



Jeff Landry
Attorney General

July 25, 2023

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

State of Louisiana

Department of Justice
Office of the Attorney General
P.O. BOX 94005
Baton Rouge
70804-9005

Re: *U.S. v. Robert Hunter Biden*, 1:23-cr-00061-MN (D. Del. June 20, 2023)

Dear Attorney General Garland,

As Thomas Jefferson aptly observed more than two centuries ago, “The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens.”¹ So profound is this truth and its indispensable connection to the rule of law in this Nation that the United States Department of Justice (Department) has embraced this maxim as its “guiding ideal” for the execution of its mission, “to fulfill the promise of justice for all.”² Troublingly, however, the Department has seemingly abandoned this guiding ideal to accommodate privilege and political influence. We write to you today as Attorneys General of our respective states, recognizing fully the weight and responsibility of the positions we hold as chief law enforcement officers in our respective States. It is paramount for us to acknowledge, and indeed respect, the meticulous nature of the prosecutorial process. Yet, in the current matter of Mr. Hunter Biden,³ our duty to uphold the sanctity of the law and its equitable application compels us to voice concerns over a plea agreement that, from our perspective, manifests significant deviations from conventional practices, which are antithetical to the notion of “equal and impartial justice.” Below, we outline ten issues of concern in this case.

Equality Under the Law: Our nation, since its inception, has championed the bedrock principle of equality under the law. This principle dictates that all citizens, irrespective of their background, affluence, or ancestral connections, are to be judged by the same measure, reflecting

¹ “Thomas Jefferson’s Note for Destutt de Tracy’s Treatise on Political Economy,” circa April 6, 1816, <https://founders.archives.gov/documents/Jefferson/03-09-02-0433> (last visited July 23, 2023).

² “Organization, Mission and Functions Manual: Overview,” U.S. Department of Justice official website: <https://www.justice.gov/jmd/organization-mission-and-functions-manual-overview> (last visited July 23, 2023).

³ *U.S. v. Robert Hunter Biden*, 1:23-cr-00061-MN (D. Del. June 20, 2023).

true justice's unwavering stance. It is the thread that weaves together the fabric of our republic, ensuring that every individual feels protected, valued, and, above all, treated justly. While as a country we have not always lived up to this ideal, it remains the cornerstone of our legal system. However, the recent plea agreement concerning Mr. Biden raises disconcerting questions. The optics suggest a potential deviation from this age-old principle, with the shadow of bias cast by his ties to the presidency. Such a scenario not only jeopardizes the trust that the American people place in our justice system but also risks setting a precedent where proximity to power could influence the course of justice. It is a narrative that runs counter to everything our nation stands for and should be approached with utmost scrutiny.

Tax Violations: Our judicial system is grounded in the consistent application of the law, ensuring every individual, irrespective of their stature, is held accountable based on established legal precedents. In the plea deal concerning Mr. Biden, there is a disconcerting anomaly related to undeclared earnings between \$1.5 million and \$17 million, according to public reports, leading merely to misdemeanor charges. This is not only surprising but troubling. Historically, and as consistently witnessed in various legal contexts, such substantial financial discrepancies have merited far more stringent charges. Legal precedents, when dealing with similar or even lesser amounts, have often brought the possibility of imposing a felony charge, indicating the seriousness with which such violations have been viewed. The apparent deviation in Mr. Biden's case from this established pattern prompts concerns about consistency, fairness, and the potential undue influence of external factors in the judicial process. Such inconsistencies risk undermining public confidence in the justice system's impartiality and equity.

Gun Charge Leniency: Laws are instituted not merely as guidelines for conduct but as reflections of societal values and priorities, crafted to safeguard the broader community. A pertinent example is the legislation that mandates stricter penalties for individuals found in possession of firearms while unlawfully involved with controlled substances. This law recognizes the amplified risks such scenarios present: the volatile combination of drug impairment and the potential for violence facilitated by a weapon can have dire consequences for public safety.

In the case of Mr. Hunter Biden, the invocation of a pretrial diversion program instead of the conventional punitive measures typically mandated by this law is particularly noteworthy. Such programs, while beneficial in certain contexts to rehabilitate first-time offenders or those involved in minor transgressions, might not align with the gravity of the combined offenses of firearm possession and drug involvement. By offering this leniency, the justice system risks diluting the original intent and weight of the law. It sends a message to the public that the established consequences can be sidestepped, depending on one's circumstances or affiliations. This perception not only diminishes public trust but also challenges the very essence of equal treatment under the law, a cornerstone of our justice system.

Incomplete Business Dealings Investigation: The efficacy of a justice system is gauged not only by its ability to dispense justice but also by the thoroughness and transparency with which it investigates allegations, ensuring that every stone is turned in the pursuit of truth. In the context of Mr. Hunter Biden, serious allegations surrounding his business dealings in Ukraine,

Romania and China have been the subject of much public discourse. Such allegations, if proven true, could have far-reaching implications, both legally and in terms of national interests.

What heightens the concern in this scenario is the nature of the allegations themselves. Claims of potential bribery schemes are not trifling matters; they touch upon the very integrity of international business practices, potentially undermining diplomatic relationships, and casting aspersions on the ethical conduct of involved parties. The role of whistleblowers in this narrative further intensifies the need for comprehensive investigation. Whistleblowers, by definition, risk their careers and personal safety to bring to light information they believe is of public interest. To seemingly sideline or inadequately address their contributions is not only a disservice to their courage but also raises questions about the investigative process's completeness.

