about in advance.

Q And is it fair to say that that's for the safety of everybody involved?

A Correct.

Q Because if somebody who's carrying a gun shows up at the home of a protectee, the instinct of the Secret Service officer would be to protect the protectee, correct?

A Correct.¹⁰⁰

The former FBI SSA likewise explained that failing to provide such advance notice could create a risk of "blue on blue" violence:

Q And why notify Secret Service at all?

A Well, I personally was not going to go to armed Secret Service agents and demand that I interview their protectee for two reasons. Number one, I did not believe they would let me in, which would frustrate us. And number two, they would cause us to wait and seek the permission of, most likely, their headquarters, because those agents in the field are doing their job, which is to protect their assigned protectee.

So it made common sense to me, as we would deconflict other potentially similar circumstances, that if we could make a notification in advance to speed the process so that if there was an opportunity to approach, that those agents that were, you know, at the street level protecting their protectee knew that we were coming and knew why we were coming.

You know, as somebody who has to provide protection, having an IRS supervisor and an FBI supervisor also armed coming to a scene would cause confusion. And at the worst case, you know, as we talk about law

¹⁰⁰ *Id.* at 76–77.

enforcement, it could be a blue on blue matter. They don't know who we are. They don't know if our credentials are faked. So, you know, those are things we're thinking about.¹⁰¹

The SSA reiterated that notifying Secret Service was a standard procedure because of these safety concerns in his interview with the Judiciary Committee:

Q So would it be normal if the individual was a protectee of the Secret Service to notify Secret Service or work with Secret Service regarding a planned interview?

A Yeah, as I said before, I have had instances where we have approached, you know, perhaps in a public corruption matter with a police officer. You have an armed individual, you know, where you are going have to interview somebody who is surrounded by armed individuals. This was a protectee, we were not going to go have a blue-on-blue situation. We were going to make sure that we were safe, that they were safe. They were going to do their job, they were going to protect their protectee. They don't know who we are so we had to coordinate in advance. So that, I thought, was appropriate.¹⁰²

Multiple witnesses also confirmed that all witnesses can decline to participate in a voluntary interview at any time, and, regardless of whether there is advance notice, witnesses who are attorneys, such as Hunter Biden, are generally less likely to consent to a voluntary interview than other witnesses.¹⁰³ As SAC Sobocinski testified:

Q [O]ver your course of your 25 years, you've been involved in many interviews, you've supervised agents who have done many interviews, correct?

A Correct.

Q Is it fair to say that each one of those interviews is different?

A Yes, it is.

Q And the facts in each one of those interviews is different?

A Yes.

Q Okay. And so there's a question about taking a witness, quote/unquote, by surprise. That could be a tactic in some cases, and in some cases it might be ill advised. Is that fair to say?

A Correct.

¹⁰¹ Jul. 2023 SSA Interview at 45.

¹⁰² Feb. 2024 SSA Interview at 105; *see also Id.* at 118.

¹⁰³ *E.g.*, ASAC Interview at 119-20.

Q So, for example, in the case where an individual has security?

A Correct.

Q Okay. Is it also the case that even if you take a wit -- even when an FBI agent takes a witness by surprise, that witness can still decline to talk to them, correct?

A Correct.

Q And if somebody is an attorney who has an understanding of the law, they might be more inclined to decline to have that voluntary conversation?

A I have found that to be true.

Q And if somebody is represented by counsel, they might also decline to take part in a voluntary interview without counsel present?

A Corre -- yeah, I find that to be true as well.

Q Okay. And so, again, these are all fact-specific situations, but the idea of taking somebody by surprise doesn't necessarily mean that, even if that was the plan, that that [interview] would have played out anyways, right?

A Yeah. You never know how those are going to end.¹⁰⁴

The FBI SSA also confirmed that subjects, and in particular attorneys, frequently declined to be interviewed:

Q Did it occur during your career that subjects would decline your request to be interviewed?

A Sure. Sure.

Q How common was that?

A Common. I mean, I don't know if I could assign a percentage to it, but I felt I was more successful than not in engaging people in conducting an interview. But, yeah, some would just outright decline or certainly invoke their right to counsel and defer an interview at the time we were seeking it ...

Q ... At the time you sought to approach Mr. Biden in December of 2020, were you aware that he was an attorney?

A Yes.

Q Did you have any expectation as to whether Mr. Biden being an attorney would be less likely to agree to your interview request?

¹⁰⁴ Sobocinski Interview at 77-78.

A In my experience, an attorney would be less likely to agree to succumb to an interview.¹⁰⁵

The FBI SSA reiterated that point in his subsequent interview with the Judiciary Committee, testifying that he knew that Hunter Biden was an attorney, and also that he was represented by counsel at the time of the attempted interview.¹⁰⁶ When asked whether he “knew that it was a long shot under those circumstances” that Hunter Biden would have consented to a voluntary interview, the SSA responded, “For several reasons, absolutely.”¹⁰⁷

2. Decisions not to interview certain witnesses were made for practical reasons that were not politically motivated.

House Republicans allege that the FBI and the Delaware USAO hampered the Hunter Biden investigation by refusing IRS agents’ requests to interview certain witnesses. Shapley alleges that on a September 21, 2020, conference call to discuss a plan for witness interviews, he was told that while FBI management had approved the participation of FBI personnel in the interviews, “FBI management provided guidance that only around five interviews be conducted initially so FBI could reevaluate the information obtained during the interviews to determine if they would continue assisting with the interviews.”¹⁰⁸

The FBI SSA explained, however, that some of the witnesses the IRS wanted to interview only related to the tax case, which was in the IRS’s purview, but they were not relevant to the non-tax-related issues that the FBI was investigating.¹⁰⁹ He further testified that in a situation like this one, the FBI might limit the number of interviews with which it assists to ensure that FBI resources are expended appropriately and that the FBI was not over-extending into an investigation that was primarily the IRS’s jurisdiction:

Q And why did the FBI want to limit the number of interviews? ...

A ... So again, generally speaking, the lead agency for the violations at hand was IRS. So there was concern that now that what we as an agency were investigating was not proving to be fruitful, that this was really an IRS-led investigation. So there was concern about the amount of resources that the FBI was expelling to assist IRS in what was their, you know, lead -- what they led. So, you know, generally we were -- we wanted to ensure several things and I will speak for myself. I wanted to ensure that we were a good partner to the IRS, and we maintained support with them. But we also -- I did recognize that if this was really going to be a primarily just an IRS-driven investigation, that, you know, at what point are we expended resources that is really theirs to expend?

¹⁰⁵ Jul. 2023 SSA Interview at 40-41.

¹⁰⁶ Feb. 2024 SSA Interview at 115-16.

¹⁰⁷ *Id.* at 117.

¹⁰⁸ Gary Shapley, *Memorandum of Conversation*, INTERNAL REVENUE SERV., DEP’T OF THE TREASURY AT 2 (Sep. 21, 2020), https://gop-waysandmeans.house.gov/wp-content/uploads/2023/09/T84-Shapley-3_Attachment-3_WMRedacted.pdf; see also Shapley Interview at 15.

¹⁰⁹ Feb. 2024 SSA Interview at 80-81.

Q And when [Shapley's September 21, 2020, memorandum of conversation] says that FBI management provided guidance, did you have an understanding of who the FBI agent was receiving guidance from in management?

A Well, it would have been through me through the ASAC, through the SAC and up through headquarters. You know, because again, generally speaking, IRS would have interviewed a many, many people that wouldn't have been relevant to our primary mission or case.

Q And number 5 on [Shapley's September 21, 2020, memorandum of conversation] says, AUSA Wolf interjected asking FBI supervisory SA [redacted] if the FBI had not yet fully determined if they would participate. FBI SA [redacted] backtracked saying that the FBI was there to assist and that they had decided to assist in the interviews. Is that kind of what we were just discussing?

A Yeah, I -- I will take issue with the term, "backtrack." We were looking at limiting the amount of resources. Because again, this was their case in chief now. So we were not going to support them at some level, it is the amount of support that, you know -- and again, I think there was an evaluation of we are going to go through this round and then reassess, like, is there more work for us to do? Can we still assist? And again, I did want to partner at some level and, you know, we had been good partners for an extended period of time and we wanted to provide that support going forward, because there were historical things that we knew that would assist them as well, you know, through the course of the investigation.¹¹⁰

The SSA went on to explain that the FBI was trying to balance its desire to be helpful to the IRS in their tax investigation with the FBI's obligation to use its resources for investigating matters within the FBI's own jurisdiction:

I think there was a miscommunication, that they felt -- and by "they," whether it was IRS or the U.S. Attorney's Office, that we didn't want to participate. And so that was a misunderstanding, in my view. But I wanted them also to know that we were starting to worry about limiting resources, because again, FBI was expending a fair amount of resources to now what was becoming primarily an IRS matter. So we were trying to balance again being a good partner and provide the support we had been because they wanted to interview many, many more people. That was certainly relevant, and I understood it, but we did not -- from our point of view, we didn't prioritize the timing. They, you know, perhaps wanted to interview a ton of people on a day and we wanted to be more select. Because again, this was also not a lot of people knew the details of the case. So you would be asking people that didn't know, you know, again, I will speak in generalities, when you have somebody who doesn't know the substance of your

¹¹⁰ *Id.* at 96-97.

investigation and you task them to go do an interview that they really don't know enough about, you are not going to have as good of an interview. Whereas we would like to have gone with a method of talk to as many people as we can that's appropriate and then we will revisit others down the road because we have the knowledge.¹¹¹

The Committee has seen no evidence that the FBI's request to start with five interviews and then reevaluate the Bureau's involvement was an attempt to impede the investigation nor was motivated by political bias. Rather, as the SSA's testimony makes clear, the FBI was simply trying to make sure its resources were utilized efficiently and appropriately throughout the investigation.

House Republicans have also pointed to Shapley's and Ziegler's claims that they were prevented from interviewing Hunter Biden's daughter—whose college tuition had allegedly been claimed as a business expense on Hunter Biden's tax returns—because AUSA Lesley Wolf told investigators that they would be in “hot water” if they attempted to interview the President's grandchildren.¹¹² The FBI SSA, however, had his own concerns about interviewing Hunter Biden's children:

Q According to testimony from Mr. Shapley, Mr. Ziegler, AUSA Wolf also told investigators that they would be in hot water if they attempted to interview Hunter Biden's adult children. Are you familiar with this testimony? ...

A ... I am familiar -- I am familiar with his testimony.

Q Does that match your recollection? Did you ever hear those statements? ...

A ... I will generally speak -- again, the IRS has a different frame of reference or a different investigative goal when it comes to a tax case and I will speak in generalities. So they want to trace every dime, you know, for their tax purposes, which obviously we want to do the same thing with the money laundering or what we were primarily investigating. But, we were trying to, you know, in this initial round of interviews, try and gather up as many people as appropriate but not go too far. You know, perhaps children would have been, you know, maybe not appropriate at that time. And certainly not relevant to our part of the case, if you will or not directly relevant.¹¹³

Former AUSA Lesley Wolf was not authorized to discuss her decisions specific to the Hunter Biden case, but she clearly testified about practical, non-political reasons that she might

¹¹¹ *Id.* at 98-99.

¹¹² Interim Staff Report, *The Justice Department's Deviations from Standard Processes in Its Investigation of Hunter Biden*, H. COMM. ON THE JUDICIARY, H. COMM. ON WAYS & MEANS, & H. COMM. ON OVERSIGHT & ACCOUNTABILITY AT 29 (Dec. 5, 2023), <https://oversight.house.gov/wp-content/uploads/2023/12/Joint-Report.pdf>.

¹¹³ Feb. 2024 SSA Interview at 80-81.

instruct agents to not conduct an interview in a specific way.¹¹⁴ For example, she explained that she would tell agents that they could not approach and interview a witness who is represented by counsel without coordinating with the counsel first:

Q So, for example, if an individual deducted college tuition and claimed it was an ordinary and necessary business expense, would it be ordinary to go interview the beneficiary of the college tuition?

A It might be. So it might be ordinary in the sense that if you needed to establish that it wasn't a legitimate expense and the only mechanism to do that was by interviewing someone and you needed to do that, sure.

Now, there are boundaries and professional responsibility rules that govern when you can and can't interview and approach certain individuals. So if an individual is represented by counsel, and you're aware that they're represented by counsel, you, as a prosecutor and attorney, or your agents who are underneath your authority in that, cannot go out and simply approach and interview witnesses who are represented.

Q Can you think of something that if an individual deducts college tuition for a son or daughter as an ordinary and necessary business expense, can you think of a situation where that would be appropriate?

A I think that's just hard to answer in a vacuum without knowing the particulars of any case.

I think it's fair to say it would be something that would be looked at in the course of an investigation in an attempt to discern whether or not it was or wasn't a proper deduction.

Q But you'd concede on its face it raises questions, correct?

A I think, without speaking about any specific deduction or anything along those lines, it would raise -- I think it would probably raise questions.

Q And from a general matter, if it raises questions to the prosecutor, that would be the type of thing that the investigative agents would follow up on, correct?

A I think there are many ways to follow up and pursue, and there is also, I think, you know, just, again, prioritization and anything else.

So if you're asking was it an unreasonable request or would it be an unreasonable request for someone to say, "Hey, I'd like to go do this interview," no, it wouldn't be an unreasonable ask, nor would it be an unreasonable response from the prosecutor to say, "Hey, I like my law

¹¹⁴ Wolf Interview at 89-90.

license, and I know this person has a lawyer, so we're going to have to work through counsel to get that interview you want."¹¹⁵

3. The decisions regarding search warrants were tactical, were consistent with DOJ and IRS policies and were not politically motivated.

Republicans allege that the FBI and DOJ afforded Hunter Biden preferential treatment by impeding efforts to obtain a warrant to search certain property that he owned. In particular, Shapley and Ziegler alleged that when investigators determined that potential evidence was contained in a storage unit rented by Hunter Biden, IRS agents wanted to execute a search warrant on the unit, but AUSA Wolf disagreed with the warrant and instead contacted Hunter Biden's defense attorneys about the storage unit.¹¹⁶ Ziegler alleged more specifically that AUSA Wolf and a DOJ Tax Division counsel informed Hunter Biden's attorneys that any property in the storage unit was covered by a pre-existing records request from the USAO.¹¹⁷

Shapley's and Ziegler's claims ignore the fact that DOJ, IRS, and FBI policies all require investigators to consider pursuing less intrusive means than search warrants in order to obtain property from attorneys. When a search warrant is executed, each agency requires agents to take particular precautionary steps, not to needlessly slow down the search process, but rather to protect the integrity of the prosecution and information that may be protected by attorney-client privilege.

Specifically, longstanding DOJ policy states:

There are occasions when effective law enforcement may require the issuance of a search warrant for the premises of an attorney who is a subject of an investigation, and who also is or may be engaged in the practice of law on behalf of clients. Because of the potential effects of this type of search on legitimate attorney-client relationships and because of the possibility that, during such a search, the government may encounter material protected by a legitimate claim of privilege, it is important that close control be exercised over this type of search.¹¹⁸

Therefore, the DOJ has specific policies that prosecutors must follow before seeking a search warrant for a subject who is an attorney, including that prosecutors are required to consider less intrusive alternatives to search warrants such as subpoenas or voluntary cooperation.¹¹⁹

¹¹⁵ *Id.* at 89-90.

¹¹⁶ Shapley Interview at 21, 114-15.

¹¹⁷ Ziegler Interview at 26-29.

¹¹⁸ *Justice Manual* § 9-13.420 - *Searches of Premises of Subject Attorneys*, U. S. DEP'T OF JUSTICE (Jan. 2021), <https://www.justice.gov/jm/jm-9-13000-obtaining-evidence#9-13.420>.

¹¹⁹ *Id.*; *See also Criminal Tax Manual*, U.S. DEP'T OF JUSTICE at 1.05[3][b] (Aug. 2022), <https://www.justice.gov/media/1239301/dl>.

IRS guidelines reiterate these requirements and additionally caution that “[i]t should be expected that due to the sensitivity of these professions, this additional scrutiny may require a longer period of review.”¹²⁰

FBI SAC Sobocinski explained how these policies and requirements play out in real life:

Q You would agree in general that property owned by an attorney, for example, there are additional factors to consider beyond just probable cause when seeking a search warrant?

A In a general sense, yes.

Q In a general sense.

And the Tax Division in particular has to consider less intrusive means?

A Outlined in these memos -- or in these manuals, yes.

Q Okay. And that's because searches of attorneys actually present particular challenges, right?

A Correct.

Q For example, it might involve coming into contact with material that's protected by attorney-client privilege, right?

A Correct.

Q And can you explain briefly what your understanding is of attorney-client privilege material?

A Yeah. It's protected information that is restricted -- you know, that is protected. It is only the attorney and his client and then other people can get -- can be included in that.

But from an investigative standpoint we -- there may be needs to get that type of information. That information may be included in a larger gathering of a bulk of information. And so there are processes that we apply to preserve that protection when we obtain it.

Q And is it problematic if an agent working on a case is exposed to material that's protected by attorney-client privilege?

A Yeah. From an FBI perspective, if an ongoing case and he was exposed to it, yes, there would be issues with that, administrative issues with that.

¹²⁰ Internal Revenue Manuals, 9.4.9.3.3.3 *Department of Justice, Tax Division Approval*, INTERNAL REVENUE SERV. (Mar. 17, 2011), https://www.irs.gov/irm/part9/irm_09-004-009#idm140285523534432; see also Internal Revenue Manuals, 9.4.9.3.2.4.1 *Executing Searches of Attorney's Offices*, INTERNAL REVENUE SERV. (Feb. 9, 2005), https://www.irs.gov/irm/part9/irm_09-004-009#idm140285523570416.

- Q Okay. That attorney -- or I'm sorry -- that agent could potentially be removed from the investigation. Is that right?
- A I think that's one logical step.
- Q Okay. And if the prosecutor on a case is inadvertently exposed to attorney-client protected information, that's also potentially problematic, right?
- A I would think so.
- Q It's possible that that attorney -- that prosecutor might be removed from the case, correct?
- A Yeah, I think so.
- Q And it's possible that, I guess worst-case scenario, that a case actually could be dismissed or potentially charges not brought because of that, right?
- A Yeah, I believe so.
- Q Okay. So you mentioned that there are specific steps that you take to prevent against the risk of exposure to attorney-client privilege material. And is it fair to say that the FBI takes this pretty seriously?
- A Yes.
- Q So, for one example, if -- even if -- the first option is likely to pursue a less intrusive means [than] a search warrant, correct?
- A Correct.
- Q So, for example, even if a prosecutor has probable cause to seek a search warrant, the prosecutor might instead go with a subpoena or just ask the attorney to produce the information so that presumably that attorney will know it's privileged and can remove it from the production?
- A Yes.
- Q And even -- and if the prosecutor determines that a search warrant is necessary, the FBI and the Department of Justice then might create a filter team, right?
- A Correct.
- Q And what's your understanding of what a filter team is?
- A So depending on what the process was to get the documents, it would come to a group of attorneys and/or FBI employees, agents, and others that are separated from the case team.

And so they will get those -- the information. They obviously can review the -- whatever the means of what we're looking for, the affidavit, the items of interest. But then they also have a general understanding of what would look like attorney-client material.

They would work through it. So essentially then you have two bulk -- two groupings of items. One is agreed that it is not attorney-client privilege, and then the second item is then potential. And then there's -- and I don't know what that next review is -- but then there is yet another review or two to confirm to agree.

I think it's then passed to potentially opposing counsel. They talk about it. And then in the times in an ongoing trial I think this can come up again and those determinations can be relooked at.

Q Can this process sometimes take some time?

A Yes.

Q And sometimes it can take a lot of time?

A Yes.

Q Because I think you just talked through about five or six different steps, correct?

A Correct.

Q And the goal of this process is to ensure that any privileged information is sequestered, correct?

A Correct.

Q This is a pretty typical process when a search warrant is executed for property belonging to an attorney, correct?

A Yes.

Q There's nothing unusual about it?

A No.

Q And the goal is not to slow down the case, right?

A Yeah. This is a mandated process that we have to go through.

Q Okay. The goal, as I said, is to protect privileged information?

A Correct.¹²¹

¹²¹ Sobocinski Interview at 137-40.

The FBI SSA similarly testified to the extra considerations involved in the searches of attorneys:

Q Searches of property that belong to an attorney present certain challenges. Isn't that right?

A Yes. Yes, and I've experienced that firsthand.

Q And that's because a search warrant -- conducting a search warrant of an attorney's property can involve material that's protected by the attorney-client privilege.

A Correct.

Q Among other considerations.

A Yes.

Q And is it bad if agents are exposed to material that is -- that falls within the attorney-client privilege?

A Well, yes. And I believe there was recent change in practice due to a Third or Fourth Circuit appeal about, you know, how to conduct an investi- -- or conduct a search warrant at an attorney's place of business.

But to answer your question as, again, the case agents invest a lot of time, energy into a case. So if a case agent working on a case is exposed or breaches the attorney-client privilege accidentally or otherwise, then, you know, that may taint the case itself and most likely have that case agent removed from the case, from further action, so that there's no belief that that agent then acted on information that came from an attorney-client privilege communication or paper or otherwise.

So we take great effort to ensure that we protect agents from being exposed to any material that could be considered attorney-client privilege.

Q And those steps can include the creation of a filter team. Is that right?

A Frequently, yes.

Q And that requires additional resources and additional time to have separate agents or prosecutors go through the material, determine whether there is privilege material in there, et cetera. It slows down the investigation and uses up a lot of resources. Is that fair?

A That is a fair description.

Q And if an agent accidentally sees privilege material, that can have an effect for the agent, as you mentioned, but also for the case. It's possible for a case to get dismissed if the prosecution team gets privilege material?

A Possible. I personally haven't seen a case get dismissed, but, yes, that is, you know, one of the factors always on the front of our mind.

Q So are you aware of a DOJ policy, for example, that applies to search warrants at property that belongs to an attorney that instructs prosecutors that in order to avoid impinging on valid attorney-client relationships, prosecutors are expected to take the least intrusive approach consistent with vigorous and effective law enforcement when evidence is sought from an attorney engaged in the practice of law?

A I don't know it word for word, but I understand that in practice.

Q And so prosecutors are instructed by the Justice Department as a matter of policy that they should consider less intrusive means, such as a subpoena, instead of executing a search warrant. Is that fair?

A That is fair.

Q And so that is an additional consideration beyond whether or not there is probable cause to execute a search warrant. Is that correct?

A Yes, assuming you had probable cause to even consider conducting a search. Yes, absolutely.

Q So it would be proper, and by that I mean within DOJ policy, for an attorney to say to an agent, yes, there is probable cause to execute this search warrant, but we are not going to do it because there are less obtrusive means of obtaining the evidence?

A That's reasonable, yes.¹²²

Although AUSA Wolf was not authorized to discuss her decision regarding the specific search warrants in this case, she also referenced the Department's policies about searches of a subject who is an attorney in response to questions about Shapley's and Ziegler's allegations about the storage unit warrant:

I'm not able to address -- I'm not authorized to address the particular allegations.

I would go back to my opening where I indicated that all departmental policies and procedures would have been followed.

So if some of those -- if some policies and procedures associated with attorney search warrants and filter requirements were implicated in any particular case, those policies and procedures would have been followed.¹²³

¹²² Jul. 2023 SSA Interview at 54-56.

¹²³ Wolf Interview at 92.

