

Why Obama's former ethics czar is highly critical of Hunter Biden's lucrative art sales

[vox.com/2021/8/3/22601671/hunter-biden-art-sales-walter-shaub](https://www.vox.com/2021/8/3/22601671/hunter-biden-art-sales-walter-shaub)

Aaron Rupar

August 3, 2021

There have been many bad-faith “scandals” linked to the president’s son. Walter Shaub thinks this one should be taken seriously.



Hunter Biden (center) at his father’s inauguration in January.

Kevin Dietsch/AFP via Getty Images

It would be hard for President Joe Biden to not do better on government ethics issues than his predecessor, former President Donald Trump, whose legacy in that area was one of self-dealing and blatant corruption. But Walter Shaub, the head of the Office of Government Ethics (OGE) under President Barack Obama and briefly under Trump, has been outspoken about a significant way in which he thinks the Biden administration is falling short.

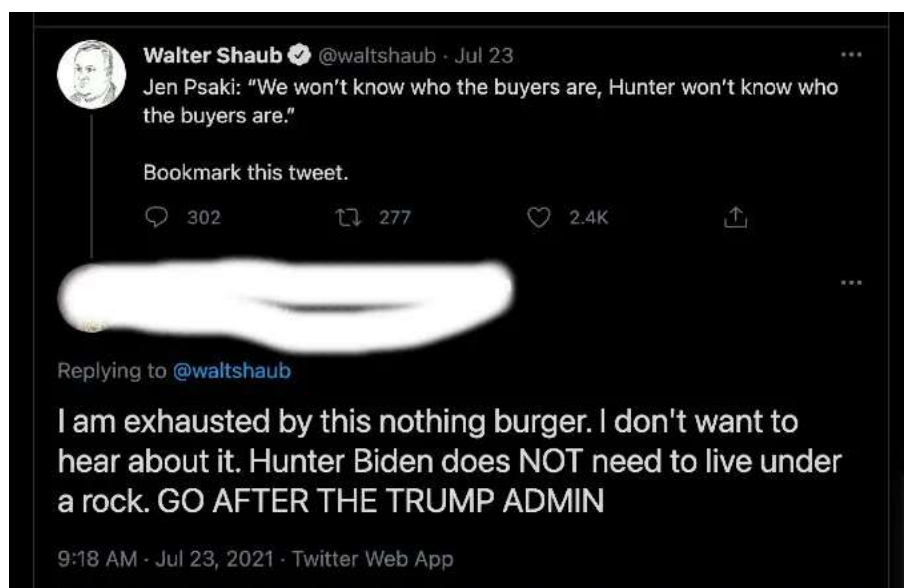
On Twitter, Shaub has been regularly criticizing the Biden White House for its handling of Biden’s son Hunter Biden’s efforts to sell his works of art for as much as \$500,000. White House officials recently announced an agreement with the art seller by which the identities of

buyers will be shielded from Hunter to avoid the transactions being used to curry favor with the president's family, but Shaub argues that the prices are egregious, and at a minimum more light needs to be shined on the deals.

"Hunter Biden should cancel this art sale because he knows the prices are based on his dad's job," Shaub tweeted on July 10. "Shame on POTUS if he doesn't ask Hunter to stop. If that fails, he should ask that the names of buyers be released & pledge to notify us if any buyer ever meets with admin officials."

Shaub is far from the only one criticizing the White House's handling of Hunter's art sales. As has been the case with much of the controversy surrounding Hunter dating back to when Trump was impeached for allegedly pressuring the Ukrainian government to investigate him, much of the criticism is coming from right-wing media outlets and Republicans who are operating in bad faith and in some cases without shame.

But Shaub — who left government in July 2017 over objections to Trump's failure to divest from his businesses and other concerns and now is a senior ethics fellow at the Project on Government Oversight — says people (namely, a certain segment of liberal Twitter) who think he's doing that sort of bad-faith critique are missing the point.



“When I was criticizing Trump, a lot of his supporters assumed it was driven by partisanship, so it shouldn’t be surprising that a lot of Trump opponents assumed it was driven by partisanship,” Shaub told me. “From their perspective, I guess it looks like I switched sides, but that’s misunderstanding the side I was on. I was always on the side of democracy and government ethics, and that’s the work I’m continuing to do.”

White House officials declined to comment on Shaub’s criticisms on the record, instead referring me to statements press secretary Jen Psaki has made about the art sales at recent White House press briefings, during which she’s defended the administration’s arrangement with Hunter’s gallerist, Georges Bergès.

