

DENIAL AND FORGETTING AT THE HUNTER BIDEN TRIAL

Consider the levels of denial and forgetting that it takes to write *this paragraph* the week that Hunter Biden, charged by a Trump US Attorney turned Special Counsel using evidence significantly sourced from a laptop handed over by John Paul Mac Isaac, stood trial.

While president, Mr. Trump repeatedly told aides he wanted the Justice Department to indict his political enemies. The Justice Department opened various investigations of Mr. Trump's adversaries but did not ultimately bring charges – infuriating Mr. Trump and contributing to a split in 2020 with his attorney general, William P. Barr. Last year, Mr. Trump promised that if elected again, he would appoint a “real special prosecutor” to “go after” Mr. Biden and his family.

Five years ago, Donald Trump was impeached for extorting Ukraine to announce an investigation into Hunter Biden. The press covered it – and the way Rudy Giuliani *continued* to solicit such dirt from known Russian spies as impeachment loomed – with seriousness.

The following year, when Rudy rolled out a “laptop” once associated with Hunter Biden's Apple account days before the 2020 election, media outlets including WSJ and Fox exercised some skepticism about the story of Hunter Biden abandoning a laptop with a blind computer repairman who would then share it with the guy who had been seeking just such a laptop for almost two years. Even at the NYPost, some reporters withheld their byline.

Yet that caution, and the details disclosed by past diligent reporting, has disappeared. It

seems that, over the course of the last five years, Hunter Biden has become icky, leading almost all interest in the *source* of this investigation that led to his conviction to disappear. And Hunter Biden has become icky precisely through the process of the unprecedented GOP hit job against him.

Even Judge Maryellen Noreika bought into the icky storyline, dismissing the claim that Rudy Giuliani had any impact on this prosecution by claiming that texts that only existed publicly thanks to Rudy Giuliani instead appeared in Hunter Biden's memoir.

That process of making Hunter Biden icky enough that his due process didn't matter simply got whitewashed in the trial.

WaPo described the guy who started snooping through Hunter Biden's private data almost immediately, whose claims to the FBI about what he found have not borne fruit, and who then sought out Donald Trump's personal lawyer and shared bootable hard drives of Hunter Biden's laptop, "a sort of whistleblower."

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Prosecutors show jury the Hunter Biden laptop at center of furor



By [Perry Stein](#)
Reporter covering the Justice Department.

Prosecutors showed the jury the [laptop belonging to Hunter Biden](#) that has long been the focus of controversy among conservative activists and politicians.

Hunter Biden had reportedly dropped off the MacBook Pro at a computer repair shop in Wilmington, Del., in April 2019 and never reclaimed it.

The shop owner eventually contacted Republican lawmakers and politicians as a sort of whistleblower to review the hundreds of thousands of emails and messages in the laptop.

That John Paul Mac Isaac even shared the bootable hard drive with Rudy (who then shared it with Jack Maxey, who then shared it with WaPo) has disappeared from this narrative.

NBC's biggest scoop of the week – one representative of their tabloid coverage of the

trial – likewise laundered the hit job that led to this trial. In describing how Hunter’s spouse attacked the man who had spent years demanding criminal investigations into Hunter based on texts extracted from the bootable hard drive, Sarah Fitzpatrick described Garrett Ziegler as no more than a former Trump trade policy aide, not someone who played a key role in the Big Lie and the coup attempt.

In a tense moment outside the courtroom where Hunter Biden is on trial for gun charges, his wife, Melissa Cohen-Biden, confronted former Trump White House aide Garrett Ziegler, who has been in the courtroom.

Ziegler, who worked on trade policy in the White House, was part of an effort by Trump allies to make public the contents of a laptop to embarrass Joe Biden’s son in the final days of the 2020 election. Hunter Biden sued Ziegler and the company he founded, Marco Polo, in September of last year, claiming they broke state and federal laws in an effort to create a searchable online database with 128,000 emails.

And Fitzpatrick whitewashed the substance of the lawsuit, which focuses on Ziegler’s *admission* that he broke the encryption of a phone backup included on the hard drive. Hunter isn’t suing because Ziegler made the texts from that phone *available* (Ziegler also made Ashley Biden’s diary available). He’s suing because Ziegler took actions to access the content that go well beyond publication.

In his response to the lawsuit, Ziegler argued that because Hunter never owned the hard drive on which the phone backup had been transferred, cracking that password does not amount to hacking.

Finally, as noted, WSJ similarly laundered part of the campaign that brought Hunter Biden to the

point of facing felony gun charges. As a story on Merrick Garland's relationship with some Special Counsels (WSJ ignores John Durham), it describes that David Weiss asked for Special Counsel status so he could pursue a list of FBI tasks, specifically the Alexander Smirnov allegations.

By 2022, prosecutors and agents had already believed that Hunter Biden committed tax crimes, but Weiss still seemed no closer to charging him or resolving the case. FBI officials asked Garland's office if he could help move Weiss along.

Garland refused to prod Weiss, saying he had promised him broad independence to pursue the inquiry as he saw fit.

FBI agents drafted a list of final steps to push the probe forward—**including to follow up on allegations from an FBI source that tied Hunter Biden's financial misdeeds directly to his father.**

Weiss's office reached a tentative plea deal with Hunter Biden in June 2023, in an agreement that would likely include no jail time. Republicans in Congress alleged that Hunter Biden was getting a sweetheart deal, which **fell apart a month later.** In August, Weiss asked Garland to make him a special counsel, **pointing to the FBI's list and asking for independence.** Garland agreed, recognizing that he had earlier promised Weiss autonomy and any resources he sought. [my emphasis]

There's so much that any story about the Smirnov allegation might include: the way in which Bill Barr effectively immunized Rudy's dalliance with Russian spies and set up a side channel targeting Joe Biden's kid, FBI's failures to respond when Smirnov shared recycled Murdoch

dirt, the pressure brought to bear by Bill Barr's public comments last summer, Smirnov's self-proclaimed ties to Russian spooks, Weiss' own conflicts as a witness to the side channel.

But at the very least, describe that David Weiss sought Special Counsel status to chase an effort to frame Joe Biden, one he had had in hand since 2020, one identified because Barr set up a way to look for it.

The felony gun charges against Hunter Biden might never have happened without the Special Counsel status. And the Special Counsel status arose out of a foolish effort to pursue a transparently false effort to frame Joe Biden.

The jurors did their job Tuesday. They looked at the evidence provided to them, and judged that Hunter Biden had knowingly lied when he purchased a gun over five years ago.

It is not their place to measure whether the process by which Trump partisans relentlessly campaigned to demand the criminal investigation into Joe Biden's kid – and with the Smirnov hoax, into Joe Biden himself – amounts to due process or justice.

But it is the job of journalists to remember how we got here, to convey the role that Trump's effort to investigate Joe Biden and his kid has had in this process.

This prosecution happened because of stupid things Hunter did five years ago, during the depths of his addiction.

But it would never have happened without the partisan interventions of John Paul Mac Isaac, Rudy Giuliani, and Bill Barr (to say nothing of the House GOP chasing the files they all made available). It likely would never have happened if David Weiss hadn't credulously chased a hoax from a snitch with ties to Russian intelligence. It might never have happened without the gun shop owner – the same guy who admitted selling a gun without proper paperwork because he wanted to get Joe Biden's kid out of his store – making

a stink about the gun purchase just in time for the election.

It is true that almost nobody else would have been charged based on the facts of this case.

It is also true that almost nobody else (with the possible exception of Hillary Clinton) has faced such an unrelenting partisan campaign demanding criminal prosecution.