The FBI SSA confirmed that the Justice Department also has similar longstanding policies regarding investigations that could implicate election year sensitivities and regarding searches of public officials or political candidates:

- Q** So we discussed that in the context of search warrants at premises that belong to an attorney. Are you familiar with similar policies applying to property belonging to a public official or a political candidate?
- A** Early in my career, I became somewhat familiar with that with a search on Capitol Hill with Congressman Jefferson's office. So, yes, I'm somewhat familiar ...
- Q** ... Are you aware generally of the Department of Justice policy that -- with regard to election year sensitivities that cautions agents and prosecutors not to take any actions that might give the impression of -- or that might affect an election?
- A** Yes.
- Q** So there are additional sensitivities during an election year that apply especially when they involve political figures or those close to political figures. Is that right?
- A** Yes.¹²⁴

House Republicans have also cited the decision not to obtain a warrant to search a guest house where Hunter Biden had stayed for a period of time at the Delaware residence of then-presidential candidate Joe Biden as evidence of political interference. In truth, witness testimony reveals that there were multiple tactical reasons that investigators chose not to issue the search warrant for the Delaware guest house, and the decision was not influenced by politics.

Shapley's allegations that the guest house warrant decision making process was politicized are based on a September 3, 2020, call that included various members of the case team, which Shapley memorialized in a memorandum.¹²⁵ In the memorandum, Shapley writes:

2. AUSA Wolf stated that probable cause was not a question in determining if a physical search warrant was legally viable. She stated that there is more than enough probable cause. She stated that the decision was whether the "juice was worth the squeeze..." concerning whether the prosecution team thought that OEO and or public integrity would approve these types of actions.
3. AUSA Wolf stated that it is likely that a lot of the evidence sought in the T26 investigation would be found in the guest house of Joe Biden's

¹²⁴*Id.* at 56-57; see also Memorandum, William P. Barr, *Additional Requirements for the opening of Certain Sensitive Investigations*, OFF. OF THE ATT'Y GEN. (Feb. 5, 2020), <https://www.congress.gov/116/meeting/house/110836/documents/HHRG-116-JU00-20200624-SD009-U19.pdf>.

¹²⁵ Gary Shapley, *Memorandum of Conversation*, INTERNAL REVENUE SERV., DEP'T OF THE TREASURY (Sep. 3, 2020).

residence and she stated, "...there is no way we will get that approved..."¹²⁶

Contrary to House Republicans' allegations, the evidence shows that the discussion and decision making in this meeting were not driven by political bias. Rather, the FBI SSA explained that investigators on the case shared concerns about the usefulness of seeking a search warrant for the Delaware guest house, and the case team was trying to follow DOJ policies about searches involving public officials or political candidates:

Q Do you remember Ms. Wolf's statements to the effect of "juice was worth the squeeze"?

A I do.

Q And what did you understand AUSA Wolf to mean by that?

A That if there was a search warrant executed at that residence, would it garner evidence, you know, that would assist the case versus the amount of time and delay it would most likely -- we would incur because of where the search warrant was to be executed.

Q Do you know if the investigators on the case thought that there was evidence that should be obtained from the guest house?

A I think there was varying opinions because certain people didn't live at that residence for some time by the time of this. And so, the likelihood of evidence existing versus being -- contributing to the case was, I think, a matter of discussion.

Q When you say certain individuals were no longer living at the residence, would that -- is that in reference to Hunter Biden?

A It is.

Q And if you look at bullet number 3, it says AUSA Wolf stated that it is likely that a lot of the evidence sought in the T26 investigation would be found in the guest house of Joe Biden's residence. And she stated, there is no way we will get that approved, SA redacted interjected that there were several emails talking about the records stored at the guest house and that those communications stated that key evidence the prosecution team would seek would be sent to the subject's California residence. Do you remember this back and forth?

A Not in detail, but generally, yes.

Q What did you understand AUSA Wolf to mean by "there is no way we will get that approved"?

¹²⁶ *Id.* at 1.

A Well, we are -- so we are talking about now timeframe wise you are looking at September of 2020, 2020, which [is] right [about] 60 days before the general election. So if there was a warrant to be executed, it most likely wasn't going to happen prior to the election because we are right at that 60-day mark, if I recall correctly. And then afterwards, the likelihood, if the candidate had won, which he did, our ability to actually execute a search warrant at the then-President-elect's house or maybe even the President's house by the time he was inaugurated in January of 2020.¹²⁷

When asked if he agreed with AUSA's Wolf assessment of probable cause for the guest house warrant, the FBI SSA testified:

I do believe I agreed. I thought there was a question of, you know, my concern was staleness that he was no longer living there. But I think it ultimately became a non-issue because ultimately, the decision was made that we weren't going to pursue that.¹²⁸

He then clarified his concerns about staleness and explained that he did not believe that searching the guest house would yield unique relevant evidence in this case:

Q But your impression and your belief was that it was unlikely that relevant evidence would be found there [at the Delaware guest house]?

A It was unlikely that relevant evidence that we couldn't get otherwise [would be found].

Q Fair enough. And you also mentioned that your concern was staleness. And I want to just talk about that briefly. The law requires for a search warrant that there be probable cause not just that a crime was committed, but that evidence of that crime would be located in the place to be searched, correct?

A Correct.

Q And staleness is a legal term used to describe that if the suspect's tie to that residence are far enough back in time, that there isn't probable cause to believe that evidence will be found there. A warrant based on that type of connection could be invalidated, correct?

A Correct.

Q And you had concern about that in this case?

A Correct. As did others.¹²⁹

¹²⁷ Feb. 2024 SSA Interview at 91-92.

¹²⁸ *Id.* at 92.

¹²⁹ *Id.* at 114-15.

House Republicans also contend that AUSA Wolf’s instruction to remove mentions of “Political Figure 1”—a coded reference to then-presidential candidate Joe Biden—from an August 2020 draft of a search warrant for emails related to Hunter Biden’s work was politically motivated. However, not only did AUSA Wolf herself confirm that “at no time there was politics playing a role in those decisions” about this warrant, but the FBI SSA also agreed that the removal of Political Figure 1 from the warrant was reasonable and not motivated by politics.¹³⁰

Though AUSA Wolf was not authorized to talk about the specifics of this investigation, she described in detail the general process of drafting a search warrant and its accompanying materials and the standards that law enforcement must meet to get a warrant issued.¹³¹ She explained:

I think that's important for people to understand that search warrants don't let you -- they're limited. They're intrusions on people's rights. And the default is an intrusion on someone's rights. So that there are protections built into the process by the Constitution that the magistrates are responsible for enforcing.

So as a search warrant goes through, you need to be careful. If you're presenting a warrant to a magistrate, you don't want to overstate your case. You don't want to be too broad, so you need to line things up. So in any given case as you're revising both an affidavit and the accompanying attachments to the warrant, you're working through all of that. And you will frequently take things out more often. It's actually usually a process of removing certain things, as often as it is a process of adding in other things. So it's kind of an iterative process to get to the point where everything lines up as best it could for what you have probable cause to believe you can fairly present to the court, both as a matter of getting it approved by the court and also as a matter of what your sort of ethical and, you know, responsibilities are as an attorney.¹³²

Given the requirements of what must be included in a search warrant and the probable cause standard that evidence must meet, the FBI SSA testified that he was confused why the draft of the warrant even contained references to “Political Figure 1” in the first place because Joe Biden was not relevant to the search::

Q Do you know why [AUSA Wolf] didn't want anything about political figure one in the search warrant? ...

A ... I do have an understanding. She -- or generally speaking, that warrant, there was -- I am perplexed why that [reference to Political Figure 1] was in there in that draft form, you know. It may have been because it was in another one. I don't recall. But it wasn't really relative to the warrant at hand.

Q Okay. And so, we will go to --

¹³⁰ Wolf Interview at 43; Feb. 2024 SSA Interview at 112.

¹³¹ Wolf Interview at 41-43.

¹³² *Id.* at 43.

A It certainly didn't need to be for obtaining what we were hoping to get.¹³³

He went on to explain that the request to remove the reference to now-President Biden, who was never a subject of the investigation, was reasonable and not politically motivated:

Q You do recall the discussion about removing President Biden's name reference to political figure number one from the search warrant?

A I do.

Q As you testified that's because it wasn't relevant to what the search warrant was for and it wasn't necessary?

A As best I can recollect now, correct.

Q And that appeared to you to be a reasonable request at the time?

A Yes.

Q And you don't believe it was politically motivated?

A Correct.

Q And at the time -- well, at all times, President Biden was never a subject of [the FBI's] investigation? ...

A ... Correct.

Q And so if somebody was using the phrase subject to refer to him, that would be -- that would not be a correct use of that term?

A Not in reference to being the subject of an investigation.¹³⁴

The lack of relevance of "Political Figure 1" to the warrant is borne out by the fact that, as the FBI SSA testified, agents redrafted the warrant application without references to Joe Biden and the search warrant was ultimately issued.¹³⁵

4. The pace of the investigation was not driven by partisan considerations.

House Republicans claim that the DOJ and the FBI intentionally slowed down and delayed steps this case in order to benefit Hunter Biden for partisan gain. But, as the above discussion of search warrants demonstrates, the evidence that the Committee has reviewed reveals that the pace of the investigation was driven in large part by the additional approvals and requirements that apply under DOJ and IRS policies in cases involving public figures, election year sensitivities, and subjects who are attorneys.¹³⁶ Any one of these factors would be enough

¹³³ Feb. 2024 SSA Interview at 89.

¹³⁴ *Id.* at 112-13.

¹³⁵ *Id.* at 89.

¹³⁶ *See, e.g.*, Sobocinski Interview at 133-140; Wolf Interview at 11, 18-19, 87-89, 92-93; Jul. 2023 SSA Interview at 53-57; Feb. 2024 SSA Interview at 10-11, 17-18, 91-93; *see also Justice Manual § 9-13.420 - Searches of Premises*

to slow down an investigation, but this case presented all three of these challenges—plus the additional challenges posed by the involvement of two different investigating agencies, two different prosecuting entities, and multiple jurisdictions.

The FBI Supervisory Special Agent specifically testified that while he was frustrated with the pace of the investigation, this had happened with many cases in his career so it was not unique to the Hunter Biden matter.¹³⁷ He explained that due to the circumstances and facts of this case, and based on his previous experience working on matters involving sensitive public figures, he understood why the pace was slower than he would have preferred—something that the SSA thought that Shapley and Ziegler failed to comprehend:

Q Were you frustrated with the pace of the investigation? Did you think it was moving?

A At times I was. Absolutely. And that happens with many investigations I've had through my career. But there were times that I was frustrated at the pace. But there were also things -- and this is kind of my -- when I referred to the IRS whistleblowers, this was a very politically sensitive case for obvious reasons. And there were things that were done a little bit differently that we would not do with the average person because of concerns about people finding out about the investigation, bringing attention to the matter. You know, because, again, you know, investigations are meant to be brought forward in a court of law, not during the investigation.

So there were frustrations related to, you know, at times, there were decisions made that we could understand because I had been involved in political investigations in the past -- or I should say investigations of political figures. Let me correct that. And I understood why we would have to -- you know, we had greater approvals, for example. If we open a case on just a person that wasn't politically connected or a political official or religious official, you know, we didn't have to go through those requirements. And I don't think they seemed to understand that. So I don't know that they had been involved in cases involving political figures in the past. So when you compared the pace of maybe what their regular investigations were, they could see, you know, it was slower. But I was comparing it to my previous cases where there was, you know, things involving a political figure, and I could understand why things, you know,

of Subject Attorneys, U. S. DEP'T OF JUSTICE (Jan. 2021), <https://www.justice.gov/jm/jm-9-13000-obtaining-evidence#9-13.420>; *Criminal Tax Manual*, U.S. DEP'T OF JUSTICE at 1.05[3][b] (Aug. 2022), <https://www.justice.gov/media/1239301/dl>; Internal Revenue Manuals, 9.4.9.3.3.3 *Department of Justice, Tax Division Approval*, INTERNAL REVENUE SERV. (Mar. 17, 2011), https://www.irs.gov/irm/part9/irm_09-004-009#idm140285523534432; Internal Revenue Manuals, 9.4.9.3.2.4.1 *Executing Searches of Attorney's Offices*, INTERNAL REVENUE SERV. (Feb. 9, 2005), https://www.irs.gov/irm/part9/irm_09-004-009#idm140285523570416; Memorandum, William P. Barr, *Additional Requirements for the opening of Certain Sensitive Investigations*, OFF. OF THE ATT'Y GEN. (Feb. 5, 2020), <https://www.congress.gov/116/meeting/house/110836/documents/HHRG-116-JU00-20200624-SD009-U19.pdf>.

¹³⁷ Feb. 2024 SSA Interview at 17.

were slow at times. But there were times that you just wanted it to move along and thought it was slower than normal.¹³⁸

Multiple witnesses also testified that the pace of the Hunter Biden investigation was not unusual compared to their prior experiences working with the U.S. Attorney's Office in the District of Delaware, refuting claims that the Delaware USAO was intentionally deviating from procedure to delay this matter for political purposes.

SAC Sobocinski explained that different U.S. Attorney's Offices "had different cultures" referring to the pace of their decision making:

Q And is it fair to say that each office -- each U.S. Attorney's Office that you've worked with has had a different approach to how it handles cases?

A Yeah, I think there was -- the approach was always the same, the intent was the same, but they had different cultures.

Q What do you mean by different cultures?

A I think just really in a concrete way. Some were slower; some were faster.

Q Okay. So some office maybe are more deliberative. They take a longer time to mull over decisions. Is that fair to say?

A Yes.¹³⁹

The SAC named the Delaware USAO as an example of a district that was "a little more deliberative:"

Q Okay. Are there any jurisdictions that you've worked with that you'd consider a little more deliberative, like they take a little longer to make a decision?

A Delaware would fall under that.

Q And that's in all the cases that you work on with Delaware. Is that fair to say?

A It is.¹⁴⁰

The FBI SSA likewise testified that in his experience of working with many different U.S. Attorney's Offices, the Delaware USAO was generally "not as aggressive" as other districts when it came to prosecuting financial crimes, and that the office worked at a more deliberative pace than offices in other districts.¹⁴¹ He said the same of Lesley Wolf in particular, and that this was his experience with the Delaware USAO and Ms. Wolf generally—not just in the Hunter Biden case.¹⁴²

¹³⁸ *Id.* at 17-18.

¹³⁹ Sobocinski Interview at 121-22.

¹⁴⁰ Sobocinski Interview at 122.

¹⁴¹ *Id.* at 49.

¹⁴² *Id.* at 49-50.

The ASAC in the Baltimore Field Office described that the differences in U.S. Attorney's Offices, like differences between FBI Field Offices, might be due to variances in personnel and "what the availability is of resources," "the partners that we're working with, and it also depends on maybe a little bit of the culture."¹⁴³ She agreed with other witnesses about the Delaware USAO:

Q What about the District of Delaware? Do they tend to move more quickly, or do they tend to move more slowly, or somewhere in the middle?

A They were more deliberative.

Q More deliberative?

A Yes.

Q And, without getting into the specifics of any pending matters and in particular this pending matter, can you explain broadly what you mean by that?

A Across the board, you know, we have three different squads that handle a number of violations in that area. They basically are covering everything in Delaware that we cover in Maryland, and working with the Delaware U.S. Attorney's Office, I have seen that across the board, so violent crime, financial crimes, national security. It doesn't matter. They are just a very deliberative U.S. Attorney's Office in the processing of investigations.¹⁴⁴

When asked if she was frustrated with the pace of the Hunter Biden investigation, the ASAC responded, "Overall frustrated, yes, but I was frustrated in not just this investigation. Again, as I had mentioned earlier, the process, processing of investigations in the office were a little bit slower than what I was used to. So general frustration, yes."¹⁴⁵ She added:

Chairman Jordan. But, I mean, it's been 5 years, 2018 to 2023. Is that normal, for cases you deal with to take 5 years?

The Witness. Some cases, yes, sir, they have taken that amount of time, if not longer. It really just depends on what all is included and happening in the investigation. I cannot say that every case is like a hard and fast that this type of case is going to be this period of time.¹⁴⁶

From the IRS perspective, DFO Batdorf made clear that timing in this case was not unusual for a tax case.¹⁴⁷ When asked if he was frustrated by the timing and pace of the case, Batdorf responded:

¹⁴³ ASAC Interview at 60.

¹⁴⁴ *Id.* at 61-62.

¹⁴⁵ *Id.* at 103.

¹⁴⁶ *Id.*

¹⁴⁷ Batdorf Interview at 43-44, 56-57.

Sure. I mean, yeah. I mean, it's been -- I believed in our investigation. I believed in the evidence. I recommended that prosecution be taken after [IRS Criminal Tax] counsel nonconcurred. I met with prosecutors in DOJ Tax in June.

There is always some level of frustration. Mine is a little bit more removed. I'm not the day in, day out, you know, working the case.

But I do understand that it does take time in some of these cases. Some of our cases are years in the making.¹⁴⁸

While this case might not have moved as quickly as Shapley and Ziegler would have liked, the testimony of other investigators working on or supervising the Hunter Biden matter demonstrates that the pace was not due to partisan politics; it was due to the particular challenges posed by the facts and circumstances of this case, as well as to the more deliberative pace of the Delaware USAO in general—not just in Hunter Biden’s case.

5. Disagreements about case decisions between investigators and prosecutors are common and are not themselves evidence of politicization.

Republicans claim that Shapley’s criticisms of the investigation are well-founded and unbiased. The evidence shows, however, that Shapley’s own supervisors believed his criticisms were “not fair,” and that Shapley tends to inflate conflict and “go to level like grade 7 five-alarm alarm fire on everything” more often than other investigators.¹⁴⁹ In addition, multiple witnesses testified that investigators and prosecutors regularly disagree on case decisions, and that in those instances, prosecutors hold the final decision making authority.

Michael Batdorf, the Director of Field Operations for the Southern Area in the IRS’s Criminal Investigations division, was asked about the concerns Shapley and Ziegler were expressing:

Q And were you aware of communications and update issues on this case?

A Yes, I was.

Q Okay. And was that -- what were the nature of those issues?

A I think our investigative agents wanted to be more included on the prosecutorial review of the case and they weren't getting -- maybe -- I think they may have had monthly meetings prior to during the investigation, but now this was this deliberative process that David Weiss was taking with his team to review the evidence. And my feeling was that our agents were not getting the feedback that they were looking for on a regular basis.

¹⁴⁸ *Id.* at 44.

¹⁴⁹ *Id.* at 40-41; *see also* Waldon Interview at 49, 74, 115.

Q Did you think that those concerns from your agents were fair?

A I mean, no, not fair. They were taking their process to review the evidence. I mean, they can ask us questions. To have regular meetings just to have a meeting, we're wasting time. Why have a meeting if there's not going to be anything brought up besides we're still reviewing the evidence?

So were they frustrated? Yeah, they were frustrated throughout the entire investigation, some parts of it. So I'm not sure why these would be surprisingly contentious. I mean, my phone call with Darrell [Waldon] after this, I mean, he -- if you look at his email and why his talk with me, I mean, he disarmed some of.

Gary has a tendency to go to level like grade 7 five-alarm alarm fire on everything. Darrell, being a senior leader with experience, kind of, "Hey" -- if Darrell would have wrote, "Oh, my God, this happened, we got to talk immediately," okay. But him and I talked and we talked through some of this, and there was a statement that he didn't even remember being made, and I said, "Okay, let's work through this and figure out what we need to do."

Q Which statement was that?

A I do not recall which statement it was. I'm racking my head about it, and I have not talked to Darrell and asked him.

Q Okay. And on the -- it sounds like you're saying Mr. Waldon sort of was bringing down the temperature on sort of maybe the tone of this report?

A Correct.

Q Okay. And when he was doing that, was he addressing specifically this idea of the issues were surprisingly contentious?

A It was more on -- this isn't the only investigation that Gary Shapley and Joe Ziegler and his team were working. I mean, they were working many investigations.

And Gary is a fantastic agent. He's a bulldog. He will get to the bottom of it. But, again, he has the mindset that he should report directly to a DFO or a chief, all his investigations rise to this level. He has a mindset that if you don't agree with him, I mean, "You're just incompetent, and I'll cut you out and I'll go straight to the DFO."

And we're working through those issues. So this isn't the first email I got where everything is on fire and we need to figure it out.

So Darrell has done a good job of being that barrier between the two, and that was more the conversation, not necessarily the specifics of why it was contentious.¹⁵⁰

Shapley routinely circumvented his direct supervisor and instead went directly to Batdorf with issues.¹⁵¹ DFO Batdorf testified that of the hundreds of people he oversees, only one SSA—Shapley—would break the chain of command to complain to Batdorf:

Q The director of field operations, about how many individuals in total are supervised through your various levels of agents that are below you? ...

A ... There are -- I mean, there are roughly 27-, 2,800 special agents nationwide. Add on top of that, 1,200 or 1,300 support staff. I probably oversee 1,000 people -- 750 to 1,000. So 800 to 1,000, somewhere in there.

Q About how many of those would you say are special agents, so not the support staff? How much is the support staff of that thousand, roughly?

A Yeah. We -- usually around 30 percent of our staffing is professional staff.

So I would probably oversee 525 special agents and 150, 200 support staff, and then I have my own staff as well.

Q For supervisory special agents, so the SSAs, how many of those do you have regular conversations with? The SSAs, so down a few levels?

A When you say regular conversation --

Q Where they have an issue and they come to you directly. How many?

A One.

Q Who is that one SSA?

A Supervisory Special Agent Gary Shapley.¹⁵²

When asked about Agent Ziegler, DFO Batdorf testified, “Mr. Ziegler and Mr. Shapley are -- I mean, for lack of a better term, they’re one and the same.”¹⁵³

One specific disagreement that House Republicans have focused on as evidence of politicization of this case was the difference of opinion between IRS agents and prosecutors on whether or not to charge Hunter Biden for conduct in the 2014 and 2015 tax years. However, in his original testimony before the Ways and Means Committee, Ziegler acknowledged that prosecutors on the case had concerns about the viability of charges for tax years 2014 and 2015,

¹⁵⁰ Batdorf Interview at 40–41.

¹⁵¹ *Id.* at 41, 47–48.

¹⁵² *Id.* at 47–48.

¹⁵³ *Id.* at 77.

in part because of the potential for mitigating facts to reduce the chance of success at any eventual jury verdict:

David [Weiss] says to us -- and this is from my recollection -- that he agrees with us regarding the 2014, 2015 tax year. They're great. Yes, we investigated it. We figured it out. But he has been getting concerns from DOJ Tax regarding the tax years because they viewed that, at a trial -- that it could affect the later years. That the information regarding the subject's brother's death, the substance abuse -- that all those things could play a huge role and cause the jury to say essentially -- to have sympathy for him and to not convict on the charges.¹⁵⁴

Ziegler later reiterated, “DOJ Tax was of the mindset that the jury's sympathy -- related to the death of [Hunter Biden’s] brother and the drug use -- would affect the later tax years, and that David, at that time, was weighing whether to go forward based on that or not.”¹⁵⁵ This consideration of whether the evidence in the case is strong enough to obtain and sustain a conviction at trial, in light of potential defenses, is not evidence of partisan or political motivation, but rather a necessary factor that prosecutors must consider when deciding whether or not to charge certain conduct.¹⁵⁶¹⁵⁷

Even Shapley acknowledged that it would not be “a huge problem” if prosecutors decided not to bring charges for the 2015 tax year because he “could some issues with that [year] that would preclude it being charged,” including that the amount of tax owed “was a much lower amount” and that the fact pattern was “a little bit less straightforward.”¹⁵⁸ The Committee has seen no evidence to indicate that prosecutors’ charging decisions related to the 2014 and 2015 tax years were politically motivated.

To be sure, Shapley and Ziegler disagreed vehemently with certain decisions prosecutors made about the investigation, some of which are detailed above. But the FBI and IRS officials, including Shapley himself, have all testified that disagreements among investigators and prosecutors are common and routine, and disagreements are not themselves evidence of any nefarious political influence.¹⁵⁹ Shapley even estimated that attorneys at the IRS’s Office of Criminal Tax Counsel, which reviews agents’ assessments of criminal tax cases, disagree with him and his team in “90-plus percent” of their international tax work.¹⁶⁰

The testimony of the FBI SSA assigned to the case undermined the notion that disagreements between agents and prosecutors involved in the Hunter Biden investigation is evidence of political interference. Rather, he acknowledged, it is routine for agents and prosecutors to disagree about investigative steps and charging decisions, those disagreements

¹⁵⁴ Ziegler Interview at 39.