Hunter “has the right to pursue an artistic career, just like any child of a president has the right to pursue a career,” Psaki said on July 9. “But all interactions regarding the selling of art and the setting of prices will be handled by a professional gallerist, adhering to the highest industry standards. And any offer out of the normal course would be rejected out of hand. And the gallerist will not share information about buyers or prospective buyers, including their identities, with Hunter Biden or the administration, which provides quite a level of protection and transparency.”

Shaub, however, counters that since Hunter is likely to meet with prospective buyers at two upcoming art shows, the public would actually be better served by knowing more about who buys the works and for how much.

Related

“This is a president declaring himself above the law”: Shaub on Trump’s dangerous new era

“The recommendation I’ve been pushing all along is you should be promising that if you happen to learn who one of the buyers is, you’re gonna immediately tell the public, ‘We learned this,’” said Shaub. “And then if that buyer gets a meeting with any political appointee in the government, or any community — email, telephone, letter, in-person meeting, Zoom meeting, teleconference — that they will notify the public every time that buyer has an interaction with a political appointee in this administration.”

Shaub readily acknowledges that the Biden administration is “doing 1,000 times better than the last administration” on ethics, but argues that the bar needs to be higher.

“We’ve just come through a four-year period of abject ethical failure, and the world is looking to see if the United States is able to clean up its act now that the norms have been stretched out of shape like an elastic pair of sweatpants put on somebody much bigger than they were made for,” he said. “And you don’t go about showing the world or the American people that this guy capitalizing on his connection to the president is any kind of sign that we’re ready to go back to having integrity in our government.”

A transcript of my conversation with Shaub, lightly edited for length and clarity, follows.

Aaron Rugar

I think there's a sense among people on Twitter and I think more broadly as well that Hunter Biden is a private citizen, he doesn't work for the government, and therefore he should be able to do what he wants with his art. What do you think people who hold that view get wrong?

Walter Shaub

I think that these same people found it easier to be upset when Donald Trump Jr. was offering dinners to investors — the chance to have dinner with the president's son. Or when Jared Kushner's sister — another private citizen — was touting what she hoped she could do for investors with regard to EB-5 visas.

People have long asked questions about what the relatives of public figures do when they appear to be capitalizing off the presidency. And the administration clearly doesn't disagree with the principle, because there was reporting that they asked Meena Harris [Vice President Kamala Harris's niece] to tone down the efforts to connect herself to this administration while promoting products. So they seem to only disagree in the specifics of this instance, but not with the idea that relatives of elected officials shouldn't be capitalizing on their public service.

Aaron Rugar

In what respects specifically do you think the White House could do better with this Hunter Biden stuff?

Walter Shaub

I think what's lost in this discussion is that there are really two considerations, only one of which has to do with Hunter Biden. The more important one, from the governmental perspective, is what the White House has been doing in this case. If we stand back and say a legitimate concern for the public is whether or not people who purchase this art are really paying for access to the presidency, then the White House must've recognized that concern because they told us, "Well, we went and ensured that the names will never come out and that way we won't have to worry about them buying influence, because they can't buy influence if we don't know who they are."

So there too they have conceded the principle that the public has a right to be concerned about whether people — who are paying a relative of the president sums that seem wildly disproportional to what he would get if he weren't the president's son — are getting access. And when you start from that point of agreement — that this is a legitimate concern — then it becomes relevant to look at what they did.

And what they did is they intervened with an art dealer who by all accounts was already planning to keep it secret, to make sure he keeps it secret. And they claim that they negotiated an ethics agreement the terms of which they refused to share with us. They won't show us what written communications memorialized the discussion. So they inserted themselves in the process, sealed up the possibility the public could know, and then refused to tell us the details.

And we've already learned that we've paid a price for their refusal to share the details with us because they told us Hunter Biden could not possibly find out who the buyers were. And subsequently it's been discovered that he's going to be at two showings where it appears he's going to meet the universe of prospective bidders. And they failed to mention that to us, so then they backpedal and say, "Yes, but he won't talk to them about the sales."

And so you've taken it from the universe of fabulously wealthy people around the world to the universe of the small number that actually show up at this show. And suddenly it becomes a lot easier to say, well, he's gonna have a pretty good sense of who the buyers are by gauging their reactions and hearing the things they say to him.

And when asked directly by a reporter last week, what will happen if one of the people at this show says, "I'm going to buy this piece of art" — and I'd go further and say, what if they say, "I'm going to buy this piece of art and I'm going to pay x amount" — and Psaki's only response was, "He won't find out. He won't know and we won't know." And then she quickly went to another questioner. So she deflected and refused to answer the question: What happens if a buyer says that I'm going to buy the art for this amount?

