

EXCLUSIVE

Federal agents see chargeable tax, gun-purchase case against Hunter Biden

Delaware U.S. Attorney David Weiss, a Trump appointee, must decide whether to charge the son of the current president

By [Devlin Barrett](#) and [Perry Stein](#)

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Federal agents investigating President Biden's son Hunter have gathered what they believe is sufficient evidence to charge him with tax crimes and a false statement related to a gun purchase, according to people familiar with the case. The next step is for the U.S. Attorney in Delaware, a Trump administration holdover, to decide on whether to file such charges, these people said.

The [investigation into Hunter Biden](#) began in 2018, and became a central focus for then-president Donald Trump during his unsuccessful 2020 reelection effort. Initially, the investigation centered around Hunter Biden's finances related to [overseas business ties and consulting work](#). Over time, investigators with multiple agencies focused closely on whether he did not report all of his income, and whether he lied on gun purchase paperwork in 2018, according to the people familiar with the situation, who spoke on the condition of anonymity to discuss an ongoing case.

Agents determined months ago they had assembled a viable criminal case against the younger Biden. But it is ultimately up to prosecutors at the Justice Department, not agents, to decide whether to file charges in cases where prosecutors believe the evidence is strong enough to lead to a likely conviction at trial.

Given the intense political interest in a criminal probe involving the son of a sitting president, Attorney General Merrick Garland has made clear that the U.S. Attorney in Delaware, David C. Weiss, who was nominated by Trump in late 2017, is supervising the case.

Garland has vowed there will be no political or otherwise improper interference in the Hunter Biden case, and has not moved to push Weiss to make a decision, the people familiar with the matter said. It is not uncommon for Justice Department investigations to take years to finish. Justice Department policy would require any criminal tax charges to be approved by the department's tax division.

A spokeswoman for Weiss declined to comment, as did spokespeople for the Justice Department, and the FBI and the IRS, the two primary investigative agencies.

Asked about the case, Chris Clark, a lawyer for Hunter Biden, accused investigators of leaking information. “It is a federal felony for a federal agent to leak information about a Grand Jury investigation such as this one,” Clark said in a written statement. “Any agent you cite as a source in your article apparently has committed such a felony. We expect the Department of Justice will diligently investigate and prosecute such bad actors. As is proper and legally required, we believe the prosecutors in this case are diligently and thoroughly weighing not just evidence provided by agents, but also all the other witnesses in this case, including witnesses for the defense. That is the job of the prosecutors. They should not be pressured, rushed, or criticized for doing their job.”

Any charging decision involving the Biden case is especially fraught because Trump and his allies have made accusations of corruption in Hunter Biden’s business dealings a key line of attack against Democrats, both before and after the 2020 presidential race. At the height of the election campaign, Trump allies revealed that a Delaware computer shop owner had turned over to the FBI a laptop that had apparently belonged to Hunter Biden. Trump and others argued the data on the laptop showed evidence of unethical and possible illegal business deals; Joe Biden and his supporters denounced the efforts as a smear.

In March, The Washington Post reported that two computer security experts had reviewed thousands of the emails purportedly from Hunter Biden’s computer and found they were authentic communications, based on cryptographic signatures from Google and other technology companies. It could not be determined for this article whether the laptop and its contents were useful in the Justice Department investigation.

The Biden probe has proceeded with relatively little fanfare in recent months amid the much larger and more public Justice Department and FBI investigation into whether Trump mishandled classified material at Mar-a-Lago — and a separate federal investigation into efforts to overturn the 2020 election results. Trump and his allies have sharply criticized federal law enforcement over both those cases.

Questions about the younger Biden’s foreign business ventures have long dogged his father’s political life. Trump and his GOP allies specifically cite as ethical conflicts Hunter Biden’s past work for a Ukrainian gas company while his father was vice president, as well as his China-related business affairs. In a July 2019 phone call, Trump urged Ukrainian president Volodymyr Zelensky to investigate both Joe and Hunter Biden — part of a pressure campaign that led to the first of Trump’s two impeachment trials in Congress.

In December 2020 federal agents sought to interview the younger Biden, leading him to publicly acknowledge that he was under investigation. “I take this matter very seriously but I am confident that a professional and objective review of these matters will demonstrate that I handled my affairs legally and appropriately, including with the benefit of professional tax advisors,” Hunter Biden said in a statement at that time.

Clark, Hunter Biden’s lawyer, said in his statement Thursday that he has “had no contact whatsoever with any federal investigative agent. Therefore, a rendition of the case from such an ‘agent’ is inherently biased, one-sided, and inaccurate. It is regrettable that law enforcement agents appear to be violating the law to prejudice a case against a person who is a target simply because of his family name.”

Republicans have pressed the Biden administration to appoint a special counsel to take over the investigation into the president's son, arguing the step was needed to ensure public confidence in the probe's outcome. Under Justice Department regulations, any special counsel would still answer to the attorney general, however. Garland chose not to make such an appointment, instead keeping the case with Weiss, whose previous career as a federal prosecutor stretches back decades and includes violent crime and white-collar cases.

In the early days of the Biden administration, a Justice Department official said removing Weiss as U.S. Attorney as he was overseeing the Hunter Biden case would likely spark significant political backlash.

In April, after White House chief of staff Ron Klain said Biden "is confident that his son didn't break the law," Garland was asked at a Senate hearing about how the Justice Department is handling the case.

Weiss "is in charge of that investigation. There will not be interference of any political or improper kind," Garland answered. "We put the investigation in the hands of a Trump appointee from the previous administration."

The primary focus of the tax investigation has been whether Hunter Biden did not declare income related to his various business ventures, including overseas. The gun paperwork part of the investigation stems from 2018, a time period in which Hunter Biden, by his own account, was smoking crack cocaine.

In October of that year, Biden purchased a handgun, filling out a federal form in which he allegedly answered "no" to the question whether he was "an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?"

According to a book Hunter Biden later wrote about his struggles with substance abuse, he was using drugs heavily that year.

Prosecutions for false statements on gun-purchase forms are relatively rare, but they do happen. Federal agents refer to such cases as "lying and buying." Historically, prosecutors have significant discretion to decide which ones are worth federal resources.

"A prosecutor can say they have bigger fish to catch, or they can decide to seek a deal," said Joseph G. Green, a retired agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives. "As agents, we would always include as many charges as we could, but it's ultimately up to the prosecutor to decide which ones they will bring."

Ann E. Marimow contributed to this report.