¹⁵⁵ *Id.* at 91.

¹⁵⁶ *Justice Manual* § 9-27.220 - *Grounds for Commencing or Declining Prosecution*, U. S. DEP’T OF JUSTICE (Jun. 2023), <https://www.justice.gov/jm/jm-9-27000-principles-federal-prosecution>.

¹⁵⁷ *Id.* at 91.

¹⁵⁸ Shapley Interview at 93.

¹⁵⁹ *E.g., id.* at 100, 135-36.

¹⁶⁰ *Id.* at 44, 77.

were not exclusive to the Hunter Biden case or the Delaware USAO, and in his 20-year career, the SSA witnessed these differences of opinion frequently:

Q I just want to circle back quickly to our earlier discussion about the U.S. Attorney's Office in Wilmington. I take it from your answers that you had disagreement with at least some of the prosecutors about certain investigative steps. Is that fair?

A On this case or in general?

Q In general.

A In general, yes. And that wouldn't have only occurred in this U.S. Attorney's Office. I mean, there were instances that happen, you know, personally for me throughout my career where we had a difference of opinion, and I'm sure every agent working hard goes through the same thing at times.

Q So it's a common circumstance for FBI agents to have disagreements with prosecutors about investigative steps. Is that fair?

A Yes.

Q You -- as I understood your answer [earlier], you referred to certain prosecutors in the office as being perhaps less aggressive than you would have preferred ...

... Could it be that the reason for what you were observing was, in fact, caution and deliberateness in making investigative decisions?

A Among others, yes.

Q Did you ever have instances where you had disagreements with the prosecutors, not just about investigative steps, but charging decisions?

A Absolutely.

Q Were there instances where you thought there was -- a charge should be -- or a count should be charged because you felt the evidence was sufficient to warrant it and the prosecutors decided not to charge those counts?

A Absolutely.

Q Would you say that's common for special agents to have that kind of back and forth with prosecutors?

A Common, but not -- what's the word I'm looking for? It's common, but, you know, in my experience, I had very good working relationships with my -- the assistant United States attorneys I worked with. We may have disagreements. I certainly recognized my role versus their role, where

they're the ones that have to argue in front of a judge and jury, which I don't have to. I have to -- I may have to testify, but it's their case to argue.

So ultimately, you know, we may have our differences, but it's usually a good relationship. We air out our differences, but, yeah, there are differences at times.¹⁶¹

In his interview the House Judiciary Committee, the FBI SSA reiterated just how common these types of disagreements are:

Q And, as you explained in your testimony to the Oversight Committee, in the cases you've had over the course of your career, you have had disagreements with prosecutors about whether or not to take certain investigative steps, correct?

A Sure, from my very first case on.

Q It's something that happens routinely, in fact?

A Yes.

Q Investigators, trained agents often see things differently than attorneys who have not been out in the field?

A Correct. And the reverse is true.

Q And when you say the reverse is true, you mean that most investigators have not actually had to be in court and convince a jury of the charges?

A Well, if they have, they're still not the lawyer making the argument in front of the jury ...

Q ... And -- well, you said that this [disagreement] happens routinely to you in the cases that you investigated as a line agent?

A Correct.

Q And as a supervisor?

A Correct.

Q I imagine you've experienced it with the cases that you were supervising as well?

A Yes.

Q And have you also sometimes had disagreements with other law enforcement agencies that you've been working with?

A Sure.

¹⁶¹ Jul. 2023 SSA Interview at 50-51.

Q And about whether or not to take certain steps, about what charges should be brought, about --

A Yeah, and number of individuals to be charged. You know, yeah, all sorts of things. And, again, we don't make the charging decision but, you know, I've been in instances where we've -- we thought five people should be charged. The agency we were working with wanted seven. And ultimately, the U.S. Attorney's Office makes the decision. But, you know, all sorts of issues can arise.

Q And sometimes you agree with the decision that the U.S. Attorney's Office makes and sometimes you don't. Is that fair to say?

A Correct.

Q And so you've had cases where you disagreed with prosecutors about whether charges should be brought at all?

A Yeah, absolutely.

Q And you've had cases where you disagreed about who should be charged or what they should be charged with, what actual violations?

A Yes.

Q And, as you said, it's ultimately the prosecutor's decision --

A Correct.

Q -- about who gets charged?

A That is correct.¹⁶²

The FBI SSA further explained that the role of agents and prosecutors are different, so prosecutors must consider factors beyond those that agents consider:

A Well, and we are not -- as an FBI agent, you are not permitted to file charges. It's, you know, the Assistant United States Attorneys, the trial attorneys that we worked with, they are the vehicle for making or levying charges.

Q And they have significant discretion in that regard?

A They do.

Q So it's your understanding, based on your experience, that if a prosecutor -- a prosecutor can choose to decline to file charges even if they believe there is sufficient evidence to sustain those charges?

¹⁶² Feb. 2024 SSA Interview at 69-71.

A Sure. I mean, especially, you know, if you look at financial crime matters, there are times we know somebody was involved in the theft or -- of some amount of money, but the amount of money is so small relative to what is prosecutable, you know, or may result in jail time that the prosecutor may say, we're not going to pursue this, because they're not going to get any jail time, it's not going to act as a deterrent, and we're [not] going to extend resources on this when we have, you know, more important or other cases of greater value, for example.

Q And so resources are a consideration?

A Always.¹⁶³

Other FBI investigators similarly characterized differences of opinions between prosecutors and investigating agents. For example, FBI Baltimore SAC Sobocinski testified that he regularly manages agents who disagree with prosecutors and acknowledged that ultimately, prosecutors are best positioned to evaluate the relative strength of the evidence and the likelihood of obtaining a conviction at trial:

Q And, again, you're not an attorney, but in your experience, have you been in situations where you thought that prosecutors -- that you hoped prosecutors would bring charges that they ultimately decided not to bring?

A Yes.

Q And without getting into specifics, can you describe any of the circumstances around those?

A Yeah. In a general sense, I mean, the FBI opens cases on people we think -- criminal cases on people we think have broken the law. We put a lot of time, effort, and energy into gathering the evidence. And when we get to a point where we think there's enough evidence for an arrest and an ultimate prosecution, yeah, we are -- you know, our goal is to get that there. But as I said, the U.S. Attorney's Office or State prosecutors are the ones that make that ultimate decision, and they may have a difference of opinion.

Q And is it fair to say that -- and I want to get back to that difference of opinion in a second. But you said that you put -- your agents put a lot of work into these cases. Is it fair to say that they in some cases get kind of personally invested in these cases?

A Yes.

Q And so if somebody spent a lot of time, a lot of energy working on a particular case, they might be disappointed if a prosecutor decides not to bring a particular charge, correct?

¹⁶³ *Id.*, 71-72.

- A Yeah, if they feel it should be, yeah, there is that.
- Q And as a supervisor, have you experienced instances in which agents you manage have had disagreements with prosecutors about investigative steps?
- A Yes.
- Q And is that sometimes a challenging issue to manage as a supervisor?
- A It is.
- Q And why is that?
- A Beacu- -- first of all, each circumstance is different, but this is something I regularly have dealt with in my career, if weekly, if not daily. And listen, we are putting time and effort into this. We think we've gotten to certain standards, but ultimately it's not our decision.
- And so I have two-pronged approaches. The first is to support my investigative team, the employees that are working this case that are actually out there putting in times, putting their lives in danger to do this. And so part of that is to hear what they have to say and advocate on their behalf, as each leader in my office does. And then there are times when I will have conversations with U.S. attorneys on these cases. There are times when I have to communicate, you know, bad news to these teams even before the communication. I may agree with the prosecutors in certain circumstances. So all of these are varied, but, yeah, those can be tough conversations.
- Q And they happen often?
- A They happen often.
- Q Okay. Ultimately, you said this earlier, it's up to the prosecutors to decide what charges to bring, correct?
- A Correct.
- Q And that's because prosecutors are best positioned to understand the relative strength of the evidence, right?
- A Yes, as it relates to going to court. Absolutely.
- Q Right. And prosecutors are best positioned to evaluate the weaknesses a case might have if it is tried before a jury, right?
- A Yes.¹⁶⁴

¹⁶⁴ Sobocinski Interview at 78-80.

The Baltimore ASAC likewise testified that disagreements between prosecutors and investigators are fairly common:

Q [I]n some cases over the course of your career, you've had disagreements with prosecutors about, for example, particular investigative steps. Is that fair to say?

A Yes.

Q And, as a supervisor, have you experienced instances in which the agents that you supervise have had disagreements with prosecutors about particular investigative steps?

A Yes.

Q Have you also had disagreements with other law enforcement entities, meaning either State and local law enforcement or maybe DHS, Homeland Investigative Services, or the IRS, where you were jointly working an investigation and your investigators -- or investigators that you oversaw disagreed with the investigators from another law enforcement entity?

A Yes.

Q Okay. Is it fair to say that it's fairly common for FBI agents to have disagreements with prosecutors and other law enforcement entities about investigative steps?

A I think it's -- yes, it's fairly common, definitely not unusual for there to be disagreements and differences of opinions.

Q And why do you think that is?

A I believe that's based on, first and foremost, people being different, you know, from the job, as well as having different experiences, investigative experiences, prosecuting experiences. All of those things are going to come into play, their understanding of a matter versus, you know, what someone else's understanding is. All of those things, I believe, come into play as to why everyone is not going to be in lockstep.

Q Have you had instances where you thought a prosecutor should bring a particular charge and the prosecutor disagreed with that assessment?

A Yes.

Q It's ultimately the prosecutors who make the decision in that case. Right?

A Yes.

Q And that's because prosecutors are best positioned to understand the relative strength of the evidence and how it might appear to a jury. Is that fair to say?

- A I definitely think we have different specific roles when it comes to that, and so, yes.
- Q Okay. And prosecutors are the ones who actually have to argue the case in court. Right?
- A That is correct.
- Q And they're the ones that have to present it to the grand jury to get an indictment. Correct?
- A Yes.
- Q And they might be in the best position to evaluate the strengths and weaknesses of a witness and how a witness might appear before a jury. Correct?
- A Yes.¹⁶⁵

The ASAC specifically noted that, while she was aware of some differences of opinions on the case team, she did not see “real tension” that was unique to the Hunter Biden matter:

- Q Are you aware of any tensions that had existed between the investigative team and Ms. Wolf? ...
- A ... I am aware, like many of the investigations that I've been a part of and have overseen, that sometimes there can be disagreements between investigative parties and AUSAs, U.S. Attorney's Office. So, other than that, no, I'm not aware of any --
- Q Okay.
- A -- real tension.¹⁶⁶

She later reiterated that she did not see “anything remarkable” about the disagreements within the case team on the Hunter Biden matter compared to any other case that she has worked on.¹⁶⁷

According to Shapley, the reason that the differences of opinion that he had with prosecutors in the in the Hunter Biden matter were “not the norm” was that prosecutors “didn't take the time to explain” the decisions that he disagreed with, so, unlike in other cases in his career, he “didn't walk away being like, I disagree, but that makes sense.”¹⁶⁸ Because Shapley did not fully understand prosecutors’ decisions, he assumed they had “nefarious motive.”¹⁶⁹ But other investigators explained to the Committee that, while it may be ideal for the full case team to come to a common understanding on all prosecutorial decisions, not every working

¹⁶⁵ ASAC Interview at 63-64.

¹⁶⁶ *Id.* at 18-19.

¹⁶⁷ *Id.* at 66.

¹⁶⁸ Shapley Interview at 136.

¹⁶⁹ *Id.* at 137.

relationship meets that ideal. Shapley's lack of understanding of prosecutors' motives is not evidence of partisan motivation in this investigation.

SAC Sobocinski testified that while he tries to promote clear communication between agents and prosecutors, it does not always happen:

Q Okay. And is it fair to say that sometimes prosecutors and agents -- when an agent disagrees with a prosecutor, sometimes the prosecutor will sit down with the agent and will talk through and explain here's the strengths and weaknesses, here's why I'm unable to pursue this particular charge, right?

A Correct.

Q And some prosecutors don't do that, some just don't have that relationship, right?

A Correct.

Q Okay.

A Can I say that my -- as I talk to my --

Q Yeah.

A -- communication earlier, my hope and what I try to lead and what the U.S. attorneys and I talk about are that communication. And it's really important to have that at that level so that there's no misunderstanding about what's going on. That is something that I personally strive for and I hold my leaders responsible for that. But there are always personalities, and sometimes that just doesn't happen, but it does create problems when it doesn't.

Q And sometimes prosecutors are busy or overwhelmed and don't have the time in the moment to sit down with an agent and explain a charging decision too, correct?

A Sure.¹⁷⁰

The Baltimore ASAC agreed there are "various reasons as to why" prosecutors may or may not explain their decisions to case agents, and she testified that ultimately, prosecutors hold the authority to make charging decisions:

Q And is it fair to say that, in those instances where prosecutors and investigators perhaps disagree about what charges might be brought, in some cases the prosecutor will sit down with the investigators and explain

¹⁷⁰ Sobocinski Interview at 80-81.

why particular charges are being brought and why particular charges are not being brought?

A Yes, that happens.

Q And sometimes prosecutors don't do that. Right?

A That happens as well.

Q And, in those cases, it may just be the case that the prosecutor is busy; it might be just a different style, but it happens?

A Yes. There would be various reasons as to why.

Q And there's not necessarily a malicious reason behind it. It might be they were busy or perhaps it was -- you know, the timing didn't work out?

A Yes.

Q Have you ever had cases or supervised cases where agents take it kind of personally when a prosecutor disagrees with them about charges, especially if they have spent a long time building up a case and the prosecutor declines to bring charges in that case?

A Yes.

Q Can you describe those situations broadly?

A Just generally speaking. And, you know, over the years of experience, I've seen where -- because people are invested in seeing an investigation come to a conclusion. And, again, as we talked about having different experiences and opinions, there have been, I would say, occasions that I've seen people I think take things personally and have to be, you know, reminded that we have a job and sometimes what your ultimate opinion is, is not necessarily how things are going to turn out. Because, again, you've investigated a case. You've brought the information to the prosecutor, and the prosecutor has now that responsibility to make that determination.

Q And would you agree that prosecutors generally only bring cases when they have a reasonable chance of securing a conviction in that case?

A Yes.

Q In other words, prosecutors like to win. Correct?

A Generally, yes, I would think so.¹⁷¹

¹⁷¹ ASAC interview at 64-66.

The FBI SSA testified that it is human nature that some prosecutors are more communicative than others.¹⁷² He also explained that, as an investigating agent, he understood that he would not always receive a full explanation for every decision or be included in every meeting:

Q Now, in your experience, when you've had these situations with prosecutors where there's a disagreement, whether it's about charges to be filed or investigative steps to be taken, like a search warrant, interviews, that sort of thing, are there some prosecutors who will sit down and carefully explain to you why they made their decision?

A There are.

Q And are there others who sometimes just don't really communicate that all that well, and it just -- they make the decision and it's done?

A The nature of humanity, correct.

Q And is it your experience that sometimes prosecuting attorneys are not always super diligent about informing the investigators of developments in the case?

A I have that experience, yes.

Q Was that something you experienced in this case?

A I thought there was a good level of communication generally in this case, but there certainly were decisions -- again, you know, we're not privy to conversations, you know, the U.S. Attorney's Office was having with other districts. We don't get full explanations, you know, things like that.

So there were times, you know, I'm sure that there was a decision made and we didn't have a full explanation, from our point of view.

Q And I imagine that was frustrating?

A At times maybe. At other times, you know, you -- you know, again, you learn to live with it and move on.

Q And you explained that earlier you wouldn't expect to be included in conversations between the attorneys, the U.S. Attorneys from different districts?

A Typically, no.

Q And you wouldn't expect to be included in routine conversations between the prosecutors and defense counsel?

¹⁷² Feb. 2024 SSA Interview at 73

A That is correct.

Q In your experience, again, those are things that are handled attorney to attorney. Agents are not typically present for those.

A And that's typical, correct.¹⁷³

The SSA specifically testified that he had experienced some lack of communication and being excluded from some conversations with prosecutors throughout in his career, so, to the extent that he saw those things occur in this case, it was not unusual.¹⁷⁴ But he acknowledged that not every agent had that experience:

Q The IRS agents that you work with have expressed some frustration or concern that they were not included in several of these attorney-level conversations.

Do you remember that happening at the time?

A Them being frustrated?

Q Uh-huh.

A Yes.

Q And based on your experience and based on what you just said about you not expecting to be included in those conversations, did you think that those frustrations were, their expectations that they would be included were reasonable?

A Well, you have to look at it from the point of view is I had -- I and the agents I worked with in Delaware had worked with the U.S. Attorney's Office in Delaware for some period of time. You know, at the time this case was opened, I was in Delaware 8 years.

I don't believe the IRS agents assigned to this had ever worked with that U.S. Attorney's Office in the past. So to level set for them was different than where we were. So I could certainly understand their frustrations.

There are things when I came from the Eastern District of Virginia -- or the Washington Field Office where I had experience with those other districts, I was also frustrated in my first few years that they -- I wasn't included in certain things that I had been in other districts.

But after 8 years, you know, I had -- I had grown accustomed to, okay, I'm not privy to some of these conversations. They had not. So their

¹⁷³ *Id.* at 73-74.

¹⁷⁴ *Id.* at 75.

frustration, they were where I was 8 years earlier, you know, in many ways.¹⁷⁵

The witnesses who have served as prosecuting attorneys also agreed that it is common for prosecutors and investigators to have differences of opinion on investigative and charging decisions, in light of their different training and experience, as well as their different roles in a criminal case. Former AUSA Lesley Wolf testified in her opening statement to the Committee:

There is no one size fits all for Federal prosecutions. Each case presents its own unique circumstances and challenges. Different and, at times, evolving policies, guidelines, and statutory and ethical obligations are often at play due to the particular nature of an investigation. And against this backdrop, there is room for disagreement. A proper and appropriate decision and course of action did not always please everyone. But, again, such decisions were never made in a vacuum and were always guided by the principles of justice and fairness, as I've described. Throughout my career, I've prided myself on being able to adeptly navigate those challenges and to maintain positive relationships with investigators, even in times when we may not have seen eye to eye.¹⁷⁶

She also clarified the distinction between the role of the prosecutor and the role of the investigator, and how this distinction can nearly always results in some differences of opinion:

Q Is it fair to say that the investigators, as they come to you, have a different role than you have when you're examining, for example, whether to open a matter at the U.S. Attorney's Office or to issue a subpoena or give them some other kind of approval for a legal process?

A Yes, there's different roles. There's a team approach and people talk through and work through. But ultimately the decision to determine the legal sufficiency or present a document to the court or anything else is the prosecutor's decision, not the investigator's.

Q And why is that decision made by the prosecutor and not the investigator, in your opinion?

A In my opinion? I think it's -- I mean, some of it is it's various legal processes. It's sort of a requirement. I don't think it's because we're magically smarter or better than anyone. It's just we're trained to do it, so to speak.

You know, I often -- like, you know, I don't tell ATF how to go out and execute a search warrant once we've gotten the search warrant, but I do help them get to a point where the search warrant we're presenting to the court states probable cause for whatever they want to do.

There's just different lanes. Maybe that's the best way to say it.

¹⁷⁵ *Id.* at 74-75.

¹⁷⁶ Wolf Interview at 9.

Q Okay. Fair to say that a lot of the investigators are not lawyers?

A Mostly that's true.

Q And they're not trained as prosecutors are to consider what we've gone through, like with the Federal Prosecution Principles, for example, how to decline or approve charges? They're not trained in that respect?

A That's correct.

Q Okay.

So have you in your career had differences of opinion with agents generally in cases when it comes to either investigative steps they would like to take or charges that they would like to bring? Have you ever had a difference of opinion with an investigative team with respect to that generally?

A I mean, at the smallest level. I can't remember a case when at some point there wasn't if not ultimately a disagreement at least a discussion or a consideration of two different approaches to something. It is the norm.¹⁷⁷

U.S. Attorney Graves explained that prosecutors have specific training and experience in assessing whether evidence is likely to persuade a jury beyond a reasonable doubt:

Q We just talked through many concerns or many issues that prosecutors should consider when deciding whether to bring charges. How do prosecutors learn to assess and evaluate these types of concerns?

A Some of it is through experience and supervisors who have been through these cases before who will say, you know: Well, this is how I would defend this case. What are you going to do in response if that's the defense, and kind of talking through those kinds of issues.

But, in my view, there is nothing -- no greater teacher than experience, which is why, like, the supervisory chain is so important, because they've seen these cases before.

Q And prosecutors -- you don't start out prosecuting white-collar crime, right?

A That is correct. Well, I mean, I should say that, in our office, you don't start off prosecuting white-collar crime. There are places within the Department you can go where you can specialize in white-collar crime.

Q But, in the U.S. Attorney's Office in particular, you might start off prosecuting misdemeanors, right?

¹⁷⁷ Wolf Interview at 69-71.

- A Yes.
- Q And you learn from experience doing misdemeanors, right?
- A Yes.
- Q And then you may be assigned to progressively more complex cases, correct?
- A Yes.
- Q And you may be paired up with a more senior attorney to have them mentor you on a more complex case, right?
- A Yes.
- Q And so my point is that there is learning -- there is a learning process that is garnered through experience as a prosecutor?
- A That is correct, and that's just on the violent crime. And then, when you get over to the fraud and public corruption, you're not immediately by yourself doing multimillion-dollar fraud cases. It's like 100,000, 200,000, \$300,000 embezzlement. And then you kind of start the process all over again in the white collar context of learning those cases, because prosecuting white collar is like a different animal than violent crime.
- Q So it's fair to say that prosecutors have fairly unique training, learn on the job, and experience in assessing things like the sufficiency of admissible evidence?
- A That is correct.
- Q And it's fair to say that prosecutors have unique training and experience in assessing the likelihood that the admissible evidence will be persuasive to a jury, correct?
- A Correct.
- Q So it's fair to say that prosecutors have unique training and experience in assessing whether the admissible evidence is reasonably likely to result in a conviction ultimately, correct?
- A Yes.
- Q In your experience, is it fair to say that investigators, whether they're from the FBI or from the IRS or some other investigative entity, don't have the same experience specifically with regard to assessing the admissible evidence and whether it would be persuasive to a jury?
- A Yes.

Q And is it fair to say that one unique difference between investigators and prosecutors is that investigators generally do their work -- so investigators do their work before the stage when the evidence is tested by trial, and prosecutors are looking at it specifically with respect to the trial itself?

A In general, yes.

Q In some cases, the investigation might continue?

A Yes. So, I mean, just to expand on your point, I agree with the premise behind the question. So the investigators are gathering evidence and often don't see how the evidence plays out in court. Even when they themselves are called to testify, they're only there for their period of when they're testifying and maybe closing arguments. So they don't see the trial process and how all this plays out, with the limited exception of sometimes, in Federal cases and white-collar cases, you can have an agent sitting with you -- a law enforcement agent sitting with you for the entire trial.

And I only raise that because that is one of the best experiences that a law enforcement officer can get, because sometimes they sit through the whole trial and they say: Oh, now I see why we were having those conversations before that I didn't understand.

Q And, if they don't sit through that, or if they haven't had the opportunity to sit through that, they might not really understand how the trial process works?

A Correct.

Q And they might not really understand the prosecutor's thinking?

A Correct.

Q Given the difference in roles between investigators and prosecutors, it's not surprising that there might be differences in opinion among investigators and prosecutors about the strength of the evidence and the likelihood of success at trial, correct?

A Not only is it not surprising, but, in my experience, in Federal charges, blue collar or white collar, it's kind of more often than not that there is some disagreement, with the agents usually thinking that more charges should be brought than the attorneys.

Q And, in those cases where the agents think more charges should be brought than the attorneys do, the prosecutors have the final say, correct?

