

# **DAVID WEISS BURIES BILL BARR RIGHT ALONGSIDE TONY BOBULINSKI**

For a second time, David Weiss' Special Counsel team has buried an inconvenient (some)body to avoid accounting for the politicization of the investigation they claim is not political.

This time, it's Bill Barr.

Across three responses pertaining to political influence submitted yesterday – request for discovery, immunity through diversion agreement, and selective and vindictive prosecution – the prosecutors used a variety of tactics to simply avoid dealing with inconvenient evidence.

In the discovery response, after describing discovery production to date – 500,000 pages of which came on January 9 – Derek Hines argued that under Armstrong, Hunter Biden hadn't reached the threshold for discovery, primarily addressing selective prosecution rather than vindictive (as I'll show, Hines ignores much of Hunter's vindictive prosecution argument). In claiming there's no evidence to support discovery, his discovery response doesn't address a single piece of evidence that Hunter showed to support his argument. Instead, it paraphrases Hunter's two discovery requests (one, two) this way:

- Emails, documents, and information reflecting deliberative processes and decision-making of DOJ concerning the investigation and its decision to bring charges against the defendant. ECF 65 at ¶¶ E, G

- Emails, documents, and information concerning communications with Congress and “any person at the U.S. Department of Justice” “concerning the investigation or prosecution of Mr. Biden, including the decision to bring any particular charges.” ECF 65 at ¶ H
- “All documents and records reflecting communications from January 20, 2017 to the present (the “Relevant Time Period”) to, from, between, or among Donald J. Trump, William P. Barr, Geoffrey Berman, Scott W. Brady, Richard Donoghue, or Jeffrey A. Rosen relating to or discussing any formal or informal investigation or prosecution of Hunter Biden, or a request thereof” ECF 66 at ¶ 1
- “All documents and records reflecting communications from the Relevant Time Period to, from, between, or among Donald J. Trump, William P. Barr, Geoffrey Berman, Scott W. Brady, Richard Donoghue, or Jeffrey A. Rosen and any Executive Branch official, political appointee, Department of

Justice official, government agency, government official or staff person, cabinet member, or attorney for President Trump (personal or other) discussing or concerning Hunter Biden.”  
ECF 66 at ¶ 2

The paraphrase ignores items in Hunter’s first request pertaining to John Paul Mac Isaac (yesterday’s filings reference the laptop without describing its provenance or whether and how follow-on warrants relied on it), to disciplinary investigations, leak investigations, *and other communication with the press* (one of which Hines specifically relies on in his responses), as well as draft 302s and FD-1023s like the one recording an unreliable Tony Bobulinski interview made after being hosted by Donald Trump (which, as I noted, Weiss distorted the facts to exclude from the tax indictment, just as he distorts the facts regarding Barr’s involvement) or an informant report obtained via a dedicated channel for Rudy Giuliani’s dirt.

That is, Hines simply ignores a number of items in Hunter’s request that prove Trump’s personal and ongoing tampering in this investigation.

The discovery response likewise ignores Hunter’s request for subpoenas for materials in the possession of Trump and others, including Barr, which was cited in Hunter’s own discovery motion, even though Hines dealt with comments Trump made on Truth Social this way, in his selective and vindictive response:

The next statements by Trump cited by the defendant in support of his argument (ECF 63 at 31) occurred in 2023, now on a website called “Truth Social.” After the defendant filed his motion, undersigned counsel have tried to gain access to the website to verify the

authenticity of the “Truth Social” messages cited by the defendant, but the site apparently is not functional:



Accordingly, while the government has not verified the accuracy of the messages or been able to assess any surrounding context that the defendant may have omitted, it is still clear that these supposed messages do not advance the defendant’s claim.

“Let me subpoena all the threats made by Donald Trump on his social media site,” Hunter asked. And after Leo Wise claimed that’s not necessary, Hines professed to be utterly incompetent to be able to find those threats, including at least one targeting David Weiss personally, published publicly. That, even though other parts of DOJ have proven perfectly capable of accessing Truth Social – for example, after Taylor Taranto used the address for Barack Obama that Trump posted there to start stalking the Kalorama neighborhood of Trump’s predecessor. DOJ knows how to find threats Trump elicits on Truth Social, but poor Derek Hines claims he doesn’t have any way of doing that.