On top of that, they say he's not gonna take any inappropriate bids. Well, they're asking \$75,000 to \$500,000 for art by a guy who has never even juried into a community center art fair, let alone sold a single piece of art. Anything in the range that they're asking is obviously inappropriate. So the statement, "Don't worry, they won't take any inappropriate offers" — well, what the heck is the definition of "inappropriate" in that context?

So again, this sounds entirely disingenuous. And then beyond that, it's implausible that the identities of these buyers are not gonna come out, because for one thing, the buyers aren't party to this secret ethics agreement with the White House.

So it really then starts feeling like the White House intervened specifically for the purpose of keeping the public in the dark, because it doesn't sound like they changed anything other than pressured the dealer not to say publicly who's buying it, and it's almost as if, one could wonder, were they just worried that watchdogs would hound them and start printing stories about "this buyer got this meeting and that buyer got that meeting with the administration, so let's just nip that in the bud and keep the public in the dark"?

But what they didn't do is establish a mechanism by which, if Hunter Biden learns or if members of the administration learn who buyers are, that they'll turn around and disclose that to us.

Aaron Rupar

What would you like to see the White House do?

Walter Shaub

The recommendation I've been pushing all along is you should be promising that if you happen to learn who one of the buyers is, you're gonna immediately tell the public, "We learned this." And then if that buyer gets a meeting with any political appointee in the government, or any community — email, telephone, letter, in-person meeting, Zoom meeting, teleconference — that they will notify the public every time that buyer has an interaction with a political appointee in this administration.

Now they may feel that's ridiculous, because they don't feel that anybody is gonna get preferential treatment. And it certainly seems like the president's supporters on Twitter think that. The problem is that that is absolutely the opposite of government ethics. Government ethics isn't, "Let's assume everybody is good and will never do anything wrong and trust blindly that they will never do anything wrong with no mechanisms or safeguards to check on that."

And frankly, half the country — nearly half the country — voted against this guy, and if [Biden] wants to be the president of the entire country — unlike the last president, who seemed to only want to be the president of his supporters — then he owes it to those people who don't necessarily trust him that he's gonna be transparent and they can gauge for themselves whether these people are gaining access to government.

Aaron Rupar

There's also the issue of the sums of money involved.

Walter Shaub

The prices are so absurd. And people will say, well, the famous people sell art for high prices. I see that as an admission that people saying that know he's only getting this money because he's the president's son. And he's got a history of taking jobs or deals that appear to be enhanced or offered because he's related to government.

And unfortunately so many smears and untruthful things have been said about him — some of them bordering on ludicrous — that I think the public gets into this mode of knee-jerk reaction to the idea that then any criticism of him must be exactly the same as the far-

fetcher, fantastical ideas that Rudy Giuliani and others were selling. But two things can be true. Those can be ridiculous, and the guy can have made his entire career practically off of being Joe Biden's son.

"We've just come through a four-year period of abject ethical failure"

And so that gets us to the unsavory aspect of this. We've just come through a four-year period of abject ethical failure, and the world is looking to see if the United States is able to clean up its act now that the norms have been stretched out of shape like an elastic pair of sweatpants put on somebody much bigger than they were made for. And you don't go about showing the world or the American people that this guy capitalizing on his connection to the president is any kind of sign that we're ready to go back to having integrity in our government.

Now I will readily concede that Joe Biden cannot readily control his son. But he certainly can try, and he certainly can call up his son and say, "You know, I worked really hard to be the president, my legacy matters, you've never sold this art before — can't you wait until I'm out of office and sell it the day after I leave the White House?" And he could even put pressure on him. "Look son, if you want to come to Thanksgiving dinner, you're not going to do that."

But ultimately that's Hunter Biden's choice to make, and if he's not patriotic enough to care about the message this sends regarding the integrity of our government and our elected leaders, then that's on him and not on Joe Biden. That's on Hunter Biden's lack of patriotism. But nobody who's objective is going to believe that this first-time art seller isn't asking for these prices because of the fame that comes with being Joe Biden's son. And I feel like because people have been unfair to him that now other people feel they have to go overboard and say, "Well, he's owed one free little bout of profiteering off the presidency to make up for all the mean things that were done for him." And that just isn't how it should work.

Aaron Rugar

So what sort of work do you think it's acceptable for relatives of public officials to do?

