

United States Senate
WASHINGTON, DC 20510

May 9, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable David Weiss
United States Attorney
District of Delaware

Dear Mr. Weiss:

On February 3, 2021, March 9, 2021, and November 10, 2021, we wrote letters to Attorney General Garland with respect to Nicholas McQuaid, the then-Acting Assistant Attorney General for the Criminal Division and current Principal Deputy Assistant Attorney General for the Criminal Division, and his conflicts of interest in the Hunter Biden criminal case.¹ In those letters, we specifically raised concerns about the fact that Mr. McQuaid worked with Hunter Biden's criminal attorney until he was hired by the Biden Administration on January 20, 2021. This association creates a clear conflict of interest yet the Department has failed to provide adequate responses to answer the threshold questions about whether Mr. McQuaid has or had any role in the Hunter Biden criminal case and whether he has been recused from it.²

In light of Mr. McQuaid's clear conflicts in the Hunter Biden investigation, Attorney General Garland's silence draws serious suspicion and has cast a cloud over the investigation – a cloud that could easily be removed if the Justice Department showed a modicum of transparency.

On March 28, 2022, March 29, 2022, and April 5, 2022, we gave speeches on the Senate floor introducing bank records relating to Hunter Biden's and James Biden's financial connections to the communist Chinese regime.³ Based on reports of the scope of your

¹ News Release, On Day One, Biden Installed Law Partner Of Son's Defense Lawyer At DOJ Criminal Division, Charles E. Grassley (Feb. 3, 2021), <https://www.grassley.senate.gov/news/news-releases/on-day-one-biden-installed-law-partner-of-sons-defense-lawyer-at-doj-criminal-division>; *see also* Letter from Sen. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, & Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Monty Wilkinson, Acting Attorney General, U.S. Dep't of Justice (Mar. 9, 2021), https://www.grassley.senate.gov/download/grassley-johnson-to-justice-dept_-mcquaid-follow-up.

² Attorney General Garland's failure to provide Congress and the American people answers with respect to Mr. McQuaid can be contrasted with his public statements about Susan Hennessey, an employee in the National Security Division, and Margaret Goodlander, counsel for Attorney General Garland, where he publicly asserted that neither had a "role" in Durham's investigation. Senate Judiciary Committee Hearing, Oversight of the Department of Justice (Oct. 27, 2021), <https://www.judiciary.senate.gov/meetings/10/20/2021/oversight-of-the-department-of-justice>; Chuck Ross, *Jake Sullivan's Wife Faces Growing Calls for Recusal From Durham Probe*, Washington Free Beacon (Dec. 10, 2021) <https://freebeacon.com/biden-administration/jake-sullivans-wife-faces-growing-calls-for-recusal-from-durham-probe/>

³ Floor Speech, Grassley, Johnson Discuss Investigation into Biden Family Foreign Financial Entanglements - Part 1 (March 28, 2022) https://www.grassley.senate.gov/news/remarks/grassley-johnson-discuss-investigation-into-biden-family-foreign-financial-entanglements_part-1; Floor Speech, Grassley, Johnson Release Bank Records Tying Biden Family to CCP-Linked Individuals & Companies (March 29, 2022) <https://www.grassley.senate.gov/news/remarks/grassley-johnson-release-bank-records-tying-biden-family-to-ccp-linked-individuals-and-companies>; Floor Speech, The Biden Family Investigation – Part III: James Biden (April 5, 2022) https://www.grassley.senate.gov/news/remarks/the-biden-family-investigation_part-iii-james-biden

investigation, these bank records should be relevant to your work. In January 2022, news reports made public an alleged grand jury subpoena from your office to JPMorgan Chase bank that requested records relating to Hunter Biden, James Biden and their business associates as well as related corporate entities.⁴ It's unclear whether you've issued a grand jury subpoena for the bank records that we've acquired and discussed on the Senate floor.

To be clear, we are unaware of any information that would call into question your ability to lead this investigation. Yet, Delaware is the Bidens' home state and Hunter Biden has acknowledged his connections with state officials in the past. In March 2018, Hunter Biden told his Chinese business partners, "I will bring suit in the Chancery Court in Delaware — which as you know is my home state and I am privileged to have worked with and know every judge in the chancery court."⁵ This statement raises questions about the Bidens' possible undue influence over judicial officers in the Delaware Court of Chancery and raises concerns that his asserted influence extends beyond the Court of Chancery.

In light of the extraordinary public interest in the Hunter Biden criminal case and Attorney General Garland's repeated refusal to provide transparency to Congress and the American people with respect to the aforementioned conflicts of interest, please respond to the following no later than May 23, 2022.

1. Is Mr. McQuaid recused from the Hunter Biden criminal case? If so, when was he recused? Provide the recusal memorandum.
2. Have any employees in the U.S. Attorney's Office for the District of Delaware been recused from the Hunter Biden criminal case? If so, who, when, and provide the recusal memoranda.
3. Have you or any employee in the U.S. Attorney's Office for the District of Delaware exchanged any communications with Mr. McQuaid? If so, please provide all records.
4. Has the U.S. Attorney's Office for the District of Delaware issued a grand jury subpoena to Wells Fargo, USAA, Bank of America, TD Bank, JPMorgan Chase, PNC, Morgan Stanley, Citibank, Bank of New York Mellon, Bank of China and First National Bank of Omaha for records relating to Hunter Biden, James Biden, Sara Biden, John R. Walker, Eric Schwerin, Devon Archer and corporate entities linked to them, including but not limited to, Hudson West III and the Lion Hall Group? If not, why not?

⁴ Miranda Devine, *JPMorgan Chase subpoenaed in 2019 over Hunter Biden's business deals in China* (Jan. 30, 2022) <https://nypost.com/2022/01/30/hunter-biden-and-associates-received-2019-subpoena-over-business-deals-in-china/>

⁵ Matt Viser, Tom Hamburger, and Craig Timberg, *Inside Hunter Biden's multimillion-dollar deals with a Chinese energy company*, Wash Post., Mar. 30, 2022, <https://www.washingtonpost.com/politics/2022/03/30/hunter-biden-china-laptop/>.

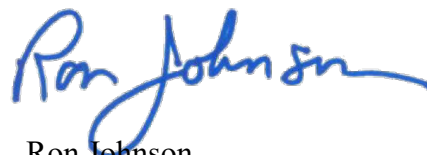
5. Has the U.S. Attorney's Office for the District of Delaware received sufficient resources and support from the Justice Department to properly execute the Hunter Biden criminal case?
6. Have you discussed the need for a special counsel or independent counsel to properly investigate the Hunter Biden criminal matter?

Thank you for your attention to these important issues.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
Department of Justice