A They have -- yes. Well, yes. I -- in my office, we try to do things collaboratively because the agents have spent so much time and we try to

talk through the issues and explain to them, like: This is -- these are the challenges we see.

And you hope to be able to get and we often do get to a consensus of: Yeah, I wanted to do A, B, C, X, Y, and Z before, but now I understand A, B, C.

There are some times where they are like: I still think X, Y, Z, but I respect the decision that you're making.

Q And I appreciate that.

A Yeah.

Q But, ultimately, if there is -- if you can't get them to see your point of view, at the end of the day, it is the prosecutors whose word goes, right?

A Yes.

Q And that's because prosecutors have that specialized experience we talked through, correct?

A Yes. And that's our role in the process.

Q Right. They're the ones that have to present the case to the jury?

A Yes. Yes.¹⁷⁸

U.S. Attorney Estrada also explained that disagreements between investigators and prosecutors happen "fairly often," and prosecutors have charging authority:

Q Given the differences between what prosecutors do and what investigators do, is it surprising that there might be differences in opinion among investigators and prosecutors about the strength of the evidence and the likelihood of success at trial?

A There are sometimes disagreements between agents and AUSAs about a case, whether it should proceed or not. That will occur on some occasions.

Q And as a supervisor, you've seen that happen with cases under your purview. Is that fair to say?

A It happens fairly often.

Q In those cases where prosecutors and investigators disagree about the likelihood of success at trial, it's prosecutors that have the final say on whether to bring charges, correct?

¹⁷⁸ Graves Interview at 62-65.

A Absolutely.

Q And why is that?

A Well, because we have the training, we have the know-how, the experience. We can play devil's advocate and see what the defenses will be.

Just about in every gang case I've done, the agents have wanted to indict those extra 10 defendants or extra 12 defendants. And it's the prosecutor's job to look at the evidence objectively, not emotionally, and determine whether it can really be proven beyond a reasonable doubt and whether it serves the interest of justice.¹⁷⁹

Finally, Special Counsel Weiss confirmed that “especially when it comes to charging decisions and how the case is going to move forward, prosecutors are ultimately making that decision.”¹⁸⁰ This is because prosecutors—not investigators—are responsible for bringing the case to trial:

Q Given the difference in roles between investigators and prosecutors, is it surprising that there are sometimes differences in opinion between investigators and prosecutors about, for example, the strength of the evidence and the likelihood of success at trial?

A Yeah, I can say that it is not unusual for prosecutors and agents to, at times, disagree as to strength of the case, investigative decisions, things of that nature. It does happen from time to time.

Q And in the course of your career as a prosecutor and as a supervisor of prosecutors, have you experienced these disagreements?

A Sure. Part of my responsibilities entail running into those and trying to resolve those.

Q And how do you work to resolve those differences?

A You make sure that everyone has an opportunity to be heard. You hash it out; you talk it through. And, you know, if the parties are unable to -- that is, the agents and the prosecutors -- to persuade or come to a consensus, you make a decision as to how you're going to proceed. And hopefully everybody gets on board, and then you proceed.

Q And if everybody doesn't get on board, though, it's prosecutors that have the final say, correct?

¹⁷⁹ Estrada Interview at 93-94.

¹⁸⁰ Weiss Interview at 78.

- A Typically, the prosecutors -- especially when it comes to charging decisions and how the case is going to move forward, prosecutors are ultimately making that decision.
- Q And that's because prosecutors are responsible for actually bringing the case to trial, correct?
- A The prosecutor is responsible for -- yes, for putting together the evidence and presenting the case at trial, yes.
- Q And it's ultimately the prosecutor's decision as to whether the strength of the evidence will be sufficient to convince 12 jurors beyond a reasonable doubt, correct?
- A It is.¹⁸¹

Shapley and Ziegler disagreeing with decisions that others on the case team made on the Hunter Biden matter is not evidence of political influence in this case. Investigators and prosecutors on the case, including Shapley himself, explained that prosecutors and agents having different opinions on investigative and charging decisions is a regular part of criminal investigations. The Committee has seen no evidence to indicate that prosecutors or investigators acted with political motivations in the Hunter Biden investigation.

III. Weiss had the necessary authority to bring any charges that he deemed appropriate in the Hunter Biden case, and he had this authority well before he was named Special Counsel.

Republicans claim that both Attorney General Garland and Special Counsel Weiss lied to Congress when they said that Weiss had ultimate authority over the Hunter Biden case. This allegation is based on notes created by IRS Supervisory Special Agent Gary Shapley about the October 7, 2022, meeting between the Hunter Biden prosecution team and the FBI and IRS investigators assigned to the case.¹⁸² Shapley claims that during this meeting, Weiss said that he was not the decision maker on whether charges would be filed, he had asked for special counsel authority and was denied that, and that he could not bring charges in other districts if the U.S. Attorneys in those districts did not support charging.¹⁸³ However, evidence reviewed by the Committee—including testimony from Weiss himself—does not support Shapley's assertions.

Indeed, the evidence overwhelmingly shows that Weiss had the necessary authority to bring any charges that he deemed appropriate in the Hunter Biden case well before he was named Special Counsel; that he was never prevented from taking any actions in the case that he wished to pursue; and that he did not say otherwise at the October 7 meeting.

A. The Attorney General gave Weiss broad authority and did not interfere in his investigation.

¹⁸¹ Weiss Interview at 77-79.

¹⁸² Email from Gary Shapley, Supervisory Special Agent, Internal Revenue Serv., to Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv. (Oct. 7, 2022, 6:09 PM).

¹⁸³ *Id.*, Shapley Interview at 28.

Attorney General Garland has repeatedly explained to Congress since his confirmation hearings that Weiss has the authority to make decisions in the Hunter Biden case throughout the investigation.¹⁸⁴ For example, during an April 2022 Senate Appropriations Committee hearing, the Attorney General told Tennessee Senator Bill Hagerty that the investigation into Hunter Biden “is being run by and supervised by the United States Attorney for the District of Delaware.”¹⁸⁵ He further assured that Weiss “is in charge of that investigation. There will not be interference of any political or improper kind ... [Weiss] is the supervisor of this investigation.”¹⁸⁶

Specifically with respect to Weiss’s authority to bring charges against Hunter Biden outside the District of Delaware, Attorney General Garland explained that there is a process to allow this and that he assured Weiss that he would be permitted to file charges in another district if Weiss deemed it appropriate. During a March 2023 Senate Judiciary Committee hearing, the Attorney General testified to Senator Chuck Grassley of Iowa:

Mr. Garland. The US attorney in Delaware has been advised that he has full authority to -- to make those kind of referrals that you’re talking about, or to bring cases in other jurisdictions if he feels it’s necessary. And I will assure that, if he does, he will be able to do that.

Mr. Grassley. Does the Delaware US attorney lack independent charging authority over certain criminal allegations against the president’s son outside of the District of Delaware?

Mr. Garland. He would have to bring -- if it’s in another district, he would have to bring the case in another district. But as I said, I promise to ensure that he’s able to carry out his investigation and that he be able to run it. And if he needs to bring it in another jurisdiction, he will have full authority to do that.

Mr. Grassley. If you provided the Delaware US attorney with special counsel authority, isn’t it true that he wouldn’t need permission from another US attorney to bring charges?

Mr. Garland. Well, it’s a kind of a complicated question. If it -- under the regulations, that kind of act, he would have to bring to me under -- to the attorney general. Under the regulations, those kind of charging decisions would have to be brought. I would then have to, you know, authorize it and permit it to be brought in another jurisdiction.

¹⁸⁴ *E.g., Confirmation Hearing on the Nomination of Hon. Merrick Brian Garland to Be Attorney General of the United States: Hearing Before the S. Comm. on the Judiciary*, 117th Cong. at 17, 62 (Feb. 22-23, 2021), <https://www.govinfo.gov/content/pkg/CHRG-117shrg48356/pdf/CHRG-117shrg48356.pdf>.

¹⁸⁵ *Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year 2023: Hearing Before the S. Comm. on Approp. Subcomm. on Com., Justice, Sci., & Related Agencies*, 117th Cong. at 25 (Apr. 26, 2022), <https://www.govinfo.gov/content/pkg/CHRG-117shrg39104023/pdf/CHRG-117shrg39104023.pdf>.

¹⁸⁶ *Id.*

And that is exactly what I promised to do here already, that if he needs to do -- bring a case in another jurisdiction, he will have my full authority to do that.

Mr. Grassley. Has the Delaware US attorney sought permission from -- permission of another US attorney's office, such as in the District of Columbia or in California, to bring charges? If so, was it denied?

Mr. Garland. I don't know the answer to that I do -- and I don't want to get into the internal elements of decision making by the US 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're not able to do everything that the US attorney wants to do.¹⁸⁷

Special Counsel Weiss himself emphatically affirmed Attorney General Garland's congressional testimony about the scope of Weiss's investigatory and charging authority:

Q On September 20th of this year, Attorney General Garland testified before the House Judiciary Committee. He told the committee that, quote, "Mr. Weiss has authority to conduct his investigation however he wishes." Is it true that you have full authority to conduct your investigation however you wish?

A I believe I have the authority to conduct the investigation as I determine is appropriate, yes.

Q And the Attorney General said that you have authority over all matters that pertain to Hunter Biden. Is it accurate that you have authority over all matters pertaining to Hunter Biden?

A I believe that I have the authority to proceed with respect to my investigation or any charging decisions with respect to the Hunter Biden matter as I deem appropriate, yes.

Q Okay. Has the Attorney General ever blocked you from taking any step that you wish to take in this investigation?

A No one has ever blocked me with respect to taking any step that I perceived was appropriate.¹⁸⁸

B. Special Counsel Weiss had ultimate charging authority consistent with federal law and Department of Justice regulations.

¹⁸⁷ *Oversight of the Department of Justice: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. (Mar. 1, 2023).

¹⁸⁸ Weiss Interview at 70.

In addition, David Weiss has consistently and repeatedly explained to Congress that, throughout the Hunter Biden investigation, he had the authority to bring charges as he deemed appropriate while following the laws and Department of Justice policies that every prosecutor is bound by in any federal criminal case. In contrast with Republicans' claims, the evidence is clear that following required DOJ policies and "processes did not interfere with [Weiss's] decisionmaking authority."¹⁸⁹

On June 7, 2023, U.S. Attorney Weiss wrote directly to Chairman Jordan to confirm that he had full authority over the Hunter Biden investigation, stating:

I want to make clear that, as the Attorney General has stated, I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges and for making decisions necessary to preserve the integrity of the prosecution, consistent with federal law, the Principles of Federal Prosecution, and Departmental regulations. ...

In February 2021, I was asked to remain as United States Attorney for the District of Delaware to continue my oversight of the matter. Since that time, I have fulfilled my responsibilities, consistent with Department practices and procedures, and will continue to do so. Throughout my tenure as U.S. Attorney my decisions have been made—and with respect to the matter must be made—without reference to political considerations.¹⁹⁰

On June 30, 2023, U.S. Attorney Weiss wrote again to Chairman Jordan and sought to expand upon and further explain the processes he referred to in his June 7 letter:

[I]n my June 7 letter I stated, "I have been granted ultimate authority over this matter, including responsibility for deciding where, when and whether to file charges and for making decisions necessary to preserve the integrity of the prosecution, consistent with federal law, the Principles of Federal Prosecution, and Departmental regulations."¹⁹¹ I stand by what I wrote and wish to expand on what this means.

As the U.S. Attorney for the District of Delaware, my charging authority is geographically limited to my home district. If venue for a case lies elsewhere, common Departmental practice is to contact the United States Attorney's Office for the district in question and determine whether it wants to partner on the case. If not, I may request Special Attorney status from the Attorney General pursuant to 28 U.S.C. § 515. Here, I have been assured that, if necessary after the above process, I would be granted § 515 Authority in the District of Columbia, the

¹⁸⁹ *Id.* at 9.

¹⁹⁰ Letter from the Hon. David C. Weiss, U.S. Att'y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 1, 3 (Jun. 7, 2023).

¹⁹¹ *Id.* at 1.

Central District of California, or any other district where charges could be brought in this matter.¹⁹²

In addition to his letters, during his November 7, 2023, closed-door testimony to the House Judiciary Committee, Special Counsel Weiss testified clearly and unequivocally that he had full authority over the Hunter Biden case throughout the investigation and that he had never been denied any authority to bring charges or take any action he deemed appropriate in the matter.¹⁹³ In fact, Weiss testified more than **50 times** in the interview that he had all necessary authority, consistent with federal law, the Principles of Federal Prosecution, and DOJ guidelines and regulations.¹⁹⁴ For example, Weiss testified:

I am and have been the decisionmaker in this case. I do not, however, make these decisions in a vacuum. I am bound by Federal law, the principles of Federal prosecution, and DOJ guidelines.

As a result, there are processes that I must adhere to in making investigative and charging decisions. These processes did not interfere with my decisionmaking authority. At no time was I blocked or otherwise prevented from pursuing charges or taking the steps necessary in the investigation by other U.S. Attorneys, the Tax Division, or anyone else in the Department of Justice.¹⁹⁵

He clarified that these procedures did not limit his “ultimate authority,” telling the Committee, “Again, I didn't need anybody's permission. I made the decision.”¹⁹⁶

In addition, Weiss testified more than **25 times** during the interview that he was never blocked from bringing any charges against Hunter Biden in any jurisdiction.¹⁹⁷ For example, he testified, “I was assured that if I needed to proceed in another jurisdiction and I chose to do so, I had the authority to do those things.”¹⁹⁸ He also reiterated that nobody in the Justice Department blocked him from taking any investigative steps:

Q Has the Attorney General ever blocked you from taking any step that you wish to take in this investigation?

A No one has ever blocked me with respect to taking any step that I perceived was appropriate.

Q Has the Deputy Attorney General ever blocked you from taking any step you wish to take in this investigation?

A No one has blocked me from taking appropriate steps.¹⁹⁹

¹⁹² Letter from the Hon. David C. Weiss, U.S. Att’y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 1-2 (Jun. 30, 2023).

¹⁹³ *E.g.*, Weiss Interview at 9.

¹⁹⁴ Weiss Interview.

¹⁹⁵ *Id.* at 9.

¹⁹⁶ *Id.* at 30.

¹⁹⁷ Weiss Interview.

¹⁹⁸ *Id.* at 81.

¹⁹⁹ *Id.* at 70-71.

He was specifically asked about a paragraph in his June 30 letter that described the DOJ practices guiding how prosecutors may bring charges outside of their own jurisdiction:

As the U.S. Attorney for the District of Delaware, my charging authority is geographically limited to my home district. If venue for a case lies elsewhere, common Departmental practice is to contact the United States Attorney's Office for the district in question and determine whether it wants to partner on the case. If not, I may request Special Attorney status from the Attorney General pursuant to 28 U.S.C. § 515. Here, I have been assured that, if necessary after the above process, I would be granted § 515 Authority in the District of Columbia, the Central District of California, or any other district where charges could be brought in this matter.²⁰⁰

Weiss explained that this "common Departmental practice" in no way hampered his ability to bring whatever charges he deemed appropriate, in whatever district he deemed appropriate:

Q Because, in the June 7th letter, you indicate that you've been granted ultimate authority over this matter, including the responsibility for deciding where, when, and whether to file charges.

A Uh-huh.

Q But, in the June 30th letter, you walk us through how you have got to confer with, you know, the various U.S. Attorneys in the different districts.

A Yeah.

Q Could you help us understand the difference there?

A Yeah. I don't see it as an inconsistency. It doesn't mean I don't have the authority. And, again, you read it the first time. You didn't this last time.

In the June 7th letter, I say -- I talk about my authority, and I say "consistent with Federal law, the principles of Federal prosecution, and departmental regs," which means I'm not operating in a vacuum.

There's a basic structure and a framework that, as a U.S. Attorney, I'm operating within. And that means that, if I go outside my jurisdiction, I've got to do certain things. And, in this situation, if I go outside the jurisdiction, I'm describing in the second letter the process that I adhered to.

²⁰⁰ Letter from the Hon. David C. Weiss, U.S. Att'y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 1-2 (Jun. 30, 2023).

It doesn't mean that anybody blocked my authority or prevented me from pursuing charges. I'm just trying to describe the process that references the consistent language in the June 7 letter.

Q But, in the June 7th letter, if you had been granted indeed ultimate authority, you didn't need to ask Matthew Graves whether he wanted to partner with you, correct?

A There would have never been a situation where I'm granted ultimate authority and all the processes that are part of DOJ's framework and the Department within which I operate are -- suddenly disappear. I had the authority, but still, I had to proceed consistent with departmental processes. I'm describing one of those processes here.

Nobody blocked me. Nobody prevented me. I still had the authority, and I had the ability to make the decision.²⁰¹

1. Testimony from the case team confirms that Weiss has maintained charging authority in this case since the beginning of the investigation.

Every other DOJ or FBI employee who was involved in the Hunter Biden investigation and appeared before this Committee has testified that they have no evidence or information to contradict Attorney General Garland's or David Weiss's statements about Weiss's authority.²⁰² In fact, the other investigators and prosecutors involved in the case repeatedly testified that they believed that Weiss had the authority to make charging decisions in the case that he deemed appropriate, without interference from anyone else.²⁰³ This testimony clearly undercuts Republicans' claims that Weiss or Attorney General Garland have lied to Congress.

For example, FBI SAC Thomas Sobocinski explained that although Weiss may have had to follow an administrative process before bringing charges outside of his district, he understood Weiss to ultimately have been granted the necessary authority to bring charges wherever he needed to:

Chairman Jordan. You always thought that Mr. Weiss had the authority to bring charges wherever and whenever he wanted to?

Mr. Sobocinski. Correct.

Chairman Jordan. You thought that the entire time?

Mr. Sobocinski. Correct.

²⁰¹ Weiss Interview at 42-43.

²⁰² See e.g., Sobocinski Interview at 61-62, 68-73; ASAC Interview at 113-18; Graves Interview at 117-18, 120-23; Estrada Interview at 97-98, 100, 102-03; Goldberg Interview at 60-61, 64-65; Wolf Interview at 31; Feb. 2024 SSA Interview at 58, 60.

²⁰³ E.g., Sobocinski Interview at 34-35, 154-55, 163-64; ASAC Interview at 51-52, 104, 111-12; Graves Interview at 51-52, 94, 97; Estrada Interview at 10, 37, 54, 61, 78, 81-83; Goldberg Interview at 81-82, 101; Wolf Interview at 21, 32, 75.

Chairman Jordan. From July 2021 when you got there all the way through, you thought he could bring them wherever he wanted to bring them?

Mr. Sobocinski. Correct. And that there was an administrative process that I don't know the minutia of that the Department -- then he would work within the Department to have that authority to do that within whatever venue this ultimately resided in.²⁰⁴

SAC Sobocinski further explained his understanding of that administrative process:

Q You've said repeatedly that you were always under the impression that Mr. Weiss had authority to bring charges, that there perhaps would be a process, an administrative process, but that he had that authority.

Broadly speaking, what do you mean by an administrative process?

A There were steps that he was going to have to take with -- originating in districts he was looking to explore. I think I mentioned earlier he goes to that district. He asks if they want to join with them. I don't know what that looks like. I don't know what the reasons for and against are. But that's what happens.

Then, if they agree, then I think it's a joint case. They bring USAs [U.S. Attorneys]. But if they don't, then it goes back to the Department. The Department can then give them some type of status that allows them to bring this case in other venues.

Q Okay. So, one way or the other, he could bring the case. It's just a matter of how you get to that point?

A Correct.²⁰⁵

The SAC clearly reiterated, "I still think and thought then and throughout this investigation that [Weiss] had the authority delegated to him to bring this case forward in any prosecutorial district within the Federal system of the United States of America."²⁰⁶

The Assistant Special Agent in Charge at the FBI's Baltimore Field Office testified that no matter what administrative processes Weiss may have had to follow to bring charges outside of his own jurisdiction, "My understanding is that he had the authority and that he was going to continue in the process of proceeding to move forward in those jurisdictions."²⁰⁷ AUSA Lesley Wolf likewise told the Committee, "It was always my understanding, without the particulars, was that U.S. Attorney Weiss would have the necessary authority to bring charges that he believed were appropriate, to bring in any jurisdiction that he felt it was appropriate to bring said charges

²⁰⁴ Sobocinski Interview at 34-35.

²⁰⁵ *Id.* at 59.

²⁰⁶ *Id.* at 155.

²⁰⁷ ASAC Interview at 104.

in.”²⁰⁸ She added, “[I]t's fair to say I was never focused on authority because it was not an issue in my day-to-day experience.”²⁰⁹

Witnesses also told the Committee that the October 7, 2022, meeting did not change their understanding of Weiss's authority in the investigation. In contrast Shapley's allegations, SAC Sobocinski testified that he never heard Weiss say that “he is not the deciding person on whether charges are filed,” and, if Weiss had said that, Sobocinski “would have remembered it.”²¹⁰ Sobocinski explained, “I went into that [October 7] meeting believing he had the authority, and I have left that meeting believing he had the authority to bring charges.”²¹¹ Though the SAC could not talk about specific case details discussed in the meeting to protect the integrity of the ongoing investigation, Sobocinski reiterated that “nothing was said in that meeting by anybody that led me to believe that David Weiss did not have the authority to bring this case.”²¹²

Similarly, the FBI Baltimore ASAC also testified that she did not recall Weiss stating “that he's not the deciding person on whether the charges are filed” or that he needed DOJ approval for charges, and that she likely would remember if Weiss had said that.²¹³ Like SAC Sobocinski, the ASAC believed, both before and after the October 7, 2022 meeting, that Weiss had full authority to bring whatever charges he deemed appropriate wherever was appropriate.²¹⁴ The ASAC testified:

Q But your general understanding at the time of this meeting was that Mr. Weiss had the authority to pursue whatever charging decisions he chose as a prosecutor in any venue in the United States. Is that fair.

A Yes.

Q And, to the extent that these e-mailed notes that Mr. Shapley prepared sometime after the meeting suggest otherwise, that understanding that Mr. Shapley has expressed is not consistent with the understanding that you have.

A That is correct.²¹⁵

Weiss himself confirmed that he did not say that he was not the decision maker at the October 7, 2022, meeting:

Q Number 2 on this email: "Weiss stated that he is not the deciding person on whether charges are filed."

What's your reaction to that?

²⁰⁸ Wolf Interview at 21.

²⁰⁹ *Id.*

²¹⁰ Sobocinski Interview at 44.

²¹¹ *Id.* at 163.

²¹² *Id.* at 164.

²¹³ ASAC Interview at 34, 49-50.

²¹⁴ *Id.*, 51-52.

²¹⁵ *Id.* at 58.

A It's not what I said, nor is it what I believed, as I've told you guys repeatedly today.²¹⁶

C. Weiss was not blocked from bringing charges by any U.S. Attorney's Office or by DOJ's Tax Division.

Republicans have alleged that U.S. Attorney's Offices in other districts—specifically the District of Columbia and the Central District of California—not partnering with David Weiss, and the DOJ's Tax Division needing to provide approval for tax charges, are evidence that Weiss lacked ultimate charging authority in this case.²¹⁷ These allegations are largely based on testimony from Agents Shapley and Ziegler who claim that David Weiss said in the October 7, 2022, meeting that other U.S. Attorneys had stopped him from bringing charges in their jurisdictions and that he needed charging approval from DOJ's Tax Division.²¹⁸ Not only have witnesses who attended the October 7 meeting—along with David Weiss himself—disputed Shapley's characterization of what Weiss said at that meeting, but the U.S. Attorneys in the District of Columbia and the Central District of California, and leadership of the DOJ's Tax Division have confirmed that Weiss had the authority to bring charges as he saw fit.