If these claims are insufficiently investigated or appear to be, it might project an image of selective **enforcement** or oversight based on the involved parties. Such a perception could severely undermine public trust in the justice system, leading many to question whether there truly is equality under the law. A robust, transparent, and exhaustive investigation is paramount to uphold the integrity of our judicial process, ensuring that justice is both done and seen to be done.

Interference in Investigation: One of the cornerstones of a robust and trustworthy judicial system is the assurance of independence in its investigative procedures. This autonomy ensures that every investigation is undertaken without prejudice, bias, or external influence, enabling the delivery of impartial justice. The events surrounding the **Hunter Biden** case, however, pose significant questions about the preservation of this independence.

The purported removal of Gary Shapley, an IRS Supervisory Special Agent, and Joseph Ziegler, an IRS Criminal Investigator, after they voiced concerns regarding the case's handling is alarming in itself. The silencing or sidelining of an investigative professional, especially one involved directly in the investigation, for voicing legitimate concerns directly challenges the principles of transparency and openness. Such actions can easily be perceived as attempts to control or manipulate the investigative narrative, ensuring it adheres to a preferred **outcome** rather than where the evidence might naturally lead.

Compounding these concerns are the allegations of interference from senior Department officials. If true, such interference signals a potential breach of the very safeguards designed to prevent undue influence and bias in legal proceedings. High-ranking **officials** intervening in investigative processes can create an environment of pressure and coercion, undermining the very essence of an unbiased inquiry.

Together, the sidelining of Mr. Shapley and the purported interventions from the Department not only cast shadows over the specific case of Hunter Biden but also send ripples of mistrust throughout the broader justice system. The public's faith rests on the belief that investigations are conducted fairly, transparently, and without external influence. Any action **that** even remotely challenges this belief risks eroding that trust, leading to broader questions about the system's reliability and the equitable application of justice. Such perceptions, once

established, are challenging to redress and can have lasting implications for the credibility of judicial institutions.

Avoidance of More Serious Charges: The essence of a trustworthy justice system lies in its consistent and unbiased application of the law. If indeed there were recommendations for more serious felony tax charges against Hunter Biden, spanning a broader timeframe, the reported suppression of these charges raises grave concerns. Choosing leniency based on possible political motivations betrays the principle of equal treatment under the law. Such actions can lead the public to question the system's impartiality and integrity. This perceived manipulation for political gains undermines the very foundation of justice.

Justice Department Policy Contradiction: The Department's long-standing policy is clear in its intent: to pursue pleas for the most severe and demonstrable offenses. In the case of Mr. Hunter Biden, the deviation from this policy raises eyebrows. If his charges appear inconsistent with the Department's policy, it not only brings into question the case's handling but also threatens to undermine the broader credibility of the institution. Such inconsistencies can lead to public skepticism, fostering doubts about whether certain individuals receive preferential treatment. Adherence to established policies ensures transparency and fairness, and any deviation, especially in high-profile cases, risks eroding the public's trust in the system's impartiality.

Unconventional Legal Procedure: The established norms of our justice system dictate a typical and specific sequence of events: allegations, arrest, indictment, and then potential plea negotiations. However, in the Hunter Biden case, the unusual sequence — with a plea deal arising before any formal arrest or indictment — raises noteworthy concerns. Such a deviation from standard legal procedure is not just anomalous but suggests the possibility of special considerations being granted. This distinct treatment, when juxtaposed against standard judicial practices, can lead the public to question whether some individuals benefit from privileges not available to the broader populace, undermining faith in the system's fairness.

Nature and Impact of the Plea Deal: The justice system is constructed on the tenets of accountability and proportionality, ensuring that penalties align with the severity of offenses. Yet, in the Hunter Biden case, the plea deal's framing raises concerns. Given the substantial nature of the tax debt and the seriousness of the gun charge, it is troubling to envision that Mr. Biden could potentially face only probation. Avoiding incarceration and possibly having major charges expire or dismissed seems to suggest a leniency that might not be afforded to others in similar situations. Such disparities in potential outcomes can also lead to legitimate questions about equity and fairness within our system of justice.

Comparison with Average Americans: The foundation of our justice system rests on the belief that every citizen, irrespective of their background or connections, is treated equally. However, the Hunter Biden plea deal raises a poignant concern: the stark contrast between the treatment of the privileged and the ordinary. It is deeply unsettling to think that an average American could face stringent penalties for similar infractions, while those with political ties might enjoy perceived leniencies. Such disparities, whether real or perceived, erode trust in the

judicial process and amplify societal divides. Justice should be blind, and any deviation from this “guiding ideal” threatens the very fabric of our democratic society.

This letter is not a critique of the individual at the heart of this case, but rather a clarion call to uphold the time-honored tenets of our justice system. It is our collective belief that the scales of justice must remain balanced, ensuring that every citizen, irrespective of their pedigree, stands equal before the law.

Sincerely,



Jeff Landry
Louisiana Attorney General



Brenna Bird
Iowa Attorney General



Lynn Fitch
Mississippi Attorney General



Ashley Moody
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