

# United States Senate

August 1, 2023

David C. Weiss  
United States Attorney, District of Delaware  
1313 N. Market Street  
P.O. Box 2046  
Wilmington, DE 19801

Dear Mr. Weiss,

In light of the recent testimony from two IRS whistleblowers—Gary Shapley and Joseph Ziegler—it appears that AUSA Lesley Wolf actively obstructed the FBI from properly investigating Hunter Biden as well as any possible wrongdoing by President Joe Biden. Among other things, these whistleblowers have alleged that Wolf deliberately blocked off investigative avenues related to President Biden and that she prevented FBI agents from inquiring either about the President or other sensitive topics during agent interviews.<sup>1</sup> Additionally, these whistleblowers have claimed that AUSA Wolf prevented IRS agents from pursuing a search warrant for President Biden’s Wilmington guest house despite acknowledging the presence of probable cause, citing concerns about “optics.”<sup>2</sup>

These allegations are particularly troubling given the nature of AUSA Wolf’s close relationship with Alexander Mackler, a known Biden loyalist. Mackler served on the Biden-Harris transition team in 2020, as then-Vice President Biden’s White House Deputy Counsel from 2014 to 2016, managed Beau Biden’s successful campaign for Delaware Attorney General in 2010, and served as press secretary to then-Senator Biden in 2008-09.<sup>3</sup> Importantly, he also served as an AUSA in your office from August 2016 to May 2019.

As a lead prosecutor in the Hunter Biden probe, AUSA Wolf worked alongside Mr. Mackler during his time as an AUSA, a period that coincided with the initiation of the Hunter Biden investigation. Furthermore, emails recovered from Hunter Biden’s laptop reveal affectionate correspondence between the Bidens and Mr. Mackler that raise serious questions about the

---

<sup>1</sup> U.S. House of Representatives Ways and Means Committee Staff, *May 26, 2023, Interview of Gary A. Shapley, Jr.* U.S. HOUSE OF REPRESENTATIVES WAYS AND MEANS COMMITTEE (Jun. 22, 2023), [https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript\\_Redacted.pdf](https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-1-Transcript_Redacted.pdf) (p.1).

<sup>2</sup> *Id.* at 15.

<sup>3</sup> Sarah Bedford, *Hunter Biden investigation: Close Biden political aide worked for Weiss when inquiry began*, WASH. EXAMINER (Jul. 27, 2023), <https://www.washingtonexaminer.com/news/house/close-biden-political-aide-weiss-hunter>

objectivity of the Hunter Biden probe. Federal court records also indicate that AUSA Wolf and Mr. Mackler prosecuted a firearms case, suggesting a close working relationship. And, as was already revealed in the press, AUSA Wolf and her husband have a history of donating to partisan Democratic candidates.

Further, during IRS Agent Gary Shapley's testimony before the House of Representatives Ways and Means Committee, he revealed that on December 7, 2020, Agents were ordered to stand down from conducting a "knock and talk" interview with Hunter Biden near Los Angeles, after they had informed proper authorities of their intended interview.<sup>4</sup>

Also according to Agent Shapley, three days later your office became aware that Hunter Biden's personal belongings were transferred to a storage unit in Northern Virginia by Hunter Biden's company Owasco on December 10, 2020. Agents prepared a search warrant, which AUSA Wolf rejected.<sup>5</sup> Shapley stated that after AUSA Wolf's rejection, he and his Special Agent in Charge spoke with you telephonically on December 14, 2020 about this issue, to which you agreed that if no one accessed the storage unit for thirty days, that Agents could execute a search warrant on the unit.<sup>6</sup> Shapley claims that "no sooner had we gotten off the call then we heard AUSA Wolf had simply reached out to Hunter Biden's defense counsel and told him about the storage unit, once again ruining our chance to get evidence before being destroyed, manipulated, or concealed."<sup>7</sup>

These allegations of AUSA Wolf's obstruction and Mackler's obvious ties to the Bidens are troubling, and warrant further explanation.

In light of the concerning facts set forth above, I request that you provide answers to the following questions by August 14, 2023:

1. Can you confirm or deny whether Mr. Mackler was involved, to any degree whatsoever, in the probe of any member of the Biden family or their web of business associates? Similarly, was Mr. Mackler ever present during any discussion regarding such a probe, on any video or telephone discussion, or included on any correspondence or email regarding the same?
2. Did AUSA Wolf, or any other member of your office, discuss the Biden probe in any way whatsoever with Mr. Mackler?
3. Were you aware of AUSA Wolf and her husband's history of partisan political donations prior to assigning her to the Hunter Biden probe? If so, did you take any steps to address these concerns

---

<sup>4</sup> Shapley Testimony, *supra* note 1, at 17-18.

<sup>5</sup> *Id.* at 21.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

or encourage her to recuse herself from certain aspects of the investigation? If you did not recommend any such steps, why not?

4. Were you aware that during his time as an AUSA in the District of Delaware, Mr. Mackler exchanged emails—characterized by the press as “warm, loving emails”<sup>8</sup>—with Hunter Biden during the time Hunter Biden was under investigation by your office?
5. Were you likewise aware that these same emails showed that Mr. Mackler asked Hunter Biden to speak over the phone several times while Hunter Biden was under investigation by your office? What, if anything, did Mr. Mackler and Hunter Biden discuss in these calls?
6. Is it accurate that AUSA Wolf refrained from pursuing a search warrant for President Joe Biden’s Wilmington guest house despite acknowledging probable cause? If so, could you elaborate on her reasoning behind this decision? Was this decision consistent with your office’s protocols?
7. Can you provide any insight into the claims that AUSA Wolf alerted Hunter Biden’s lawyers and the Biden presidential transition team about a planned “knock and talk” interview with Hunter Biden by federal agents near Los Angeles on or about December 7, 2022?
8. Were you aware before your phone call with IRS Agent Shapley that AUSA Wolf rejected Agents request to search Hunter Biden’s storage unit in northern Virginia?
9. Why did you instruct agents to wait thirty days before executing a search warrant on Hunter Biden’s storage unit in northern Virginia on December 14, 2020?
10. Is it standard practice for prosecutors in your office to alert a target’s counsel with information that could frustrate a pending search? If not, why did AUSA Wolf do so?

Thank you for your attention to this important matter, and I look forward to your response.

Sincerely,



Ted Cruz  
Ranking Member, Subcommittee on the Constitution  
U.S. Senate Committee on the Judiciary

---

<sup>8</sup> Josh Boswell, *Delaware prosecutor accused of ‘obstructing’ FBI probe into President’s ties to Hunter Biden’s shady business dealings is FRIEND of Joe’s White House counsel – who emailed ‘Love you brother’ to First Son*, DAILY MAIL (Jul. 14, 2023), <https://www.dailymail.co.uk/news/article-12296509/Prosecutor-obstructed-Hunter-Biden-criminal-probe-friend-Presidents-ally.html>