What Weiss did explain at the October 7, 2022, meeting was the standard procedures that all federal prosecutors follow when pursuing charges outside their own district.²¹⁹ As he also explained to the Committee in his letters and testimony, when a prosecutor wants to bring charges in a district outside their own, “common Departmental practice” is to first reach out to the USAO in that district to inform them about the case and invite them to join the prosecution.²²⁰ If the USAO in the district with venue decides not to jointly participate or assign their own cocounsel to the case, a prosecutor can seek Special Attorney status under 28 U.S.C. § 515 to pursue charges in a different jurisdiction.²²¹ As is discussed above and below, U.S. Attorney Weiss had the authority to bring charges in whatever district he thought was appropriate whether or not the U.S. Attorney in that district wanted to partner with him on the case.

While D.C. U.S. Attorney Matthew Graves and Central District of California U.S. Attorney Martin Estrada decided not to jointly prosecute Hunter Biden alongside Weiss in their respective districts, they offered to provide Weiss with whatever resources he needed to file charges against and ultimately try Hunter Biden on any counts that Weiss chose to file in their districts.

²¹⁶ Weiss Interview at 166.

²¹⁷ Interim Staff Report, *The Justice Department's Deviations from Standard Processes in Its Investigation of Hunter Biden*, H. COMM. ON THE JUDICIARY, H. COMM. ON WAYS & MEANS, & H. COMM. ON OVERSIGHT & ACCOUNTABILITY at 36-55 (Dec. 5, 2023), <https://oversight.house.gov/wp-content/uploads/2023/12/Joint-Report.pdf>.

²¹⁸ *Id.*

²¹⁹ Weiss Interview at 164, 184.

²²⁰ Letter from the Hon. David C. Weiss, U.S. Att'y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 1-2 (Jun. 30, 2023); Weiss Interview at 15-18.

²²¹ *Id.*

1. District of Columbia U.S. Attorney Matthew Graves did not block Weiss from bringing charges in the District of Columbia.

According to Gary Shapley, during the October 7, 2022, supervisory meeting, U.S. Attorney Weiss “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.”²²² Special Counsel Weiss refuted this claim and explained:

A And I would also take issue with, I think, what's under, if I can read it correctly, (iii): "Went to D.C. USAO in early summer to request to charge there -- Biden appointed USA said they could not charge in his district."

As I've said on several occasions, I wasn't asking the Biden-appointed U.S. Attorney in D.C. whether I could or could not charge in his district. I didn't present that question for his consideration.

Q But these notes were prepared from the meeting. Is it possible Mr. Shapley misunderstood what you were -- you were obviously, during the course of this meeting, you were walking through some of these issues, correct? And he's making notes about it?

A I can't speak to what Mr. Shapley -- clearly, he was -- "clearly" -- I suspect he was taking notes. I don't know. I don't know why the notes came about this way. But if he misheard or misunderstood something, the fact that he reduced it to notes doesn't change the misunderstanding or --

Q Right.

A -- whether he misheard it. I know what I believe to be the case and what I believe I said, you know, in that regard.²²³

Mr. Shapley appears to have had no actual understanding of the interactions between Weiss and Graves. As Weiss and Graves both explained to the Judiciary Committee, Weiss first reached out to Graves via phone call early in 2022 because Weiss was considering filing charges in the District of Columbia.²²⁴ Contrary to Republican allegations, multiple witnesses affirmed that this process is not akin to seeking permission or approval to bring charges from another U.S. Attorney.

Weiss told Graves that he “intended to proceed in any event,” regardless of whether the District of Columbia U.S. Attorney’s Office joined the case:

It was about, I think, a 5-, 10-minute call. I had never met or spoken with Mr. Graves before. I explained the situation. I talked a little bit about the investigation, some of the background of the investigation.

²²² Shapley Interview at 28.

²²³ Weiss Interview at 181-82.

²²⁴ *Id.* at 19; Graves Interview at 16-17.

I mentioned that I had a conversation with the Office of the Deputy Attorney General, that I had raised 515 authority, because I wanted him to know, you know, what I was thinking and that I intended to proceed in any event.

And we agreed that we would -- I think we first talked about putting the criminal chiefs together and our staffs so that we would proceed from there.²²⁵

Weiss never believed that he needed permission from Graves to bring charges in the District of Columbia:

Q When you approached Mr. Graves, were you under the impression that you needed Mr. Graves to join the case in order to proceed in the District of Columbia?

A I was not under the impression either way that I needed -- no. I wasn't asking for his permission or anything along those lines.²²⁶

a) The D.C. USAO immediately offered Weiss all necessary administrative support to assist in the Hunter Biden matter.

Weiss repeatedly testified that he had the authority to bring charges in D.C.²²⁷ and stated plainly, "If we decided to proceed in D.C., we would've proceeded with or without assistance from Mr. Graves."²²⁸ But this was not an issue, because U.S. Attorney Graves committed to "provide whatever logistical support [Weiss] needed."²²⁹

Graves's recollection of the early 2022 phone call closely matches Weiss's:

Q Can you walk us through your recollection of how the Hunter Biden case was brought to your office?

A Yes. To the best of my recollection, in late February or early March of 2022, then-U.S. Attorney Weiss, now-Special Counsel Weiss, called me directly.

Q Okay. And what did he say?

A To my recollection, he said that he had a case where there was a component of that case that he had deemed he wanted to bring in the District of Columbia.

Q Okay. And what did you say?

A So, at a high level, without getting into the case specifics, my recollection was generally saying -- asking him whether he was just looking for the kind of normal administrative support that any U.S. attorney would need if

²²⁵ Weiss Interview at 19.

²²⁶ *Id.* at 56-57.

²²⁷ *Id.* at 44, 82-3.

²²⁸ *Id.* at 195.

²²⁹ Graves Interview at 17.

they were going to come and bring a case in another jurisdiction or have their people bring a case in another jurisdiction, or whether he was asking for us to join the investigation.

Q And what was his answer?

A To the best of my recollection, his answer was that, at a minimum, it was providing the support but we could discuss further joining or not.

Q And what happened next after that telephone call? Did you resolve anything on the call?

A Nothing other than a high-level commitment that we would provide whatever logistical support that he needed, and I would work with my career people to put them in touch with his career people.

Q Okay. And that was the end of the call?

A Yes.

Q And do you remember how long that lasted?

A Best recollection, roughly 10 minutes.²³⁰

After the phone call, Graves “immediately tasked our Criminal Division chief with immediately taking steps to provide the logistical support” to the Delaware USAO.²³¹ Far from blocking Weiss from bringing charges, Graves testified that the D.C. USAO “had done everything we needed to do in order for [Weiss] to bring a case if he chose to bring a case.”²³² He explained:

Q And you said that you did offer to provide any and all logistical support, correct?

A Correct.

Q And you instructed your team to provide any and all logistical support?

A Correct.

Q In light of that, what impact do you believe that your decision not to actually join the case would have had on Mr. Weiss' efforts to prosecute Mr. Biden in the District of Columbia if he chose to do so?

A I, at the time, believed that my decision had no impact, and the first time that I heard concerns about the decision that we reached was in the public reporting around the whistleblowers' allegation.

Q So in the past couple months?

²³⁰ *Id.* at 16-17.

²³¹ *Id.* at 45.

²³² *Id.* at 73.

A Yes.

Q And, if anything, your determination that you would provide him with any and all administrative and logistical support actually would have made it easier for him to bring the case if he so chose?

A Yes. I believe we had done everything we needed to do in order for him to bring a case if he chose to bring a case.

Q Okay. And it was never your intent to block Mr. Weiss from pursuing charges that he, meaning Mr. Weiss, wished to pursue against Hunter Biden, correct?

A Absolutely not.²³³

Graves explained why prosecutors from other jurisdictions would need logistical support from his office to pursue a case in DC:

They have all kinds of questions -- because they don't prosecute here -- about the practicalities. Like, what do the templates look like? Who do you contact in the clerk's office? Like, all of those things are the questions that come up. Just as, if I went into Delaware, like, I would have no clue. I couldn't just go in and say, "Hey, I'm a U.S. attorney from D.C. I want to enter in a grand jury." I would need Delaware to facilitate that.²³⁴

He further testified that in general, the primary logistical support a prosecutor at this stage in an investigation would need would be assistance with the local grand jury, and that he instructed his office to provide that assistance to Weiss:

Q [W]hat did the[Delaware USAO] need from your office other than help with the grand jury --

A So --

Q -- to bring the case?

A Yeah. So, again, it's hard to get into this without getting into the specifics of the case. But I would say, in any case, the primary thing you need, once you're at the stage where a charging decision has ostensibly been made, is the logistical support and the grand jury -- getting before a grand jury, securing time in a grand jury --

Q Right.

A -- presenting evidence to a grand jury, and ultimately asking a grand jury -- presenting charges to the grand jury, and ultimately asking a grand jury to return an indictment.

²³³ *Id.* at 73-74.

²³⁴ *Id.* at 32-33.

Q And so your testimony is, your office was willing to facilitate that fully.

A Those were my instructions from the first.

Q And do you know if your staff communicated that to the Delaware U.S. Attorney's Office?

A My understanding is, that was communicated instantly.²³⁵

He summarized that his office communicated to the Delaware USAO, “We'll do whatever you need done to bring this case.”²³⁶

Graves said that providing this assistance was standard process for his office and generally “what we would do when we receive requests to help with returning an indictment in our jurisdiction.”²³⁷ Graves further testified that he never even considered declining to provide Weiss with the logistical support he had requested:

Chairman Jordan. Could you tell him "no"?

Mr. Graves. So, could I have told him, "No, we're not going to support you, I'm not going to make my grand jury available"? I mean, I never considered it, but I guess I could've told him "no."²³⁸

b) The decision of the D.C. USAO not to partner with Weiss was made by career staff, for reasons that were not political.

In addition to providing logistical support, Weiss and Graves discussed the possibility of the D.C. USAO joining the Hunter Biden prosecution by assigning local counsel to the case.²³⁹ The D.C. USAO ultimately declined to join the case—a decision that U.S. Attorney Graves made after career attorneys in his office reviewed case investigation materials and made an assessment of the case.²⁴⁰ Graves explained that similar decisions are almost always unanimous in his office.²⁴¹

Graves made it clear that this decision would not prevent Weiss from prosecuting the case in his district. To the contrary, the decision not to seek to assign a local counsel to the Hunter Biden case was made after about three weeks of consideration by career attorneys, while the decision to provide all necessary practical support to Weiss’s investigation was made as soon as

²³⁵ *Id.* at 31-32.

²³⁶ *Id.* at 33.

²³⁷ *Id.* at 21-22.

²³⁸ *Id.* at 97.

²³⁹ *E.g.*, Graves Interview at 17, 33.

²⁴⁰ Graves Interview at 20-26.

²⁴¹ *Id.* at 26.

Weiss called Graves in late February or early March 2022.²⁴² U.S. Attorney Graves told the Committee:

Q Earlier, Mr. Graves, you said you had one other meeting, 2 minutes ago, and you described it as a general meeting. Is that related to all this? Or tell me about that meeting.

A That is the meeting that I was describing where I met with the career prosecutor, yep, yes.

Q Fine.

Q And when was that?

A I think it was March 19, 2022.

Q And was a decision made at that meeting?

A Yes.

Q Okay. And the decision was made not to move forward with the case, correct?

A So I wouldn't describe it that way.

Q The decision was made not to partner with the U.S. Attorney's Office from Delaware, correct?

A So I think what has obviously been publicly reported and is known -- and I'm trying to be careful, given that there's an ongoing investigation -- is that we ultimately did not join.

And recall, when this came up, to my recollection, I was the first person to raise whether they wanted a local counsel on the case. And I think the best way of characterizing the decision was, we instructed -- I instructed to say that we weren't going to pursue being a local counsel on the case.

Q So the meeting that you had on March 19th, the decision was made not to join.

A So, not to continue to pursue to see if they'd be willing to allow us to serve as local counsel, but to provide all assistance that was necessary for them to do whatever they wanted to do in our jurisdiction.

Q So the decision was made to invite them into your jurisdiction and let them prosecute the case?

A That decision had been made when then-U.S. Attorney Weiss called me.

²⁴² *Id.* at 16-17, 23-24.

Q Okay.

A Then I made the decision, we were going to do whatever he needed --

Q Okay.

A -- done logistically in our jurisdiction.

Q Okay. So you were going to welcome the prosecutors from Delaware into D.C. and let them prosecute the case?

A Yes. The only issue was whether we were going to seek to join their investigation or not.²⁴³

In fact, Graves explained that explained that “during the course of” his career attorneys getting and analyzing case materials to prepare a recommendation for whether the D.C. USAO wanted to assign local counsel to the Hunter Biden matter, Graves’s office was “taking steps to facilitate whatever then-U.S. Attorney Weiss would need in terms of bringing a case in the District ... separate and apart from [assessing] whether we would join the investigation.”²⁴⁴

The decision not to join the case was not unusual. In fact, as Graves explained, prosecutors from other jurisdictions or from Justice Department components regularly seek to bring charges in the District of Columbia, and the D.C. USAO frequently declines to partner with them on the investigations and prosecution, but agrees to provide other support:

Chairman Jordan. So, then, tell me what the distinction is. In this March 19th meeting, when you decide that you're not going to do some things but you are going to do others, what is the actual distinction? What did you decide not to do?

Mr. Graves. So let me take a step back and just talk about this in general.

So, as we were talking about before, there are some times, where we have neighboring jurisdictions, where they realize that, for whatever reason, something they were investigating is better venued in D.C. We work with them all the time -- not "all the time." It comes up not infrequently, and we have mechanisms for working with them to be able to, like, get their charges brought in the District. And we work through that. We often don't join those cases, but we support them.

We also have Main Justice components that will come into our jurisdiction and want to bring cases, where, for a variety of reasons, either because we don't want to or they don't want to, we don't partner and they just do it in our

²⁴³ Graves Interview at 23-24.

²⁴⁴ *Id.* at 20-21.

jurisdiction. They have all kinds of questions -- because they don't prosecute here -- about the practicalities. Like, what do the templates look like? Who do you contact in the clerk's office? Like, all of those things are the questions that come up. Just as, if I went into Delaware, like, I would have no clue. I couldn't just go in and say, "Hey, I'm a U.S. attorney from D.C. I want to enter in a grand jury." I would need Delaware to facilitate that.

Chairman Jordan. I just want to -- you told the Delaware U.S. attorneys that "we don't want to join, but we'll assist with the grand jury." Does that cut to the chase?

Mr. Graves. No. Cutting to the chase is, "We'll do whatever you need done to bring this case. And we're kind of withdrawing our request or our interest -- the question we asked about whether you want local counsel, we're kind of tabling that issue and not interested in pursuing that."²⁴⁵

Graves clarified that different offices partnering in an investigation typically happens at the outset of an investigation, and that it is "exceedingly rare" for a U.S. Attorney's Office to join a case after an investigation is already underway:

A So, in general, putting this case aside, U.S. Attorney's Offices don't partner with other U.S. Attorney's Offices. Each U.S. attorney is the chief law enforcement officer in his or her jurisdiction. They generally stick in their jurisdiction.

If there is something that happens where we have, kind of, these venue problems or you realize a case initiated in one jurisdiction has to be brought in another, usually it is the AUSAs from those jurisdictions going to the other jurisdiction and handling it that way.

When our office, in general, decides to join with another Department of Justice component, that's usually done at the beginning of an investigation. It's exceedingly rare for an ongoing investigation for someone to join as a partner afterwards.

There are a lot of issues. First of all, the component that has been conducting the investigation generally doesn't want another component coming on at the 11th hour.

Q Fair enough.

A The challenge is -- particularly when you're talking about U.S. attorney and U.S. attorney -- is you're bringing in another chain of command. And

²⁴⁵ *Id.* at 32-33.

once you're partnered, you have to reach consensus. So, as a manager, in general, we don't want to do that.

And on our end of it, if it's an ongoing investigation, there is no way, whether it's 3 weeks, 3 months, if it's been a multiyear investigation, that we can get up to speed on everything that has occurred beforehand. So you're kind of buying a mansion without an inspection, and whatever problems exist, you are buying those.²⁴⁶

While Republicans have implied that Graves's decision to not assign local counsel to the Hunter Biden matter is because he is a "Biden-appointed U.S. attorney" and a "big-time Democrat,"²⁴⁷ the evidence shows that his decision was informed by career attorneys in the D.C. USAO and not influenced by politics. Graves made clear that he had not communicated with the Attorney General or the Deputy Attorney General (DAG) about the Hunter Biden matter:

Q With regard to the Hunter Biden matter, who in the DAG's Office did you have communications with?

A To the best of my recollection, I don't think I had communications with anybody in the DAG's Office.

Q Okay. So you didn't speak with Lisa Monaco about the Hunter Biden case?

A Certainly not --

Q Okay.

A -- her.

Q And Marshall Miller?

A No.

Q How about Mr. Weinsheimer, Brad Weinsheimer?

A I mean, other than --

Q About the Hunter Biden case.

A No.

Q Zero communications with Brad Weinsheimer?

A None.

Q Okay. Any other official in the DAG's Office that you had communications with about the Hunter Biden case?

²⁴⁶ *Id.* at 33-34.

²⁴⁷ *See, id.* at 28.

A So I can't recall. At that point in time, we were having more conversations than we typically were with members of the Office of the Deputy Attorney General, given what was occurring in our office at that point in time.

Q Okay.

A It is possible that the subject came up, but I have no recollection of it in one of those communications.

Q So you have no specific recollection of any communications with anybody in the DAG's Office about the Hunter Biden case.

A That is correct.

Q How about anybody in the Attorney General's Office?

A No.

Q About the Hunter Biden case.

A Absolutely not.

Q Okay. So you didn't speak to the Attorney General?

A That is correct.²⁴⁸

While Graves was not able to discuss the specifics of the assessment the career prosecutors in his office provided about this matter “because it concerns an ongoing investigation,”²⁴⁹ he did describe some challenges associated with bringing tax-related charges in general. In addition to the fact that usually “in the white collar context, there is actually a complete agreement on what factually occurred and it’s all about what is in a person’s head, which is what makes white-collar cases so difficult,”²⁵⁰ Graves explained particular issues that can arise in a tax case and make it even more difficult to obtain a conviction:

Q In a tax case specifically, might it be relevant if the potential defendant had actually paid the taxes due?

A Yes.

Q Why would that be relevant?

A So, in tax cases, as I was saying earlier, the Tax Code, as we probably know through all of our limited experiences and then jurors would know from their limited experiences, is incredibly complex, so there is lots of room for good-faith mistakes. And that's why people have all kinds of

²⁴⁸ Graves Interview at 9-10.

²⁴⁹ *Id.* at 22.

²⁵⁰ *Id.* at 59.

experience with people who either come under audit or get a notice of tax deficiency, just paying it and it never amounting to a crime.

So, when someone immediately turns around and pays, you have to deal with the defense, as soon as they're alerted to an issue, that this was a good-faith mistake that does not rise to the level of intentionality required for a criminal violation.

Q Again, speaking of things that a prosecutor might consider with respect to bringing a case before a jury, might it be something to consider if the potential defendant has a sympathetic personal story?

A Yes.

Q How can that impact a prosecutor's thinking?

A So it can impact on at least two levels in the context of a tax prosecution.

One, you're always worried in these kinds of cases, where no one was actually hurt, about juror nullification, and you have to guard against that, just because they feel bad for the defendant. But, more importantly, depending on what the sympathetic nature of the story might be, that can get intertwined with the intent issue.

Q How so?

A So, like, hypothetically speaking, the person is going through some kind of trauma or some -- or there is documented evidence of substance abuse, right? Now you're getting into defenses of: My client was so distracted by X, or my client was under the influence of Y, that, when they were filling out -- when they were working with their return preparer, they just were, like, not focused on this. That's why this was wrong, not because they were trying to be evasive.

Q And, to obtain a conviction in a tax fraud case, for example, is the prosecutor required to prove intent?

A Yes.

Q And can you briefly describe in layperson's terms what that means?

A It's that you knew exactly what the Tax Code required and you intentionally didn't do that, which is exceedingly hard to prove in tax cases because of how complex the Tax Code is.²⁵¹

Throughout his testimony, D.C. U.S. Attorney Graves reiterated that his decision not to partner with Weiss on the prosecution of Hunter Biden was not political, and that regardless of

²⁵¹ *Id.* at 60-62.

that decision, he was committed from the outset to providing Weiss with whatever support Weiss needed to bring charges in the District of Columbia.

2. Central District of California U.S. Attorney Martin Estrada did not block Weiss from filing charges in California.

Like U.S. Attorney Graves, U.S. Attorney E. Martin Estrada of the Central District of California (which includes Los Angeles as well as several other counties in Southern California) took no steps to block Weiss. Like Graves, he accepted the recommendation of his career staff not to partner with Weiss in jointly prosecuting Hunter Biden, and he offered to provide Weiss all necessary support for Weiss to bring charges in the Central District of California.

Estrada became the U.S. Attorney for the Central District of California on September 19, 2022.²⁵² Shortly afterwards, he learned that there was an investigation involving Hunter Biden that might have a nexus with his district. He testified:

I learned from attorneys in my office, career attorneys in my office, that there was a request from the District of Delaware to partner or cocounsel on certain charges that they were investigating; that our career attorneys had communicated that they were recommending against partnering or cocounseling in the charges being contemplated; and that the District of Delaware, through Mr. Weiss, wanted to speak to me about that.²⁵³

a) The decision of the Central District of California USAO to not partner with Weiss was made by career staff and apolitical.

U.S. Attorney Estrada described that the chief of the Major Frauds Section in his office was recommending that their office decline to partner or cocounsel with Weiss on this case, and that the Chief's recommendation to him had been communicated to the U.S. Attorney's Office in Delaware:

A My first assistant, my then First Assistant United States Attorney brought -- told me that there had been this request from the District of Delaware to cocounsel or partner on the case; that the chief of my Major Frauds Section, who would be the person who makes these decisions, was recommending against doing so; and that that had been communicated to the District of Delaware.

Q And this occurred before you were installed?

A I don't know if that occurred before I was installed because the issue came to me in late September-early October, and I came in on September 19th. So I don't know if it occurred before or after I was installed.

Q Okay.

²⁵² Estrada Interview at 7.

²⁵³ *Id.* at 15.

A But, going back, I was told that this issue had arose, and there was this request there, and my Major Frauds chief was recommending not partnering or cocounseling; my criminal chief, which would be the person directly above the Major Frauds Section chief, was agreeing with that recommendation to not partner or cocounsel; and that the District of Delaware, through Mr. Weiss, wanted to speak to me about that.

Q What is the difference between partner or cocounsel?

A I see them as the same.²⁵⁴

To understand the career attorneys' recommendations, Graves reviewed three separate memoranda about the Hunter Biden investigation, each of which analyzed the facts and law that applied to the potential charges.²⁵⁵ Estrada testified that "some memoranda were written" by attorneys from each of the prosecuting agencies with a potential interest in pursuing tax charges against Hunter Biden in Los Angeles—the Delaware USAO, DOJ's Tax Division, and the USAO in the Central District of California.²⁵⁶

After reviewing the legal memoranda, Estrada met with his First Assistant United States Attorney, his Criminal Division Chief, and his Major Frauds Section Chief in early October 2022 to discuss whether to assign local cocounsel to the Hunter Biden matter.²⁵⁷ In this meeting, Estrada and the senior career attorneys "discussed those materials and their analysis with regard to the question of whether to partner or cocounsel in the charges that were being contemplated."²⁵⁸ By the end of the meeting with his First AUSA, the Major Frauds Section Chief and the Criminal Division Chief, Estrada explained that he accepted the recommendation of these highly experienced career attorneys.²⁵⁹ He testified:

Q And was there a conclusion reached by the four of you at the end of that meeting?

A Ultimately, it was my -- my conclusion. They had already made recommendations. And having reviewed the materials and doing analysis and then speaking with them about materials and analysis, I agreed with their recommendation.²⁶⁰

Estrada described that Weiss had asked for a call to discuss whether the USAO in the Central District of California would partner on the case, and that he and Weiss spoke for the first time on October 19, 2022.²⁶¹ Estrada informed Weiss during the brief phone call that although

²⁵⁴ *Id.* at 16-17.