You know how you might get those posts, Derek Hines? A subpoena.

But it is in Bill Barr’s role where this response is most telling (particularly given Hines’ paraphrase ignoring FD-1023s).

Here’s how, in the selective and vindictive response, he addressed Hunter’s request for information from Bill Barr.

Even the contents of most of the tweets cited by the defendant contradict his claim that he is being selectively and vindictively prosecuted. For example,

according to the defendant, on December 12, 2020, former President Trump *complained* that then-Attorney General Barr did not “reveal the truth” to the public before the election about Hunter Biden. ECF 63 at 29. If the DOJ was acting to pursue a political agenda, wouldn’t DOJ have done the opposite? The defendant says President Trump tweeted, “I have NOTHING to do with the potential prosecution of Hunter Biden, or the Biden family. . . .” *Id.* That claim of non-involvement does not support his claim. According to the defendant, in his book, Attorney General Barr stated he was asked by President Trump about the investigation of Hunter Biden, and Attorney General Barr refused to tell him about it. *Id.* at 30. This withholding of information does not support his argument.

And here’s how Hines dodged any discussion of the Deputy Attorney General’s role in channeling Russian disinformation – as well as an FD-1023 obtained via a dedicated channel from Trump’s personal lawyer – into the investigation of the son of Trump’s campaign opponent.

In this same section of his brief, the defendant cites testimony of an IRS employee who stated that DOJ made the decision not to take overt investigative steps that could influence the 2020 election. *Id.* The problematic conduct that the defendant complains of is that the Deputy Attorney General’s office during the Trump Administration was aware of and involved in some specific investigatory decisions in the most banal fashion possible—by waiting to take specific investigative steps at certain times out of caution so that that investigation would not influence a Presidential election. If the defendant’s vindictiveness allegations

were true, wouldn't DOJ prosecutors have done the opposite and permitted investigators to take overt steps that could have influenced the election? These claims show only that career DOJ prosecutors and DOJ leadership acted appropriately when investigating the son of a candidate for President. Moreover, against this backdrop, U.S. Attorney Weiss was then asked to remain U.S. Attorney during the Biden Administration, which further underscores the lack of discriminatory intent.

As Wise did in the filing claiming to need no subpoena, Hines did here: both completely ignored that Hunter has pointed to official records, which are in no way deliberative, showing that months after Donald Trump asked Volodymyr Zelenskyy to provide campaign dirt to Rudy Giuliani and Bill Barr, days after (per Chuck Grassley) shutting down an investigation into Mykola Zlochevsky, the former Attorney General set up a channel dedicated to ingesting dirt from Rudy, including from Zlochevsky and known agents of Russia, to be laundered into the investigation of Hunter Biden.

That response ignores several aspects – either implicit or explicit – of Hunter's request:

- Joseph Ziegler initially claimed (he subsequently backed off this claim) that Bill Barr *personally* decided to put the investigation in Delaware, an appropriate venue to investigate Joe Biden, but not for Hunter's suspected tax crimes
- Bill Barr set up a back channel to receive Rudy

Giuliani's dirt targeting Hunter and Joe Biden, including dirt obtained from Mykola Zlochevsky and known Russian agent Andrii Derkach

- *Days after* Trump harangued Bill Barr personally (described in his book as a response to the initial NY Post story published on October 14), Richard Donoghue ordered Weiss' team to accept a briefing on the FD-1023 (which happened on October 23 – the same day Bobulinski met with the FBI)
- Bill Barr told Margot Cleveland, for a story published just as David Weiss started reneging on a plea deal in June, that he was personally involved in sharing the FD-1023 with Weiss' office

And if Weiss responded to Hunter's request for "communications with Congress," he would have to provide the following:

