

Congress of the United States
Washington, DC 20515

April 2, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary, Committee on Oversight and Accountability, and Committee on Ways and Means (“the Committees”) are conducting oversight of the Department of Justice (“the Department”), including serious allegations of whistleblower retaliation.¹ Recently, the Committees learned from Special Counsel David Weiss’s filing that the Justice Department is apparently investigating Internal Revenue Service (“IRS”) Supervisory Special Agent Gary Shapley and Special Agent Joseph Ziegler for their protected whistleblower disclosures to Congress related to the Department’s handling of the Hunter Biden investigation.

Hunter Biden and his lawyers have waged an aggressive intimidation campaign against Mr. Shapley and Mr. Ziegler, slandering them with false allegations and demanding that the Justice Department investigate them for making protected disclosures to Congress.² According to the *New York Times*, Hunter Biden’s lawyers “have contended to the Justice Department that by disclosing details about the investigation to Congress, they broke the law and should be prosecuted.”³ Among other tactics, on October 31, 2022, Hunter Biden’s former lawyer, Chris Clark, sent a letter to then-U.S. Attorney Weiss falsely accusing Mr. Shapley and Mr. Ziegler of illegally leaking information about the investigation to the press and demanding they be investigated.⁴ Mr. Clark also wrote to Justice Department Inspector General Michael Horowitz (twice),⁵ Associate Deputy Attorney General Bradley Weinsheimer,⁶ and Tax Division senior

¹ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (May 25, 2023); Letter from Chairmen Jim Jordan, Jason Smith, & James Comer, to Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Sept. 12, 2023).

² See generally Letter from Chairmen Jim Jordan, Jason Smith, & James Comer, to Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Sept. 12, 2023).

³ Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Sept. 7, 2023).

⁴ Letter from Chris Clark to David Weiss, U.S. Att’y, Dist. of Del., at 2, 15-17 (Oct. 31, 2022) (on file with the Committees).

⁵ Letter from Chris Clark to Michael Horowitz, Inspector Gen., U.S. Dep’t of Just. (Feb. 8, 2023) (on file with the Committees); Letter from Chris Clark to Michael Horowitz, Inspector Gen., U.S. Dep’t of Just. (June 29, 2023) (on file with the Committees).

⁶ Letter from Chris Clark to Bradley Weinsheimer, Associate Deputy Att’y Gen, U.S. Dep’t of Just. (Apr. 21, 2023) (on file with the Committees).

litigation counsel Mark Daly and two Assistant U.S. Attorneys⁷ demanding that the whistleblowers be investigated. Hunter Biden's current attorney, Abbe Lowell, sent a similar letter to Special Counsel Weiss on August 14, 2023, again falsely claiming that Mr. Shapley and Mr. Ziegler acted illegally in disclosing information to Congress and demanding that they be investigated.⁸

The Department appears to have been receptive to the intimidation campaign of Hunter Biden's lawyers. On March 11, 2024, Special Counsel Weiss applied for an order to seal the Department's unredacted brief opposing Hunter Biden's motion to dismiss the charges against him on the grounds that it "relates to a potential ongoing investigation(s)"⁹ The redacted portion of the Department's brief is in a paragraph about guidance from the IRS on whistleblowing options distributed to IRS employees, "including Shapley and Ziegler," suggesting that the whistleblowers may be subjects of the purported ongoing investigation.¹⁰ Given that the whistleblowers' disclosures were lawful,¹¹ if they are under investigation for their protected disclosures to Congress, the Committees are concerned that such an investigation is an attempt to seek retribution against these two brave whistleblowers.

The Committees will not tolerate any retaliatory conduct by the Department against these or any other whistleblowers. Whistleblowers play an integral role in identifying and rooting out waste, fraud, abuse, mismanagement, and corruption within federal agencies. Federal law protects whistleblowers from retaliation.¹² Any efforts, including those by the Department, to investigate whistleblowers for making lawful disclosures raise serious concerns about the continued weaponization of the federal government. Any and all attempts to intimidate or retaliate against Mr. Shapley and Mr. Ziegler for their protected disclosures to Congress must stop.

To assist the Committees with our oversight responsibilities and to ensure the Department is not attempting to retaliate against Mr. Shapley or Mr. Ziegler, please provide all documents and communications referring or relating to any Department investigation of Mr. Shapley and/or Mr. Ziegler. Please provide this information as soon as possible, but no later than 5:00 p.m. on April 16, 2024.

The Judiciary Committee has legislative and oversight jurisdiction over the Department of Justice pursuant to Rule X of the Rules of the House of Representatives.¹³ The Committee on Ways and Means is authorized to conduct oversight of the Internal Revenue Service and the

⁷ Letter from Chris Clark to Mark Daly, Lesley Wolf, and Carly Hudson (Apr. 21, 2023) (on file with the Committees).

⁸ Letter from Abbe Lowell to David Weiss, U.S. Att'y, Dist. of Del. (Aug. 14, 2023) (on file with the Committees).

⁹ Government's Unopposed *Ex Parte* Application for Order Sealing Government's Unredacted Opposition to Defendant's Motion to Dismiss the Indictment for Due Process Violations Based On Outrageous Government Conduct and Three Exhibits, *United States v. Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Mar. 11, 2024).

¹⁰ Government's Opposition to Defendant's Motion to Dismiss the Indictment for Due Process Violations Based On Outrageous Government Conduct at 11, *United States v. Biden*, No. 2:23-cr-00599-MCS (C.D. Cal. Mar. 11, 2024).

¹¹ See 6 U.S.C. 6103(f)(5).

¹² 6 U.S.C. 6103(f)(5); 5 U.S.C. § 7211; and 5 U.S.C. § 2302(a)(2)(A)(xii).

¹³ Rules of the House of Representatives, R. X, 118th Cong. (2023).

The Honorable Merrick B. Garland

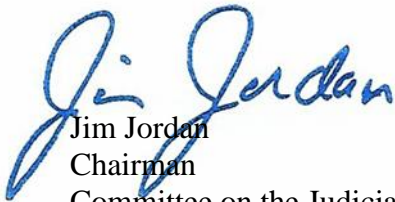
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administration of the Internal Revenue Code.¹⁴ The Committee on Oversight and Accountability may examine “any matter” at any time.¹⁵ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman
Committee on the Judiciary



James Comer
Chairman
Committee on Oversight and Accountability



Jason Smith
Chairman
Committee on Ways and Means

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

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

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

The Honorable Michael E. Horowitz, Inspector General
U.S. Department of Justice, Office of the Inspector General

¹⁴ *Id.*

¹⁵ *Id.*