²⁵⁵ *Id.* at 20.

²⁵⁶ *Id.* at 29.

²⁵⁷ *Id.* at 19-20.

²⁵⁸ *Id.* at 20.

²⁵⁹ *Id.* at 19-21.

²⁶⁰ *Id.* at 21.

²⁶¹ *Id.* at 19-20. Estrada additionally testified that he had a subsequent call with Weiss in September 2023; however, due to the ongoing investigation, he was not able to discuss the substance of that call, other than to clarify that it was not related to the question of whether to cocounsel on potential charges against Hunter Biden. *See* Estrada Interview at 26. Notably, Estrada's transcribed interview occurred less than two months before a grand jury in the Central

his office would not partner in the Hunter Biden prosecution, he would provide Weiss with whatever support his attorneys needed to proceed with charges in the Central District of California:

Based on the recommendation of my major frauds chief and my then Criminal Division chief who, combined, had over 40 years' experience as prosecutors, I agreed that we would not partner or cocounsel in the prosecution; but I did tell Mr. Weiss that we'd provide office space and administrative support for his attorneys in their prosecution.²⁶²

Estrada further explained:

Q And what did you communicate to Mr. Weiss on the October 19th call?

A So, again, I have to be careful about what I discuss. I can't get into the deliberative process. But I discussed our analysis of facts and law to explain to him why we would not be cocounseling on the case, but then I told him that we were happy to provide office space, administrative support for his attorneys. He thanked me for that and the call ended.²⁶³

Like D.C. U.S. Attorney Graves, Estrada—who had been an Assistant United States Attorney in Los Angeles for seven years and was in private practice for 11 years in Los Angeles before becoming the U.S. Attorney²⁶⁴—was not aware of any other case in which attorneys from his district had partnered or cocounseled with a different U.S. Attorney's office on a prosecution.²⁶⁵ He also explained that his office was working with extremely limited resources at the time:

Q Are you aware of any instance where your office agreed to cocounsel or partner with a different U.S. Attorney's Office?

A No, I'm not, with a different U.S. Attorney's Office. We do partner quite often with different components at Main Justice.

Q Okay.

A But I'm not familiar myself with partnering with another U.S. Attorney's Office on litigation.

Q And did you communicate that to Mr. Weiss, that this was a request that was out of the ordinary?

District of California returned an indictment against Hunter Biden. Indictment, *United States v. Robert Hunter Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Dec. 7, 2023), <https://www.justice.gov/sco-weiss/media/1327746/dl>.

²⁶² Estrada Interview at 19.

²⁶³ *Id.* at 22.

²⁶⁴ *U.S. Attorney E. Martin Estrada*, U.S. ATT'Y'S OFF. C.D. CAL. (Feb. 15, 2023), <https://www.justice.gov/usao-cdca/meet-us-attorney>.

²⁶⁵ Estrada Interview at 32.

A I didn't communicate that it was a request -- that the request was out of the ordinary. I mean, I was -- my goal was to be as polite and helpful to Mr. Weiss as possible.

I was down 40 AUSAs at the time, so we were very resource-strapped. We were trying to hire as much as possible and had very limited resources. And every attorney you assign to a case means you can't do another case.

And it seemed -- and he didn't push back on -- when I told him the situation, that we wouldn't be cocounseling, but he did express appreciation when I offered administrative support.²⁶⁶

Although Estrada was not authorized to explain the specific reasons for his decision not to partner with Weiss on this case, he did explain the considerations that generally govern his office's decisions about whether or not to pursue a case:

Q Okay. Can you tell us why your office decided not to cocounsel or partner with Mr. Weiss on this case?

A So, again, I don't want to get into the deliberative process of how we analyze which cases to do, which cases not to do.

What I can say at a high level is, generally, when we evaluate cases, we do so under the Justice Manual guidelines. We look at whether a Federal offense has been committed and whether we believe that there is admissible evidence sufficient to prove to an unbiased trier of fact that an individual has committed an offense beyond a reasonable doubt.

So we follow those guidelines. We also look to the practical impact of limited resources. As I mentioned, we have over -- we have about 20 million people in the district, yet, at the time I came in, about 140 AUSAs. That's just over one AUSA per 100,000 people in the district. At the same time, we're dealing with -- as I said, we're the gang capital. We, unfortunately, export MS-13, Crips gangs, Hispanic gangs, Mexican mafia to the rest of the country. Our cartels infect the rest of the country. The fraud we have here infects the rest of the country.

So there were a lot of issues I needed to deal with right there and then which called for resources.²⁶⁷

Additionally, Estrada testified to many factors that could present a challenge to proving the element of willfulness in a tax prosecution and agreed that in a case in which the defendant had paid the taxes due before charges were filed, "that could add to the defense argument that the individual did not knowingly violate the law."²⁶⁸ He also testified that he was unaware of any case in his district where a person was prosecuted after having paid taxes that were due:

²⁶⁶ *Id.*

²⁶⁷ *Id.* at 34.

²⁶⁸ *Id.* at 53.

Q To the best of your knowledge, has the Central District ever prosecuted an individual for tax-related crimes when that individual has paid the taxes in question? I mean criminally prosecuted.

A My understanding is where an individual has not paid taxes in the first instance but later paid those taxes with penalties and interest before a prosecution is initiated or an investigation is initiated, we have never brought criminal charges.²⁶⁹

Estrada repeatedly and emphatically made clear that his decision not to partner with Weiss in the prosecution of Hunter Biden was not based on partisan or political considerations:

Q Was your response [to Weiss’s request to partner on the case] and your decision influenced in any way by personal, political, or partisan considerations of any kind?

A It was not.

Q Was your decision influenced in any way by people outside your office, such as people at the White House or the Deputy Attorney General or the Attorney General’s Office who sought to affect your decision?

A No. And I had no contact with those individuals when making decisions.²⁷⁰

Estrada also refuted the suggestion that the career prosecutors handling the Hunter Biden investigation waited until Estrada took office to present Weiss’s request to partner with the Central District of California.²⁷¹ He noted that some of the memos he reviewed in making his decision were dated after he took office, “[s]o it would seem to me that, once the package was prepared, they presented it to the person who was sitting in the chair, which happened to be me at the time.”²⁷² When asked specifically if it was his impression that the decision about whether to partner with Weiss was held for him pending his confirmation, Estrada responded, “I did not get that impression.”²⁷³

b) The USAO for the Central District of California provided support for Weiss’s investigation—as evidenced by the filing of an indictment against Hunter Biden in that district in December 2023.

Estrada’s decision not to partner with Weiss in no way prevented or obstructed Weiss from pursuing charges in the Central District of California, contrary to IRS SSA’s Shapley’s claim that Weiss “has no authority to charge in California” if Estrada declined to partner.²⁷⁴

²⁶⁹ *Id.* at 52.

²⁷⁰ *Id.* at 54.

²⁷¹ *Id.* at 88-89.

²⁷² *Id.*

²⁷³ *Id.* at 90.

²⁷⁴ Shapley Interview at 28, 31.

Estrada explained his understanding that his decision not to partner or cocounsel had no impact on Weiss's authority:

Q What impact, if any, do you believe that your decision not to cocounsel on this case had on Mr. Weiss' efforts to potentially prosecute Hunter Biden in the Central District of California?

A None. I believe then, I believe now that he had full authority to bring the case if he chose to do so. It was his investigation. He knew it best. His prosecutors knew it best. They've had it for several years, and it was up to them to decide whether to bring it or not. And whether or not we cocounseled would be immaterial to whether he could bring the charges that he found appropriate.²⁷⁵

Instead, Estrada repeatedly testified that he made clear that his office would provide whatever administrative support Weiss needed, including office space for Weiss's staff, in order to pursue the case against Hunter Biden in Estrada's district.²⁷⁶ He explained that administrative support could include secretarial assistance, trial presentation support, and help with learning the logistics of filing pleadings in his district, among other assistance—whatever Weiss needed.²⁷⁷ The support and assistance that Estrada offered Weiss also could include providing him access to a grand jury in the Central District of California:

Q But if Mr. Weiss -- you said Mr. Weiss could prosecute a case in your district, correct? If he wanted to?

A My understanding was he could do that.

Q And if he needed the use of the grand jury to prosecute the case, you were going to make that available to him, correct?

A He could have any administrative support he needed to prosecute the case.

Q And do you consider access to a grand jury part of that?

A Yes.²⁷⁸

Estrada testified that in his brief call with Weiss, Weiss thanked him for his offer of administrative support.²⁷⁹ And it is clear that Weiss took Estrada up on the offer, because on December 7, 2023, less than two months after Estrada's interview with the Committee, Special Counsel Weiss's office filed a nine-count indictment against Hunter Biden in the Central District of California.²⁸⁰

²⁷⁵ Estrada Interview at 54.

²⁷⁶ *E.g., id.* at 19, 22-23, 31-34, 54-56, 72-73, 84, 90, 104.

²⁷⁷ Estrada Interview at 55.

²⁷⁸ *Id.* at 73.

²⁷⁹ *Id.* at 22, 31-34, 54-56, 78, 84.

²⁸⁰ Indictment, *United States v. Robert Hunter Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Dec. 7, 2023), <https://www.justice.gov/sco-weiss/media/1327746/dl>.

In fact, the U.S. Attorney's Office for the Central District of California had begun providing assistance to Weiss even before Estrada became the U.S. Attorney. Estrada testified that attorneys from the Delaware USAO had been designated as Special Assistant United States Attorneys (SAUSAs) to work on the Hunter Biden investigation in Los Angeles before Estrada took office.²⁸¹ Estrada testified that the decision to appoint SAUSAs rests with the U.S. Attorney, so one of the Acting U.S. Attorneys who preceded him would have authorized the SAUSAs from the Delaware USAO.²⁸² Estrada explained to the Committee, "a SAUSA has full authority to litigate within our office."²⁸³ He continued, "SAUSAs have the authority to investigate the cases, to indict the cases, to try the cases, and they do that."²⁸⁴ Estrada further confirmed that he did not revoke SAUSA status from the Delaware attorneys in the Hunter Biden matter:

Q So, if his AUSAs that had been granted SAUSA status wanted to prosecute a case on their own in your district, they had the ability to do that?

A To -- my understanding is if they wanted to prosecute the case as SAUSAs, they had the ability from my standpoint to do that. It would have been supported administratively from my standpoint to do that.

I can't speak to any limitations within the District of Delaware or within Main[], but I can just talk about my office.

Q As the U.S. Attorney, did you have the ability to revoke the SAUSA status?

A Yes.

Q And was the SAUSA status -- and correct me or --

A And I'll just clarify. I never revoked the SAUSA status. To my knowledge, they're -- I never revoked the SAUSA status.²⁸⁵

Estrada repeatedly told the Committee that he did not block Weiss from bringing charges in the Central District of California. For example, he testified:

Q Did you ever tell Mr. Weiss that he could not bring charges in the Central District of California?

A I never told him he couldn't bring charges. To the contrary, we had allowed attorneys from his office to be SAUSA'ed to litigate in our district, and we had offered him administrative support. So it's quite the opposite.

Q Did you ever take any steps to prevent Mr. Weiss -- I'm sorry.

²⁸¹ Estrada Interview at 17-19, 42.

²⁸² *Id.* at 17-18.

²⁸³ *Id.* at 42.

²⁸⁴ *Id.* at 43.

²⁸⁵ *Id.* at 23.

To the best of your knowledge, did anyone else in your office ever take any steps to prevent Mr. Weiss from bringing charges in the Central District of California?

A No.

Q Okay.

Did you do anything to delay the investigation into Hunter Biden?

A No, I did not.

Q Okay.

Throughout your tenure as U.S. Attorney, have you made all decisions without reference to political considerations?

A Throughout my tenure as U.S. Attorney, Assistant United States Attorney, frankly as a practicing lawyer, yes.²⁸⁶

This testimony is directly corroborated by the fact that Hunter Biden was charged with nine tax offenses in the Central District of California on December 7, 2023.²⁸⁷ The Committee has found no credible evidence to support allegations that Estrada—a U.S. Attorney who has prosecuted several high-profile Democratic politicians in the time since he took office²⁸⁸—obstructed or interfered in the investigation of Hunter Biden.

3. The Justice Department’s Tax Division never blocked Weiss from bringing charges.

House Republicans have alleged that Weiss did not have full authority in the Hunter Biden matter because of DOJ policy that requires prosecutions of tax offenses to be authorized by the DOJ’s Tax Division.²⁸⁹ In reality, the Tax Division authorized Weiss to bring whatever charges that he saw fit, and Weiss welcomed the input and expertise of Tax Division attorneys in the case.

a) “Discretion” is the most permissive form of charging authority that the Department of Justice’s Tax division grants.

According to IRS SSA Shapley, Weiss said during the October 7, 2022, team meeting that the DOJ Tax Division “will give ‘discretion’” on the Hunter Biden case, which Shapley found “problematic.”²⁹⁰ Agent Ziegler also seemed concerned that the DOJ Tax Division gave Weiss

²⁸⁶ *Id.* at 103-04.

²⁸⁷ Indictment, *United States v. Robert Hunter Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Dec. 7, 2023), <https://www.justice.gov/sco-weiss/media/1327746/dl>.

²⁸⁸ Estrada Interview at 45-46.

²⁸⁹ Interim Staff Report, *The Justice Department’s Deviations from Standard Processes in Its Investigation of Hunter Biden*, H. Comm. on the Judiciary, H. Comm. on Ways & Means, & H. Comm. on Oversight & Accountability at 50-55 (Dec. 5, 2023), <https://oversight.house.gov/wp-content/uploads/2023/12/Joint-Report.pdf>.

²⁹⁰ Email from Gary Shapley, Supervisory Special Agent, Internal Revenue Serv., to Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv. (Oct. 7, 2022, 6:09 PM) (Att. B)

discretion rather than “full on approval.”²⁹¹ However, the Tax Division’s grant of discretion is not evidence of Weiss lacking authority, but actually demonstrates that Weiss had the full authority, including authorization from the Tax Division, to bring whatever charges he thought were appropriate. Although the DOJ witnesses who testified before the Committee were not authorized to discuss the particular decisions made by the Tax Division in this case, as the case was (and is) still ongoing, those with knowledge of Tax Division processes agreed that “discretion” is the most permissive type of authority that the Tax Division grants to U.S. Attorneys who want to file tax charges.²⁹²

Stuart Goldberg, Acting Deputy Assistant Attorney General for Criminal Matters at DOJ’s Tax Division, explained the different levels of authority (or lack thereof) that the Tax Division can confer when presented with a request to file tax charges:

- Q** What specifically does it mean when the Tax Division grants a United States Attorney's Office discretion over a matter?
- A** It's usually in the context of specific charges in a tax case. So the Tax Division grants discretion regarding those charges, and it means that the U.S. Attorney's Office is free to decide not to go forward on those particular charges.
- Q** Okay. But they can also go forward on the charges if --
- A** Yes, they can.
- Q** -- they choose to do so?
- A** Yes, they can.
- Q** Okay. And by contrast, when the Tax Division grants approval, the U.S. Attorney's Office must bring the charges, right? They don't have the discretion to say: Actually, on further review, we don't think these are -- this is a very strong case.
- A** There is an expectation. I think occasionally the U.S. Attorney's Office might come back and ask us to reconsider. But, yes.
- Q** Okay. And then denying approval means that the U.S. Attorney's Office cannot bring the charges, correct?
- A** It means the Tax Division has decided that those charges should not be brought. If the U.S. Attorney's Office disagrees, it could take that up the line.
- Q** So of these three options -- approval, denial, or discretion -- granting discretion actually gives the U.S. Attorney's Office the most authority over

²⁹¹ Ziegler Interview at 39.

²⁹² E.g., Weiss Interview at 60; Goldberg Interview at 55-56.

whether to bring charges, correct, because they can bring them if they choose to do so, but they can also decide not to bring them?

A It gives substantial flexibility to the U.S. Attorney's Office, yes.²⁹³

Special Counsel Weiss made clear that he had all of the flexibility and authority he needed from the Tax Division to file whatever charges he deemed appropriate:

Q Okay. Would you agree that someone who has ultimate authority does not require someone else's permission to act with regard to the matter over which they have ultimate authority?

A Again, I didn't need anybody's permission. I made the decision. From my perspective, the Tax Division was more than comfortable with me making the decision.

Q Okay.

A I think they wanted me to be the one making the decision.

Q Okay.

A And, in this case, I never experienced a situation where I ran into any issues with respect to Tax Division approval. If I had, I would have dealt with it.

Q Okay. So you believe you had the ultimate authority over the Tax Division officials in this instance?

A I believe I was the decisionmaker in the case, as I said in my opening statement.²⁹⁴

In fact, Weiss did file tax charges against Hunter Biden in Delaware in June 2023 and in the Central District of California in December 2023.²⁹⁵ It is clear from both witness testimony and the charges against Hunter Biden that the DOJ's Tax Division did not block Weiss from pursuing this case.

b) Weiss welcomed the assistance of Tax Division prosecutors.

The evidence shows that the Tax Division did not hinder or obstruct the investigation into Hunter Biden. Rather, in his efforts to build and ultimately file a case against Hunter Biden, Weiss requested and received assistance from prosecutors in the DOJ's Tax Division. Acting DAAG Goldberg testified that the Delaware USAO first approached the Tax Division about the Hunter Biden matter in 2019—not long after the case was opened.²⁹⁶ Goldberg told the

²⁹³ Goldberg Interview at 55-56.

²⁹⁴ Weiss Interview at 30.

²⁹⁵ Hunter Biden Plea Agreement; Indictment, *United States v. Robert Hunter Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Dec. 7, 2023), <https://www.justice.gov/sco-weiss/media/1327746/dl>.

²⁹⁶ Goldberg Interview at 14.

Committee that, rather than just requesting a consultation, Weiss's office asked for litigation assistance on the case:

And when there was contact with the U.S. Attorney's Office they asked us for litigation assistance. Because sometimes we can just be a consultant on a case or just provide advice or we can actively provide litigation assistance. And my recollection is that the U.S. Attorney's Office wanted litigation assistance in this case.²⁹⁷

Weiss himself testified that he thought the Tax Division's help on on the Hunter Biden matter would be valuable:

Q In this case, did you welcome the Tax Division's assistance?

A I did.

Q Why was that?

A Because they're the experts in tax matters. They have the experience; they have the expertise. And, from my perspective, the prosecution team would only benefit from their input.²⁹⁸

He added, "I expect that Tax Division prosecutors, because this is the only type of work that they do, would be uniquely qualified to weigh in on all aspects of a tax prosecution, whether it's sufficiency of the evidence or other matters."²⁹⁹

Once the Delaware USAO requested litigation assistance from the DOJ's Tax Division, "people from the Tax Division were assigned to work with the U.S. Attorney's Office on the case as well."³⁰⁰ Acting DAAG Goldberg testified that DOJ Tax Division attorneys have been on the team handling the Hunter Biden matter "for the tenure of the case."³⁰¹ With support from the DOJ's Tax Division throughout the case, Weiss has brought tax charges against Hunter Biden in two districts.

c) Meetings between DOJ Tax Division attorneys and Hunter Biden's defense counsel were routine and proper.

IRS SSA Shapley appeared concerned that DOJ Tax Division attorneys were holding conferences with Hunter Biden's defense counsel and that he was not involved in the meetings.³⁰² However, multiple witnesses that these conferences are common and routine, and help prosecutors strengthen the case. IRS DFO Michael Batdorf explained that in a case like this, when IRS investigators recommend charges to the DOJ's Tax Division, "DOJ Tax can either offer or defense counsel can then ask for a taxpayer conference."³⁰³

²⁹⁷ *Id.* at 56.

²⁹⁸ Weiss Interview at 58.

²⁹⁹ *Id.* at 59.

³⁰⁰ *Id.* at 15.

³⁰¹ Goldberg Interview at 15.

³⁰² Shapley Interview at 64.

³⁰³ Batdorf Interview at 18.

Acting DAAG Stuart Goldberg explained for how meetings with defense counsel— can be helpful to a case:

Q Is that type of meeting, at which defense attorneys effectively present a case to prosecutors, is that uncommon?

A No. I think it's common in a white collar case for defense attorneys to make a presentation to the government in an effort to try to persuade the government not to take certain actions.

Q So that's happened in a number of other cases that you've worked on?

A Yes.

Q Has it happened many times? Is that fair to say?

A Well, I think it's common for that to happen in a case. And in Tax Division there's a mechanism called the conference where they afford people the opportunity to do that.

Q Okay. And why did those meetings take place, just generally speaking, not the January 2023 one specifically?

A Well, I think one is it's an effort to provide the defense an opportunity to show facts or make legal arguments that demonstrate that their client should not be charged. And if there are facts that we don't know about or that we've missed or don't understand or legal aspects that we didn't pick up on, we want to hear that to get to the right decision.

At the same time, I think it's very valuable from the standpoint of the Department of Justice, because we get to hear ahead of time what the defenses are going to be. And that allows us to kind of kick the tires on that and figure out if there are ways to neutralize those defenses or collect additional evidence while we still have an open grand jury to run down facts that might be useful for us in proving our case.

Q So in other words, the presentation from the defense attorneys might actually help inform your case as prosecutors?

A Yes.³⁰⁴

And contrary to Shapley's testimony, DFO Batdorf testified that tax conferences with defense counsel do not usually involve IRS investigators:

Q Would it be typical for IRS CI agents working the case to participate in those conferences?

A The ones that I've seen before, no, it would not be typical.

³⁰⁴ Goldberg Interview at 68-69.

Q Have they ever participated in those conferences?

A I can't answer that with certainty. I would imagine at some point in our history we've attended a meeting.

Q But do you know of any?

A I do not know of any.³⁰⁵

d) The June 15, 2022, presentation from Tax Division attorneys was typical and helped build a stronger case.

SSA Shapley was able to voice his concerns about the potential defenses that the DOJ Tax Division was discussing in these conferences at a June 15, 2022, meeting at the Department of Justice between investigators and supervisors on the case team from the Tax Division, Delaware USAO, IRS, and FBI. DFO Batdorf said that his understanding was that the meeting was initiated by IRS investigators to present evidence supporting charges in the case in light of the Tax Division's meetings with Hunter Biden's defense counsel.³⁰⁶ During the meeting, IRS investigators presented evidence to Weiss in support of charges against Hunter Biden.³⁰⁷ Tax Division attorneys also gave a presentation that focused on the litigation risks of some of the tax charges that were being considered.³⁰⁸

IRS Agent Ziegler expressed concern in his testimony because he felt that "the purpose of the meeting was misrepresented to the agents," and he disagreed with some of the potential defenses that Tax Division attorneys discussed.³⁰⁹ However, as discussed above, disagreements between investigators and prosecutors are routine and not themselves evidence of politicization or misconduct. The Committee has found no credible evidence that the June 15, 2022, presentation from the DOJ's Tax Division was improper, politically biased, or designed to hinder the Hunter Biden case in any way.

In fact, DFO Batdorf was present at the June 15 meeting and testified that, like taxpayer conferences, the purpose of the meeting was to help Weiss make an informed decision about the charges they were considering.³¹⁰

Q What was the nature of DOJ Tax's view that they were presenting at the June 15 meeting?

A I mean, this 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.

Q Was DOJ Tax presenting pros and cons or just cons in this meeting?

³⁰⁵ Batdorf Interview at 17.

³⁰⁶ *Id.* at 16-17, 110-11.

³⁰⁷ *Id.* at 16.

³⁰⁸ Ziegler Interview at 160-61, 164.

³⁰⁹ *Id.*

³¹⁰ Batdorf Interview at 22.

A Mostly cons.

Q So IRS was presenting pros and DOJ Tax was presenting cons?

A Correct.³¹¹

He further testified that in a sensitive investigation, such as the Hunter Biden investigation, this sort of exchange is not only typical, but beneficial to investigators who want to make sure they are building the strongest case possible and are aware of potential downfalls that could lead to an acquittal:

Q For DOJ, is it normal for them to take the devil's advocate approach, or not?