Walter Shaub

I think there has to be some wiggle room that when it's a close call, you need to err on giving them the benefit of the doubt. I don't think that it would be impossible for Hunter Biden to sell art if he were willing to sell it for the prices someone might get at a local artists cooperative. So if these pieces were selling for \$5,000 a piece, that's probably more than you'd get as a first-time artist, but it's a low enough amount where it wouldn't have raised eyebrows.

So people keep saying, "What can he do for a living that wouldn't cause criticism?" Well, there's always going to be unfair criticism — you can't worry about that. But there wouldn't be fair criticism if he were just to avoid clearly appearing to benefit off the presidency by

either selling art at normal prices for a first-time artist, or doing a job that he's done before, like being a fund manager or an attorney.

So I don't think that saying he can't sell the art for \$500,000 a pop means he has to go live on a steam grate.

Aaron Rugar

I want to get your assessment on a broader level of how the Biden administration is doing on government ethics. There has also been criticism of Joe Biden plugging Hunter's book during a recent town hall event and some of the insider lobbying that's been going on. What's your assessment of how things are going coming off a presidency that shook our conceptions of what standard procedure is in terms of government ethics?

Walter Shaub

I think they're doing a good job on compliance. And I think that unfortunately, they view the ethics program as a compliance program. We have a weak ethics program with weak rules, and they are doing a good job complying with those weak rules.

They are certainly doing 1,000 times better than the last administration. But their talking point is "the administration with the highest ethical standards in history." They have an ethics executive order that goes further than any past administration, and I applauded it when it came out. It doesn't go miles further — it goes a bit further. And it's a good thing, it's a good document. But it's not transformational. It's a somewhat incremental improvement over the past, and a good improvement, but not transformational.

I think after the catastrophe of the Nixon presidency, there was a sea change when Congress passed the Ethics in Government Act, the Inspector General Act, the Civil Service Reform Act, and while those changes wouldn't have prevented Nixon doing what he did, they did establish a new culture and a new set of norms for the executive branch that were largely followed until 2017. And then what Trump taught us was those reforms didn't go far enough. They were weak tea and they didn't create any kind of enforceable mechanisms, and public confidence in government has been shaken. And in that context, we needed transformational change, and we had a narrow window of time in which to pass legislation that would change the culture of government, and we needed an administration to come in and say, "We're not gonna just go back to the old ways of Washington that many people found unsavory, we're gonna set a new course."

And unfortunately what they got is a double-edged sword. They brought in really talented, really smart, really experienced people, which is ideal when you're walking in in the middle of a pandemic for addressing that pandemic. Unfortunately, people like that come with baggage and a belief that the old way of doing things worked, and that there's no problem

with the revolving door, and there's no problem with having people come from representing corporations to then regulating those corporations, and they don't achieve a different standard.

And so, in that context, every little bit of sloppiness undermines public faith in government—even if they may perceive it as minor because it was done before. And so when you have someone like Steve Ricchetti having multiple family members working for the government, that undermines things. You cannot convince me that that many members of the family wind up in political posts — and so many other relatives in government of top Biden advisers are suddenly in political posts — that it's all a coincidence.

It may not meet the legal definition of nepotism because the parents or other relatives may not have put in a word for them, but you get the feeling that there's this cozy process where whoever is making the decisions either thinks this will please them or thinks the relative is trustworthy, so let's have them in here. And then you have to start wondering, well, you know, what happens with the disadvantaged kid who didn't get born with the silver spoon in their mouth and parent in government who now has one less slot they can compete for in government?

And so that bothers me a lot. It bothers me that the secretary of energy was touting energy vehicle technology while holding stock in an electric vehicle company. She could've divested sooner or made a decision to stay far away from it. Now she probably is in technical legal compliance with the criminal conflict of interest law, which has some complex concepts addressing what's covered. But that doesn't make it right just because it's not a crime. It undermines confidence to have the secretary of energy touting a technology in which she has invested.

Aaron Rupar

What do you think it says about the state of our politics that sounding the alarm about the ethical issues surrounding Hunter Biden's art sales has made you a lightning rod on Twitter?

Walter Shaub

I'm not surprised, because when I was criticizing Trump, a lot of his supporters assumed it was driven by partisanship, so it shouldn't be surprising that a lot of opponents assumed it was driven by partisanship. And from their perspective I guess it looks like I switched sides, but that's misunderstanding the side I was on. I was always on the side of democracy and government ethics, and that's the work I'm continuing to do.

If that's a necessary purge, to get rid of people who don't really care about government ethics and democracy, and instead have been so traumatized by the partisanship of their times that they begin to think the means are justified by the ends and anything goes as long as your

team is on top, then good riddance to those. And I'm so pleased to see how many more people truly care about democracy and government ethics.