- Discussions Barr had with Lindsey Graham about the dedicated channel he was setting up to target Hunter Biden
- The correspondence via which DOJ told Jerry Nadler about the dedicated channel for Rudy's dirt

- The July 10 letter from Weiss to Lindsey Graham stating that the FD-1023 produced by that dedicated channel was *still being investigated*, crucial evidence of what I called the FARA headfake inventing a reason to reopen the investigation
- Chuck Grassley's October 23 letter to Merrick Garland describing that days before Barr set up that dedicated channel and around the time when Zlochevsky made unprecedented claims of having bribed Joe Biden, Bill Barr's DOJ shut down a corruption investigation whence the FD-1023 would be reverse engineered via Barr's dedicated channel
- Scott Brady's testimony describing:
  - The dedicated channel to launder dirt into the Hunter Biden investigation involved 5 prosecutors in Brady's office (including him), plus some number of FBI people
  - Between January and October 2020, Brady spoke to Weiss every



four to six weeks  
about this dedicated  
channel

- Brady demanded – and after some “colorful” language with Weiss, got – interrogatories regarding the scope of Weiss’ investigation
- In his initial explanation, Brady said his team found that lead via asking the FBI to search on “Hunter Biden” and “Burisma,” precisely the request Trump had made of Volodymyr Zlochevsky
- The reinterview of the Zlochevsky informant came at Brady’s direction
- Brady’s claimed vetting of the Zlochevsky lead included checking travel records (the dates of which were not included on the FD-1023) but did not include comparing Zlochevsky’s claims against the materials from impeachment or even public reporting that conflicted with

it

- He “reminded” Weiss of the obligation to investigate leads
- He provided a report to Donoghue in September 2020 that would in no way be deliberative
- He got Donoghue to intervene when Weiss’ team showed reluctance to accept his laundered dirt
- Brady personally kept Bill Barr informed of his efforts
- David Weiss’ testimony describing:
  - He never spoke with Joe Biden about remaining on as US Attorney, has not been supervised by any political appointee since 2022, and has never once spoken to his boss, Lisa Monaco
  - He did speak with Bill Barr about remaining on as US Attorney
  - He has never had direct communication with Merrick Garland save the written communication in which he asked to be made

## Special Counsel

- The discussion he had with LA US Attorney Martin Estrada goes to the merits of the case that Estrada said would not be worth charging that Weiss has since charged
- He always intended to continue the investigation into Hunter, a claim that materially conflicts with something that Chris Clark says Weiss' First AUSA told him
- He believes Leslie Wolf, whom he removed from the Hunter Biden team, is a person of integrity
- The information laundered through Brady was still ongoing as of November 7
- His office has been targeted by threats and harassment – and he himself raised concerns about intimidation
- He still remembers Gary Shapley's body language in response

to Weiss' comment about the merits of the case

- Thomas Sobocinski's testimony describing:
  - After Gary Shapley's claims went public, threats to personnel on the team "absolutely increased"
  - He "definitely" had discussions with David Weiss about how Shapley's claims would affect the case
  - After Shapley's claims, the children of people on the team started getting followed
  - Leslie Wolf has concerns for her safety
- Martin Estrada's description of three reports he received, which convinced him it was not worth dedicating resources to prosecuting Hunter Biden for tax crimes in Los Angeles

In short, Hines simply refuses to deal with the evidence – some laid out explicitly in Hunter's filing – that would substantiate how Bill Barr went to great lengths to let Trump's personal attorney launder dirt into this investigation, and then continued to politicize this investigation during the period when Weiss' team was subjected to increased threats.

The record *already shows* that Trump demanded an investigation, DOJ set one up in the way most likely to implicate Joe as opposed to Hunter, in the wake of pressure from Trump and during the campaign season, DOJ ordered Weiss to accept an informant report reflecting a suspect relationship between Zlochevsky and Trump's attorney, and that back channel *continues* to be one of the ways Republicans have provably pressured David Weiss to prosecute Hunter more harshly, after which pressure Weiss did just that.

But by refusing to address the substance of the evidence Hunter laid out showing this investigation was politicized, Hines simply buried all that.