A I mean, in extremely sensitive investigations, you want to -- we want to have all our evidence beat up. Beat it up, and let's get to the bottom line of whether we believe we have enough to prosecute or not. You want to -- you don't want that to happen in front of a jury, right? You want -- you actually want to have the strongest case you can have going forward.³¹²

House Republicans have claimed that the DOJ Tax Division attorneys "changed their tune" about pursuing certain tax charges at the June 15, 2022, meeting.³¹³ This is not supported by the evidence. Batdorf explained that it was always the job of Tax Division prosecutors to review and assess the recommendations from IRS investigators, and that, "going into that [June 15] meeting, I knew there were concerns by DOJ Tax."³¹⁴ The June 15, 2022, meeting was part of routine, ongoing conversations among the case team to investigate and build a successful case against Hunter Biden.

D. Weiss held authority under 18 U.S.C. § 515 to file charges outside of the District of Delaware if needed.

Several witnesses who have testified before Congress regarding Weiss's authority in the Hunter Biden case have discussed the process of seeking "special attorney" status under 28 U.S.C. § 515. That statute provides:

The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrate judges, which United States attorneys are

³¹¹ *Id.*

³¹² *Id.* at 56.

³¹³ Batdorf Interview at 87; *see also* Interim Staff Report, *The Justice Department's Deviations from Standard Processes in Its Investigation of Hunter Biden*, H. COMM. ON THE JUDICIARY, H. COMM. ON WAYS & MEANS, & H. COMM. ON OVERSIGHT & ACCOUNTABILITY at 33 (Dec. 5, 2023), <https://oversight.house.gov/wp-content/uploads/2023/12/Joint-Report.pdf>.

³¹⁴ Batdorf Interview at 88.

authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought.³¹⁵

As the statute clearly states, the Attorney General is empowered, at his discretion, to appoint any attorney or officer of the Department of Justice to conduct criminal proceedings outside of his or her geographic jurisdiction.

As Weiss testified repeatedly, and as the law makes clear, special attorney status conferred by § 515 is distinct from Special Counsel status.³¹⁶ Section 515 is one of the authorities to which Attorney General Garland referred when he testified before the Senate Judiciary Committee that Weiss “has been advised that he has full authority . . . to bring cases in other jurisdictions if he feels it’s necessary. And I will assure that, if he does, he will be able to do that.”³¹⁷

The Attorney General’s advisal made clear to Weiss that he had the necessary authority to bring any charges that he deemed appropriate in the Hunter Biden case. As Weiss explained, once he was told that he had the authority from the Attorney General to proceed with any charges that he deemed necessary, inside or outside of his District, he considered the matter “a done deal” even though § 515 authority had not been formally conferred in writing.³¹⁸ Weiss explained further that, after receiving these assurances, the only remaining question in his mind was “whether I decided to move forward” with the case.³¹⁹

In addition to referring to § 515 in his June 30, 2023, letter to Chairman Jordan, Weiss further explained the steps he took with respect to the § 515 process in his testimony before the Committee.³²⁰ Weiss testified that he first had a conversation about § 515 authority with Associate Deputy Attorney General Brad Weinsheimer and then Principal Associate Deputy Attorney General (PADAG) John Carlin in February 2022 about the possibility of bringing charges against Hunter Biden in the District of Columbia.³²¹ Weiss explained:

Q Okay. And what did they tell you about bringing the case in D.C. or different jurisdictions from yours?

A We discussed the fact that I would -- they wanted me to proceed in the way it would typically be done, and that would involve ultimately reaching out to the U.S. Attorney in the District of Columbia.

I raised the idea of 515 authority at that time because I had been handling the investigation for some period of time. And, as I said, they suggested let's go through the typical process and reach out to D.C. and see if D.C.

³¹⁵ 28 U.S.C. § 515 (a).

³¹⁶ *E.g.*, Weiss Interview at 16-17. Special Counsel status is regulated by 28 C.F.R. Part 600.

³¹⁷ *Oversight of the Department of Justice: Hearing before the Senate Judiciary Committee*, 118th Cong. (Mar. 1, 2023).

³¹⁸ Weiss Interview at 44.

³¹⁹ *Id.* at 46.

³²⁰ Letter from the Hon. David C. Weiss, U.S. Att’y, D. Del., to the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary at 2 (Jun. 30, 2023).

³²¹ Weiss Interview at 15-16.

would be interested in joining or otherwise participating in the investigation.³²²

He further explained about the D.C. USAO:

Q And what did Mr. Weinsheimer or Mr. Carlin say about 515 authority?

A As I said, they said let's proceed as we would in the normal process. We talked a bit about the fact that it's often the case in D.C. that a DOJ component, whether it's Tax Division or Public Integrity, would develop a case and reach out to the U.S. Attorney's Office in D.C. and give them an opportunity to participate. So the discussion was let's proceed in a typical fashion.

And, as you know, ultimately -- this didn't happen in this conversation, but down the road -- I was given the authority to proceed if I chose to do so.³²³

As discussed above, Weiss testified that he did reach out to Graves around early March 2022 to ask whether Graves wanted to partner in a prosecution against Hunter Biden in D.C.³²⁴ Weiss explained that, ultimately, after the line attorneys from both offices conferred on the matter, Graves determined that his office would not seek to partner on the case, but that Weiss would have his full administrative support if he chose to file charges in D.C.³²⁵ Weiss explained that he was then assured that he would receive § 515 authority to pursue charges in D.C. if he decided to do so:

A I know that the teams met, but ultimately, I received word from my staff that the U.S. Attorney's Office in the District of Columbia had decided not to join the case as a partner or co-counsel moving forward.

Q Okay. And what did that mean for the case proceeding?

A That meant that I would follow up with respect to the 515 authority --

Q Okay.

A -- which, ultimately, I did. And I had a conversation with -- again, this conversation, I believe, was with John Carlin and Brad Weinsheimer.

Q Okay.

A I think it was, best of my recollection, in early May.

At that time, we were talking about where we would proceed. There were questions about where we would proceed. I mentioned before that we

³²² *Id.*

³²³ *Id.* at 17-18.

³²⁴ *Id.* at 19.

³²⁵ *Id.*

were considering D.C., which is where we went first, and the Central District of California in L.A.

I told Messrs. Carlin and Weinsheimer that D.C. had decided not to join the investigation, that we were reviewing matters, and had not decided whether we would proceed in D.C. And my recollection is that John Carlin at that time said, "Look, if you decide to proceed in D.C., you have the authority to do so, and you have the authority to -- under 515, to bring whatever charges you deem appropriate."³²⁶

Thus, Weiss clearly explained during his transcribed interview that he was granted § 515 authority to bring whatever charges he deemed appropriate in D.C., after U.S. Attorney Graves declined to partner in his case. Weiss reiterated that he had been given § 515 authority later in his testimony:

Chairman Jordan. So you wanted to partner with [Graves], and he said no. Why didn't you just ask for 515 status right then?

Mr. Weiss. I did. In my next conversation with Carlin and Weinsheimer, I did ask for 515 authority.

Chairman Jordan. And then why didn't they give it?

Mr. Weiss. They did. They said if I intended to proceed -- as I just described, John Carlin told me that if I intended to or was interested in moving forward in D.C., I had the authority to do so, and I had the authority to bring whatever charges I determined were appropriate.³²⁷

Despite Weiss's clear, repeated, testimony on the subject of being granted § 515 authority to proceed in D.C., Chairman Jordan continued to challenge Weiss about whether he had been denied this authority.³²⁸ Though Chairman Jordan tried to categorize Weiss's initial conversation with Carlin and Weinsheimer in February 2022 about bringing charges in D.C. as DOJ "denying" Weiss special attorney status, Weiss clearly refuted that allegation and explained that he was confident in his authority to bring charges in whatever venue he found appropriate at all times:

Chairman Jordan. That's exactly what you told us earlier, other than the word "denied." They didn't grant your request. So it seems to me he got it exactly right there.

Mr. Weiss. Well, "denied" is a key word in that phrase. It wasn't -- it wasn't denied. I --

Chairman Jordan. But it wasn't granted, right?

³²⁶ *Id.* at 19-20.

³²⁷ *Id.* at 21-22.

³²⁸ *Id.* at 182-83.

Mr. Weiss. Yes. We have been over this. It wasn't granted. They said, follow the process. I followed the process. And in completing the process --

Chairman Jordan. But, Mr. Weiss, when you ask for something and they don't give it to you, what is that?

Mr. Weiss. I asked for something, and in that conversation they didn't give it to me, but at the --

Chairman Jordan. All right. It's a simple question.

Mr. Weiss. -- at the conclusion --

Chairman Jordan. When you ask for something and they didn't give it to you, what is that?

Mr. Weiss. I'm not -- you want me to say it's a denial, but it's not. Not when I know that, weeks later, I was specifically told, "You can proceed." So it's the same question, it's the same request --

Chairman Jordan. Maybe weeks later, but at that point what is it?

Mr. Weiss. It's, "Proceed, with this process. We're asking you to go through this process." From my mind, it's a sequencing event. It's not a denial in any way, shape, or form. That's the way I interpreted it.³²⁹

Throughout his testimony, Weiss repeatedly stated that he believed he had the authority he needed to pursue any charges he deemed appropriate in any jurisdiction—including in the District of Columbia and the Central District of California. For example, Weiss explained, “From the time I received the assurance from PADAG John Carlin I didn't really concern myself with authority moving forward. I understood that I had the authority to proceed, you know, and to prosecute the charges I thought appropriate.”³³⁰ Weiss rebuked any allegations that he lacked full authority in this case:

Q I mean, D.C. didn't want to prosecute and partner with you; L.A. didn't want to partner with you; DOJ Tax was expressing reservations. I mean, did you feel like you had -- you know, you were getting isolated?

A No. I thought that -- as I said repeatedly, I thought I had the authority and then it was a question of making the decisions.³³¹

U.S. Attorney Graves and U.S. Attorney Estrada agreed that they believed Weiss had authority to bring charges in any jurisdiction. Estrada testified clearly, “My understanding,

³²⁹ *Id.*

³³⁰ *Id.* at 84.

³³¹ *Id.* at 105.

through all of my interactions with Mr. Weiss in Delaware, was that he was leading the investigation and was able to bring whatever charges he wanted at any point.”³³² When asked about Weiss’s statement that he held “ultimate authority” in this matter, Estrada responded, “All I know is that, in my situation, my understanding was he had the authority to proceed on the charges he was contemplating.”³³³

Similarly, U.S. Attorney Graves corroborated Weiss’s testimony about his authority to bring charges in the District of Columbia, and he explained that he did not even question whether Weiss had authority to charge there:

Q What was your understanding of Mr. Weiss's authority to bring this case?

A So, from my perspective, I never thought about it in terms of his authority. It's a fellow U.S. attorney that has a matter that he believes needs to be brought.

Q Uh-huh.

A I'm not saying, "What is your basis for doing so in D.C.?" I'm immediately shifting to, "What do you need from us?"

Q Uh-huh. Did he ever communicate to you that the Attorney General had given him authority to bring the cases he needs?

A I don't recall if that came up in our conversation. And, again, that would be of no significance to me. The last thing I'm thinking when he's calling is, "Well, what is your basis for doing these charges in D.C.?" It's, "You're doing an investigation that you say you've realized you have to bring charges in D.C. Let's talk about how you get it done.”³³⁴

He further explained:

Again, while the situation is unique, it is not uncommon for cases to start in one jurisdiction and venue to lie in another jurisdiction, and we all just work it out amongst each other. We're not saying, what authority are you acting pursuant to? We are one Department. And if we have someone else who is, you know, the head of an office, and in this case a Presidentially appointed Senate confirmed head of his office, that wants to bring charges ... the immediate mindset is, we're going to support it.³³⁵

Acting DAAG Goldberg, who supervised the DOJ Tax Division attorneys who worked with Weiss on the Hunter Biden investigation, also testified that he expected that Weiss would receive § 515 authority if he wished to bring tax-related charges outside of Delaware:

³³² Estrada Interview at 37.

³³³ *Id.* at 70.

³³⁴ Graves Interview at 92-93.

³³⁵ *Id.* at 98-99.

Q What was your understanding at this point in time of Mr. Weiss' authority?

A Whether he had 515 authority? I don't know whether he asked for it or not. I know that he was aware of 515 authority, and I think he expected and I expected that he would get it if needed.³³⁶

Goldberg also made clear that § 515 authority is frequently granted within the DOJ in a variety of circumstances:

A As I said, I expected that [Weiss] would be able to get 515 status if he asked for it. Whether he, in fact, asked for it, I don't know, but I expected that he would get it. It's not -- it's authority that is given in the Justice Department all the time.

Q It is given all the time?

A Yeah. With some frequency, sure.

Just to be clear, you know, in the Tax Division, we send people out to go to a U.S. Attorney's Office. I sign a letter, a 515 letter, so that they can go and operate in that district.³³⁷

1. Weiss attempted to resolve Hunter Biden's case with a plea agreement in which venue was waived—obviating the need for written conferral of § 515 authority to proceed in another district.

Although Weiss was not authorized to testify about the deliberative process involved in the investigation, he did affirm some of the basic facts that were apparent from public filings pertaining to the June 20, 2023, plea agreement between Hunter Biden and Weiss's office.³³⁸ As part of the proposed plea agreement, which had been negotiated between the parties in advance, Hunter Biden had agreed to waive any challenges to venue.³³⁹ Weiss explained how a venue waiver related to § 515 authority to the Committee:

Q [C]ould you briefly describe in layperson's terms what the term "venue" means?

A "Venue" is where -- there has to be a nexus with jurisdiction to file charges. And, in any given case, there are -- depending upon the nature of the case, there are certain facts that tell you where venue lies.

And, as counsel for the majority explored, there are a number of factors that will determine appropriate venue in a tax case. It could be the residence of the taxpayer, it could be where the tax returns are filed, things of that sort.

³³⁶ Goldberg Interview at 80.

³³⁷ *Id.* at 81.

³³⁸ *E.g.*, Weiss Interview at 41, 84, 133.

³³⁹ Hunter Biden Plea Agreement ¶ 1.

- Q** And if prosecutors do not bring a case or a charge in an appropriate jurisdiction or an appropriate venue, then the court can dismiss the charges, correct?
- A** Certainly, I would expect, as a general matter, a defense counsel to seek dismissal. I don't know that that would terminate the prosecution, but certainly could give rise to motion to dismiss.
- Q** Understood.
- And all of that said, though, a defendant can waive his or her right to challenge venue as part of a plea agreement, correct?
- A** A defendant can waive venue.
- Q** And if a defendant has agreed to waive venue as part of a plea agreement, then the prosecutor would not need to seek authority to bring charges in any other jurisdiction. Is that correct?
- A** A prosecutor would not seek to, yeah, to receive approval to bring charges in that jurisdiction in which venue had been waived, yes.³⁴⁰

The venue waiver in the plea agreement allowed Weiss to file charges against Hunter Biden in Delaware for offenses for which venue lay in other districts. Thus, until the plea agreement fell apart on July 25, 2023, there was no need for Weiss to obtain written conferral of § 515 authority in order to proceed with his case. It was not until after this date, when the waivers from the plea agreement were no longer in effect, that it became necessary for Weiss to formally obtain authority to bring charges outside of his district. And as Weiss testified, when he determined that it was necessary for him to obtain Special Counsel status, the Attorney General conferred that status the first time he requested it.³⁴¹

E. U.S. Attorney Weiss was never denied Special Counsel status.

IRS SSA Shapley alleged that in the October 7, 2022, meeting, Weiss said that he “requested Special counsel authority,” but that “Main DOJ denied his request.”³⁴² Weiss directly refuted this statement in a July 10, 2023, letter to Senate Judiciary Committee Ranking Member Lindsey Graham, writing:

To clarify an apparent misperception and to avoid future confusion, I wish to make one point clear: in this case, I have not requested Special Counsel designation pursuant to 28 CFR § 600 et seq. Rather, I had discussions with Departmental officials regarding potential appointment under 28 U.S.C. § 515, which would have allowed me to file charges in a district outside my own without the partnership of the local U.S. Attorney. I was assured that I would be granted this authority if it proved necessary. And this assurance came months before the

³⁴⁰ *E.g.*, Weiss Interview at 49-50.

³⁴¹ *E.g.*, Weiss Interview at 9.

³⁴² Email from Gary Shapley, Supervisory Special Agent, Internal Revenue Serv., to Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv. (Oct. 7, 2022, 6:09 PM).

October 7, 2022, meeting referenced throughout the whistleblowers' allegations. In this case, I've followed the process outlined in my June 30 letter and have never been denied the authority to bring charges in any jurisdiction.³⁴³

Weiss repeatedly confirmed that as soon as he requested Special Counsel status, the Attorney General "promptly granted" it within days.³⁴⁴

SAC Sobocinski confirmed that Mr. Weiss never said that he had been denied special counsel authority.

Q But [Shapley] says: USA Weiss requested Special counsel authority when it was sent to D.C. and Main DOJ denied his request and told him to follow the process."

Do you see where it says that?

A I do.

Q Do you have any recollection of Mr. Weiss saying that?

A I don't have a recollection with him saying that there or at any point in my communication with Mr. Weiss.

Q Okay. And you think that if he had said that, here or otherwise, you would have remembered that?

A Yeah. That would have been a total 180 from all our previous conversations about authorities.³⁴⁵

The FBI ASAC also stated that she did not recall any discussion of special counsel authority at the October 7, 2022, meeting.³⁴⁶ She further testified that she would recall it if it had been discussed:

Q Okay. You said you don't recall any discussion of special counsel authority. Correct?

A No, I do not.

Q And do you think that that's something you would recall if that had been discussed?

A Yes.³⁴⁷

IV. Nobody ever blocked or denied Weiss's authority to bring charges against Hunter Biden outside of Delaware. As discussed above, he was assured that he would have

³⁴³ Letter from the Hon. David C. Weiss, U.S. Att'y, D. Del., to the Hon. Lindsey O. Graham, Ranking Member, S. Comm. on the Judiciary at 1 (Jul. 10, 2023).

³⁴⁴ Weiss Interview at 10, 69-70.

³⁴⁵ Sobocinski Interview at 55-56.

³⁴⁶ ASAC Interview at 40-41.

³⁴⁷ *Id.* at 51.

whatever authority he deemed necessary, and he was promptly granted that authority when the facts and circumstances of the case required it. Witness testimony debunks claims of retaliation and establishes that House Republicans' investigations have harmed law enforcement officers and public servants.

On May 15 2023, Agents Gary Shapley and Joseph Ziegler were removed from the Hunter Biden matter and reassigned to work on other cases.³⁴⁸ Republicans allege that this reassignment was done at the direction of DOJ and constitutes retaliation against Gary Shapley and Joseph Ziegler for the disclosures they made to Congress about the Hunter Biden case.³⁴⁹ Witness testimony does not support this claim, however, and has instead shown that Republican investigations have contributed to serious threat of violence against law enforcement officers and public servants.

A. Shapley and Ziegler were removed from the case due to their communication issues with prosecutors, not because of disclosures to Congress.

Although Republicans allege that the DOJ and IRS removed Shapley and Ziegler from the Hunter Biden investigation as retaliation for being whistleblowers to Congress, the evidence shows that Shapley and Ziegler were removed from this matter because of their conduct and their lack of communication with the prosecution team, and that the decision to remove them came before either agent testified to Congress.

DFO Batdorf testified that the discussions to remove Shapley and his team from the Hunter Biden matter began in December 2022 because of a breakdown in communication between the prosecution team and IRS investigators.³⁵⁰ He explained that the decision to remove Shapley was motivated by a desire to move the case forward:

Q So your decision to remove [Mr. Shapley], was that because of his concerns and, therefore, relationship issue with the prosecution team?

A I mean, if he -- starting in October, there was no communication with the prosecution team and the investigative agents.

In November, the U.S. Attorney stated he's no longer communicating with investigative agents. In my 22.5 years of experience and all the different field offices and leadership positions I've been in, that is not a good sign. That is extremely troubling.

So, when we talked in December and we talked about removing the investigative team, I mean, again, I've stated all along I have agreed with the evidence in this case and pushed it forward ...

... So there were clearly issues with communication starting in October. Focusing on the mission that we have as IRS Criminal Investigation, my job is to get the cases to the goal line. If removing the investigative team

³⁴⁸ Letter from the Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to the Hon. Daniel Werfel, Comm'r, Internal Rev. Serv. (May 16, 2023), <https://gop-waysandmeans.house.gov/wp-content/uploads/2023/05/05.16.23-Ltr-to-IRS-Commissioner-re-Whistleblower-Retaliation.pdf>.

³⁴⁹ *Id.*

³⁵⁰ Batdorf Interview at 73-78.

that had no more investigative work to be done would get that case to the goal line and get it prosecuted, that was what -- that was -- I'm willing to take that -- I'm willing to remove that investigative team and get that case prosecuted.³⁵¹

SAC Waldon also testified that because of communication issues between Shapley and the Delaware USAO, removing Shapley from the matter would help the case proceed:

A The U.S. Attorney's Office was no longer working or talking with Mr. Shapley. And there was no immediate -- I didn't think that that would be resolved quickly. And in order to move the investigation forward, I recommended that, you know, he be removed so that we could continue to push the investigation forward.

Q So to sort of generalize, there was a breakdown in communication between the investigative team and the Justice Department, essentially, and so from your perspective, a personnel shift was needed?

A From my perspective, a personnel shift was needed because there was no longer any communication going on between the team.³⁵²

Because of these issues and “to protect the integrity of the investigation and figure out a way forward,” SAC Waldon formally recommended to DFO Batdorf that Shapley be removed from the case in February 2023, before he left the SAC role.³⁵³

In his testimony, DFO Batdorf also described that a whole new case team was assigned, including Shapley, Ziegler, and even the person doing tax calculations, because it was beneficial to the case:

Could we have put Mr. Ziegler in a new group with a new SSA? Potentially, yes. But, having an objective set of eyes -- complete objective set of eyes on the case where the new investigative team came in and the case is good, the evidence is good, that was something that we just said, Let's -- we removed the cooperating revenue agent that was doing our tax calculations. We just got an entire new investigative team in there.³⁵⁴

DFO Batdorf explained that the Shapley was not officially removed from the Hunter Biden matter until May 2023 because there was not investigative work to be done on the case between December 2022 and May 2023 as IRS investigators “were waiting for the U.S. Attorney’s Office to decide if they were going to move forward with the investigation.”³⁵⁵ He testified:

I mean, the decision to remove Mr. Shapley was made by Darrell and I in December, when we knew there was an issue -- potential issue going forward. We

³⁵¹ *Id.* at 75-76.

³⁵² Waldon Interview at 110-11.

³⁵³ *Id.* at 107.

³⁵⁴ Batdorf Interview at 77.

³⁵⁵ *Id.* at 75-79.

just had not expressed that. It was not official as far as we hadn't told Gary, because there was no -- there's no investigative steps to be taken. There was no -- the time period between December and whenever that was, I mean, it would have been a waste of resources to assign a new investigative team to get up to speed on an entire investigation and then not have it go anywhere. There was no reason for -- to waste those resources, and there was no reason -- quite frankly, there was -- if the case wasn't going to go forward, we would end it the way we would always -- we'd end the case. There was not a reason to engage Gary Shapley on that until we knew the case was going to go forward.³⁵⁶

Shapley's supervisors at the IRS made the decision to remove him from the case internally, not at the direction of DOJ. SAC Waldon informed the Committee that the DOJ does not have the authority to remove an IRS agent from an investigation:

Q So what would be -- with regard to partnerships with the Department of Justice, would -- does DOJ have the authority to tell you who to assign to a specific investigation?

A I think, from my perspective, DOJ would communicate what their preference is, and then we would deliberate on that conversation.

Q But, ultimately, the decision would rest within the IRS for the duties and responsibilities of IRS agents?

A As far as I know, yes.³⁵⁷

DFO Batdorf clearly testified that the conversations and decision to remove Shapley and his team from the Hunter Biden matter happened before Batdorf had any knowledge of Shapley making disclosures to Congress or other bodies.³⁵⁸ He emphasized:

I just want to go on the record. In my 22.5 years, I have never made a decision or restricted anyone out of spite, out of retaliation, out of anything. That is not who I am.

I have dedicated my life to IRS CI. I mean, I took this job at 23 years old. This is all my adult life. I would not do that, put my career in jeopardy or this agency in jeopardy. So I wanted to clarify that.³⁵⁹

DFO Batdorf also challenged allegations that David Weiss retaliated against Shapley and Ziegler by removing them from the Hunter Biden matter. When asked, "Do you think Weiss recommended Shapley and Ziegler being removed as retaliation because he was mad that they blew the whistle?" DFO Batdorf clearly responded, "No, I do not."³⁶⁰ He repeated about Weiss,

³⁵⁶ *Id.* at 75.

³⁵⁷ Waldon Interview at 99.

³⁵⁸ *Id.* at 67, 77-78.

³⁵⁹ Batdorf Interview at 112.

³⁶⁰ *Id.* at 104-05.

“It was not my impression that he was retaliating. It was my impression that Darrell and I were doing everything we could to move the case forward.”³⁶¹

B. Republicans’ politicized investigations are causing serious harm to law enforcement and public servants.

Despite Republican claims that the DOJ and IRS have been “weaponized” against conservatives, the evidence instead shows that it is in fact Republican investigations which have weaponized Congress’s power for political purposes and caused serious and repeated threats of harm to law enforcement officers and public servants.

Republicans have routinely elevated and repeated rhetoric demonizing agencies like the FBI and DOJ, such as allegations that the FBI “is rotted at its core”³⁶² and that federal law enforcement “is politicized, corrupt, and out of control.”³⁶³ At the same time that they make such allegations, Republican Committee Members and staff have routinely failed to protect the privacy of transcribed interview subjects, publicly releasing or amplifying the names of line-level, career employees just doing their jobs. This has led these federal employees to be concerned not only for their privacy, but also for the physical safety of themselves, their families, and their colleagues, as threats against public officials skyrocket.

There has been a significant increase in threats against public officials across different federal agencies, including the DOJ and FBI, in recent years, since Donald Trump became president and Republicans launched attacks against federal agencies. During Trump’s presidency, politically motivated threats to public officials increased 178%.³⁶⁴ In the past decade, research has indicated “a greater willingness nationally to threaten public officials” and “a growing public acceptance of and tolerance for political violence—attitudes that threaten U.S. institutions and weaken democracy.”³⁶⁵ The country has seen a steady increase in federal charges for threats to public officials since 2017.³⁶⁶

Federal agencies have acknowledged this increase in threats. The DOJ and FBI have had to take specific measures to protect employees whose names have been made public in relation to the Hunter Biden matter, including asking the U.S. Marshals Service to provide security assistance to attorneys at the Delaware USAO.³⁶⁷ A number of federal officials have expressed serious concern over these rising safety concerns for themselves or the people in their agencies.

³⁶¹ *Id.* at 113.

³⁶² Jon Levine, *Rep. Jim Jordan probe to zero in on FBI communications with Twitter*, N.Y. POST (Jan. 14, 2023), <https://nypost.com/2023/01/14/jim-jordan-probe-to-zero-in-on-fbi-communications-with-twitter/>.

³⁶³ Rep. Dan Bishop (@RepDanBishop), X (Aug. 11, 2022), <https://x.com/RepDanBishop/status/1557752694089056256>.

³⁶⁴ Kuznia, Rob, et al., “A deluge of violent messages: How a surge in threats to public officials could disrupt American democracy,” CNN, December 7, 2023, <https://www.cnn.com/2023/12/07/politics/threats-us-public-officials-democracy-invs/index.html>.

³⁶⁵ Pete Simi & Seamus Hughes, *Understanding Threats to Public Officials*, NAT’L COUNTERTERRORISM INNOVATION, TECH., & EDUCATION CTR. (2023), <https://www.unomaha.edu/ncite/news/2023/08/simi-report-compressed.pdf>.

³⁶⁶ *Id.*

³⁶⁷ ASAC Interview at 125.

1. Attorney General Merrick Garland testified about the increasing threats against public servants and the dangers of targeting individuals by name.

In testimony before the Committee on September 20, 2023, Attorney General Garland emphasized that the country has seen “an astounding number of threats against public servants over the last several years.”³⁶⁸ The Attorney General testified, “Singling out individual career public servants who are just doing their jobs is dangerous, particularly at a time of increased threats to the safety of public servants and their families.”³⁶⁹ He added that singling out individual public servants by name “can lead to threats of violence and actual violence.”³⁷⁰ He pointed out, “We have the actual example of an attack on an FBI office by somebody who was incensed by political rhetoric. This does happen.”³⁷¹

He explained further in response to questions from Ranking Member Nadler:

Mr. Nadler. What are the impacts of Members of Congress making such accusations [that the handling of the Hunter Biden matter is an example of a two-tiered system of justice] against the DOJ? Do baseless accusations from government officials make it more difficult for investigators to do their job and effectively investigate the subject?

Mr. Garland. Members of the Justice Department are strong and tough and able to understand that their job is to do the right thing, regardless of any pressures from any order. What is dangerous—and I’m not talking about the Committee—but what is dangerous is when anyone singles out a career prosecutor or a career FBI agent. We know as a matter of fact that this kind of singling out has led to threats. This is a concern across the board. It is not a concern for anyone in particular.³⁷²

Attorney General Garland also acknowledged to Representative Sheila Jackson Lee that DOJ has had to put special protections and provisions in place to protect DOJ officials who have faced serious threats:

Ms. Jackson Lee. Does the rhetoric regarding the [Hunter] Biden case have any, any basis in reality?

Mr. Garland. No, it does not.

³⁶⁸ *Oversight of the U.S. Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. at 34 (Sep. 20, 2023), <https://www.govinfo.gov/content/pkg/CHRG-118hhrg53649/pdf/CHRG-118hhrg53649.pdf>.

³⁶⁹ *Id.* at 7.

³⁷⁰ *Id.* at 34.

³⁷¹ *Id.*

³⁷² *Id.* at 26-27.

Ms. Jackson Lee. How does this impact FBI and DOJ employees' ability to do their work? I think you mentioned, specifically, FBI and DOJ employees.

Mr. Garland. As I've already said, the agents of the FBI and the prosecutors understand that criticism comes with their job, and they will continue to do their jobs without fear or favor. The idea of threatening their safety or that of their families is just abhorrent ...

Ms. Jackson Lee. ... I assume that provisions or protections have had to be in place to protect these agents and their families.

Mr. Garland. Yes, that's correct.³⁷³

2. The FBI formed a new unit dedicated to threats against FBI employees.

On June 2, 2023, Jennifer Moore, then-FBI Executive Assistant Director for the Human Resources Division, appeared for a transcribed interview before the Committee.³⁷⁴ She testified that from October 2022 to April 2023, FBI employees had faced more threats than they had in the entire previous year.³⁷⁵ She told the Committee that the FBI had to form an entire new unit to address threats:

A We have stood up an entire threat unit to address threats that the FBI employees [and] facilities are receiving. It is unprecedented. It's a number we've never had before.

Q How big is the unit?

A It's going to be about 10 people when it's finished. We just -- we are still in the process of staffing it right now. But their sole mission on a daily basis is threats to FBI employees at facilities.³⁷⁶

In his July 12, 2023, testimony before the Committee, FBI Director Christopher Wray likewise confirmed that because of an increase in threats, the FBI "did stand up a whole dedicated unit to focus on threats to FBI individuals, FBI employees and FBI facilities."³⁷⁷

Director Wray also explained the dangers associated with the inappropriate release of personal information about law enforcement officers:

This kind of phenomenon, doxing, is itself hugely problematic because the more information, personal information about law enforcement professionals that are

³⁷³ *Id.* at 34.

³⁷⁴ Interview with Jennifer Leigh Moore, Exec. Asst. Dir., Hum. Res. Branch, Fed. Bureau of Investigation (Jun. 2, 2023), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023_06_02_Moore%20Transcript2_Redacted.pdf.

³⁷⁵ *Id.* at 203.

³⁷⁶ *Id.* at 202-03.

³⁷⁷ *Id.* at 35.

out in the internet, the more people who may be unstable or inclined to violence that are out there who can choose to act on it. We are seeing that all too often.

The number of officers across law enforcement killed in the line of duty has been up alarmingly over the last few years. I know that because one of the things I committed to doing early in my tenure was every time an officer, anywhere in the country, is shot and killed in the line of duty, I was going to personally call that sheriff or that chief and on behalf of the FBI express our support and condolences and relay that to the family. I have done that now close to 400 times since I have been in this job.³⁷⁸

3. Investigators and prosecutors involved with the Hunter Biden matter have faced threats to their safety because of far-right conspiracies targeting their work.

a) Special Counsel David Weiss

Special Counsel David Weiss acknowledged that this case has been widely publicized, which has had a significant impact on the safety concerns he has for his staff and his family.³⁷⁹ He testified:

Q Has the outsized attention given to this case resulted in threats and harassment against members of your office?

A Yes. Members of my office, agents assigned to the case, both from the IRS and from the FBI, doxing family members of members of my office. So, yeah, it's part and parcel of this case.

Q Do you have concerns for the safety of individuals working in your office?

A Sure. I have safety concerns for everybody who has worked on the case, and we want to make sure that folks -- yeah, folks are encouraged to do what they need to do with respect to the pursuit of justice generally and they not be intimidated in any way from performing their responsibilities.³⁸⁰

When asked if he's been targeted with threats or harassment, Weiss said that he had "certainly received messages, calls, emails from folks who have not been completely enamored of my -- with my role in this case."³⁸¹

b) Former Assistant United States Attorney Lesley Wolf

Former Assistant United States Attorney Leslie Wolf was affected enough by the threats and vitriol she's received as a result of this investigation that she discussed her concerns in her opening statement to the Committee:

³⁷⁸ *Id.* at 46-47.

³⁷⁹ Weiss Interview at 129-131.

³⁸⁰ *Id.* at 130.

³⁸¹ *Id.*

My desire to serve my community and my country, such a great source of pride, has recently come at significant cost. As a private person, the once routine and mundane details of my life have become the subject of public interest in an invasive and disturbing manner. Far worse, I've been threatened and harassed, causing me to fear for my own and my family's safety.

I mentioned earlier that I recently left the U.S. Attorney's Office. My decision to do so long predated and was unconnected to the baseless allegations made against me. In fact, I agreed to stay with the office months longer than planned because of my belief that my family and I were safer while I remained an AUSA.

I have no doubt that after today the threats of harassment and my own fear stemming from them will heighten. This not only scares me, but as someone who loves this country, it also breaks my heart.

We are living in a day and age where politics and winning seem to be paramount, and the truth has become collateral damage.³⁸²

During questioning, she provided more details about the harassment she has received:

Q Would you agree that your work on the Hunter Biden matter has gotten more public attention than work on other matters that you've handled?

A Yes.

Q And do you think that that has resulted in negative repercussions for you personally?

A It's been really not pleasant. So there is the just sort of emotional aspects of it. There is having people you know sort of asking about things. There's people you don't know who track down -- you know, my work email is easy to find. But, you know, there were people who tracked down my personal phone number, both home and cell, who would, you know, feel free to share their view.

And, again, as much as you know the hateful things people are saying are not true, it's still unpleasant to hear, especially when they strike against sort of the core of something you've been so proud to not be along the way.

You know, at times it has made me feel and worry about the safety of my family. We've changed the way we do some things at home because of that.

And then I think I alluded -- you know, just professionally, I delayed my departure from the office as a part of that. You know, I think that's

³⁸² Wolf Interview at 11-12.

probably a minimal repercussion, but nonetheless it's had an influence of my professional life and the start of a sort of new chapter of my career.³⁸³

c) Special Agent in Charge Thomas Sobocinski

SAC Sobocinski provided details about how the release of personal information of FBI officials and employees has an impact on everyday operations. Sobocinski explained that when IRS SSA Gary Shapley's testimony was made public, he had significant concerns about how release of that testimony was affecting his employees' safety:

I was more concerned about how this is affecting my employees. I now have FBI employees that names are out there. I have FBI employees and former FBI retired agents who've served for 20-plus years whose parents are getting phone calls, whose photos with their girlfriends, who their children who are being followed. That is not something that we were prepared for, and I was concerned about having that continue or expand to other one of my employees.³⁸⁴

Sobocinski also detailed how "it's becoming more important and more relevant" for him to focus on "keeping [his] folks safe" at the FBI, as well as keeping employees' families safe.³⁸⁵ He also noted that the increased pressure and work it takes to ensure this safety detracts from his investigative work as an FBI agent:

I joined the FBI 25 years ago. I joined for a reason: to protect the American people and uphold the Constitution. I've been to war. My family's been in bad places. My kids have been evacuated from war zones or quasi-war zones. I've been in some bad things ...

... I've accepted that. No, no, this is important to me. And so when you ask what I remember, what I not, I am solely focused on two things, and they're not mutually exclusive. The first thing is, like every investigation, I want to get to a resolution in a fair, apolitical way. The second thing, and it's becoming more important and more relevant, is keeping my folks safe. And the part that I never expected is keeping their families safe. So that, for me, is becoming more and more of a job that I have to do and take away from what I was -- what I signed up to do, which was investigate and do those things.

So when you talk about potential frustrations with communication, I am personally frustrated with anything that places my employees and their families in enhanced danger. Our children, their children didn't sign up for this.³⁸⁶

Sobocinski testified that he has concerns about his own safety and the safety of his family because of threats related to this matter.³⁸⁷ He also explained that others who have worked on the

³⁸³ Wolf Interview at 73-74.

³⁸⁴ Sobocinski Interview at 107.

³⁸⁵ *Id.* at 108.

³⁸⁶ *Id.*

³⁸⁷ *Id.* at 143.

case have been the subject of threats, and that the FBI has had to take steps to address these threats and protect its employees and their families:

A [T]here has been a massive increase in personal threats against FBI personnel and the facilities.

Q And on that note, in this particular case have the agents or other employees working on it suffered any personal impact based on the fact that their names have been in the press and that this is a very public-facing investigation?

A I'm not going to talk about individual people, but in general, yes. There's a large grouping of people, as I talked about earlier, that their names are now out there, and then on social media things are being directed at them. We can handle that. But when their identities, their families, things towards their families, that has absolutely increased.

Q And so in this case individuals' families have actually been the target of threats?

A I'm not going to get into the specifics of that. I mean, like, there's legal definitions of threats and all that other stuff. I will say the sense of the employees and especially the sense of their families is, yes, they feel threatened.

Q Do you have concerns for their safety?

A I do.

Q Are you taking any steps -- and I don't want to compromise any law enforcement protected information -- but are you taking steps to protect your employees? Do you feel the need to do that?

A Yeah, them and family members.

Q So there are very specific things that you're doing to ensure the safety of those involved?

A Yes.

Q Okay. And your name has also been in the press. Your name was on the letter that Chairman Jordan publicly released. Have you personally faced any impacts from this investigation?

A Yes.³⁸⁸

³⁸⁸ *Id.* at 142-43.

d) The FBI Assistant Special Agent in Charge

The Committee is not using the name of the Assistant Special Agent in Charge of the FBI's Baltimore Field Office who worked on the Hunter Biden matter in part because of the safety concerns discussed in this section. She testified that the FBI has had to take specific steps to mitigate threats against an investigator on this case because agents' names have been made public:

Q In this particular case, have the press attention and the other attention that has been on this case and the fact that these agents' names have been made public in some instances, has that impacted those agents in any way?

A Yes. It can also add stress. Some stress is common and expected, but it can definitely add additional stress. It can cause issues for their families, depending on what information has been put out there, their families and friends.

And potentially one of the really big things, it could be a safety concern and cause potential safety issues for them.

Q And do you have concerns for the individuals who are working on this case?

A Yes.

Q Can you -- and safety concerns?

A Yes. As best as possible, want to make sure that their names are not put out there in the public while the ongoing matter continues.

And obviously with that don't want anybody to have the opportunity potentially to locate where they reside or any of their family members.

And so those type of things are being taken into precaution, and working internally obviously with the FBI to try to best ensure that their safety is of the utmost.

Q And that was going to be my next question. Has the FBI taken any particular steps to ensure that the agents in this case are being kept safe?

A We do.

Q And have there been -- has there been a particular need to do that in this case?

A Yes. There have been contacts to an agent and family and friends. And so wanting, again, to make sure that that agent is safe, that they're safe in their home when they are not working, as well as making sure that their

family and friends are safe, just trying to take all the precautions that we can.³⁸⁹

e) The Former FBI Supervisory Special Agent

The former FBI SSA who worked on the Hunter Biden investigation until he retired in 2022 asked (through counsel) that his name be redacted from the transcripts of his interviews to protect his privacy. This request is understandable, in light of the threats and harassment that public servants involved in the Hunter Biden case have received. The FBI SSA testified that during the investigation, some agents “had to have security at their houses” because “their name[s] became public.”³⁹⁰ He testified that his own personal information, as well as that of his wife, was publicly disclosed:

Q You talked earlier about the impact that this investigation had on some of your agents. You talked about people having to -- people were concerned about when their names were publicly disclosed.

A Correct. We've been doxed. You know, I had personal information that was published. Yeah, I had to go to my local police department and tell them I may be swatted. So that's concerning.

Q And has that happened? How many other folks on your team has that happened to?

A I think we were all generally made aware. Several of us have been doxed. I don't know about, you know, I don't know what.

Q Can you say what dox means?

A Publishing personal information; dates of birth, my home address, my wife's madden name. Things like that. And so that it certainly happened to me and others; multiple others on both IRS and FBI.³⁹¹

f) U.S. Attorney E. Martin Estrada

U.S. Attorney for the Central District of California Martin Estrada made clear that there has been an increase in threats since the Hunter Biden investigation became public, stating “I receive a lot of hate mail and threats as a result of doing this work, and there was certainly an uptick when the news came out in the spring regarding the Hunter Biden investigation.”³⁹²

He testified that after Shapley and Ziegler’s testimony became public, “I had communications with my first assistant U.S. Attorney and the executive United States Attorney on the threats I was receiving and what to do about the threats and who to send those to. I had communications with the Marshals Service about those threats.”³⁹³

³⁸⁹ ASAC Interview at 124-25.

³⁹⁰ Feb. 2024 SSA Interview at 99.

³⁹¹ *Id.* at 133.

³⁹² Estrada Interview at 68.

³⁹³ *Id.* at 85-86.

Estrada also appreciated the risk and difficulties career officials face when their names are made public in such an investigation, especially when they do not volunteer their names willingly. When asked for the names of career attorneys in his office who were involved in decisions about Hunter Biden, Mr. Estrada answered as follows:

So I'm not comfortable giving names of AUSAs, and I won't be doing that going forward in this -- in this interview. They sacrifice enough financially, in terms of time and in terms of safety, with regard to the cases that we prosecute in our district, and I'm not comfortable giving up names here.

I'm here voluntarily. I'm happy to talk to you all voluntarily. But my AUSAs didn't sign up for this, so I'm not going to give individual names.³⁹⁴

Despite this disclaimer and explanation, Republican counsel called Estrada's decision not to provide the names of other employees "ridiculous."

Q And who was that?

A So, again, I don't want to give names, but I'm sure it's public record.

Q Okay. So you're not willing to tell us who the Acting U.S. Attorney for your district was?

A I don't want to give names of people who didn't voluntarily come before you to testify.

Q Okay. I mean, that's kind of ridiculous.

A I'm sure --

Q I mean, we can look it up on the internet. And you're not willing to just tell us the name?

A You can look it up on the internet if you like, but I'm not willing to give names of people who didn't voluntarily come before this committee.³⁹⁵

g) U.S. Attorney Matthew Graves

U.S. Attorney for the District of Columbia Matthew Graves likewise did not want to disclose the names of career officials on the case working within his office.³⁹⁶ He specifically noted that the transcripts in this investigation sometimes become public and he was already dealing with "enough threats and harassment" against his staff:

Q And who's that?

A Well -- so, in general, I would prefer, in the context of this interview, given what you referenced before about, despite all of our best efforts, some of

³⁹⁴ *Id.* at 16.

³⁹⁵ *Id.* at 18.

³⁹⁶ Graves Interview at 17-18.

these transcripts becoming public, giving positions as opposed to names. We can work with OPA [DOJ's Office of Public Affairs] if this really does become --

Q I mean, we'd ask you for the name of the head of the Criminal Division; we might ask, you know, your first assistant. I think we're looking for those two names, but about other than that, I think we can --

A So can we -- my request to you would be that we kind of work this through OLC [DOJ's Office of Legal Counsel] as opposed to putting it in an official transcript. I'm already dealing with enough threats and harassment of my assistant United States attorneys --

Q Okay.

A -- who are career prosecutors.³⁹⁷

Despite this disclaimer, Republican staff pushed Graves to confirm that a particular career prosecutor was in a specific meeting:

Q Let's get real. That's not going to, you know, invoke safety concerns here.

A What I can tell you is, I've unfortunately had way too many instances of documents getting into the public domain that have our prosecutors' names in them and me receiving what we call urgent reports about security concerns because of threatening or harassing behavior that they're receiving --

Q Uh-huh.

A -- and that we've had to take steps for a number of people in our office to mitigate the risk.³⁹⁸

Graves later reiterated that he had concerns for the safety of his office's employees and his own family:

Q Do you have concerns sitting here today for the safety of your office's employees?

A Yes. Yes. Absolutely, which is why I am so hesitant to put on a public record of a document -- that we all acknowledged at the outset might become public -- individual names because, given the subject matter, the trajectory I've seen is as soon as those individual names get out in the public, there's immediately, at a minimum, harassing, if not legally threatening conduct that ensues.

³⁹⁷ *Id.*

³⁹⁸ *Id.* at 114-15.

Q And, sitting here today, do you have concerns for your own personal safety?

A Less of concerns for my safety than for my people's safety. More concerns for my family's safety than my safety.³⁹⁹

Graves testified that the number of threats to prosecutors has increased and that “the nature of the threat is more pervasive than what we've seen in the past.”⁴⁰⁰ He explained further:

Q What do you mean by "more pervasive"?

A So, in what I was used to and what I saw before, if you were prosecuting a gang, a threat potentially could emanate from that gang, right? And so there is one set of mitigation measures for that.

What we're seeing now is individuals from across the country who are not directly affiliated with any of the subjects of our investigation engaging in threatening and harassing conduct, which is harder to get your arms around because you know you're seeing effectively the tip of the iceberg. You know that this is -- the sentiment is out there. That people are trying to fuel the sentiment of stoking ire against these dedicated civil servants. And you really don't even know the extent of it because it's not group-affiliated.

If I am prosecuting a crew, I know the people -- you generally know who is in the crew, and it's easier to take mitigation measures there.

Q Have you had to take specific mitigation measures to protect the prosecutor -- and I don't want to get into specific cases, but have you had to take broadly mitigation measures to protect the prosecutors in your office?

A Yes. We've had to do that, and I personally have had to do that.

Q For yourself?

A Yes.⁴⁰¹

³⁹⁹ *Id.* at 133-34.

⁴⁰⁰ *Id.* at 130.

⁴⁰¹ *Id.* at 132-33.

Glossary

AUSA: Assistant United States Attorney

ASAC: Assistant Special Agent in Charge

DAAG: Deputy Assistant Attorney General

DAG: Deputy Attorney General

DFO: Director of Field Operations

DOJ: Department of Justice

FBI: Federal Bureau of Investigation

IRS: Internal Revenue Service

IRS CI: Internal Revenue Service, Criminal Investigation

PADAG: Principal Associate Deputy Attorney General

SAUSA: Special Assistant United States Attorney

SSA: Supervisory Special Agent

USAO: United States Attorney's Office