



October 16, 2020

BY U.S. MAIL

Audrey Strauss
Acting United States Attorney
U.S. Attorney's Office for the Southern District of New York
One St. Andrew's Plaza
New York, NY 10007

David C. Weiss
United States Attorney
U.S. Attorney's Office for the District of Delaware
1313 N. Market Street
Wilmington, DE 19801

**Re: *Request for Investigation of Potential Trafficking
in Illegally Hacked Information***

Dear Acting United States Attorney Strauss & United States Attorney Weiss:

American Oversight respectfully requests that you investigate whether any federal crimes occurred in connection with the provision of information allegedly obtained by Rudy Giuliani and his attorney, Robert Costello, from a computer allegedly owned by Hunter Biden, without Mr. Biden's authorization, to the *New York Post*.

On October 14, 2020, the *New York Post* published a story based on information provided by Mr. Giuliani, alleging that "smoking-gun" emails obtained from a laptop said to belong to Hunter Biden revealed that his father—former Vice President and current presidential candidate Joe Biden—met with a Ukrainian citizen in connection with an improper effort to pressure government officials in Ukraine for the benefit of the younger Biden.¹ According to the article, the emails were purportedly obtained from a laptop dropped off by an unidentified customer at a computer repair shop in Delaware, after which shop owner John Paul Mac Isaac reportedly "made a copy of the hard drive and later gave it to former Mayor Rudy Giuliani's lawyer, Robert Costello."²

¹ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-Gun Email Reveals How Hunter Biden Introduced Ukrainian Businessman to VP Dad*, N.Y. Post (Oct. 14, 2020, 5:00 AM), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

² *Id.* Questions remain, however, as to exactly when Mr. Isaac first contacted Mr. Giuliani. In a recent taped interview, Mr. Isaac was unwilling to state whether he had been in contact with Mr. Giuliani either before receiving the laptop or at any other time before the *Post* article's publication. When asked about his relationship with the former mayor, Mr. Isaac stated, "[w]hen you're afraid and you don't know anything about the depth of the waters that you're in, you want to find a lifeguard." Jordan Howell & Erin Banco, *Man Who Reportedly Gave Hunter's*



There are significant questions regarding the legitimacy of the information contained on the laptop and the legality of how it was obtained.³ Two major social media networks, Facebook and Twitter, have both identified the story as potential misinformation obtained through hacking and containing private information.⁴ Questions have also been raised as to the authenticity of the purported emails. And the claims regarding how the information was obtained—from an unencrypted laptop filled with confidential and personal information that Hunter Biden, who lives in Los Angeles, apparently abandoned at a Delaware repair shop, and that the shop owner copied and provided to Mr. Giuliani in the course of repairing a damaged hard drive—strain credulity.⁵

The facts presented in the *New York Post* article suggest potential violations of federal criminal law. The reported actions of Mr. Giuliani and his attorney—and the conflicting stories that Mr. Giuliani has since put forward—indicate the email may have been obtained illegally through hacking in violation of the Computer Fraud and Abuse Act.⁶ In addition, if the information contained in the purported emails was unlawfully obtained or forged, the provision of the information also may have violated federal mail and wire fraud statutes.⁷

The account in the *New York Post* story also raises the prospect that the information was planted by a foreign intelligence service. The alleged discovery of the abandoned laptop bears an uncanny resemblance to a classic intelligence technique of planting evidence employed by the KGB, the “haversack ruse.” Further, Mr. Giuliani’s known association with at least one “Russian agent”⁸ identified for “his efforts to influence the 2020 U.S. presidential election,”⁹ and the fact that U.S. intelligence agencies have warned the White House that Mr. Giuliani is a target of a

Laptop to Rudy Speaks Out in Bizarre Interview, Daily Beast (Oct. 14, 2020, 9:31 PM), <https://www.thedailybeast.com/man-who-reportedly-gave-hunters-laptop-to-rudy-speaks-out-in-bizarre-interview>.

³ Devin Coldewey, *Suspect Provenance of Hunter Biden Data Cache Prompts Skepticism and Social Media Bans*, TechCrunch (Oct. 14, 2020, 5:38 PM), <https://techcrunch.com/2020/10/14/suspect-provenance-of-hunter-biden-data-cache-prompts-skepticism-and-social-media-bans/>.

⁴ Todd Spangler, *Facebook, Twitter Put Restrictions on New York Post’s Disputed Hunter Biden ‘Smoking Gun’ Story*, Variety (Oct. 14, 2:36 PM), <https://variety.com/2020/digital/news/facebook-twitter-ny-post-hunter-biden-smoking-gun-story-1234805177/>.

⁵ Indeed, within a day of the story’s publication, Mr. Giuliani’s account of how the information was obtained and associated with Hunter Biden has changed. Contrary to the *New York Post*’s report that the shop owner couldn’t “identify the customer as Hunter Biden,” but instead guessed his identity based on a sticker on the laptop (Morris & Fonrouge, *supra* note 1), Mr. Giuliani now claims to have a “document . . . signed by Hunter Biden” surrendering ownership of the hard drive to the merchant after 90 days. Sirius XM Patriot (@SiriusXMPatriot), Twitter (Oct. 15, 2020, 4:15 PM), <https://twitter.com/SiriusXMPatriot/status/1316835182771613697> (quote contained within embedded video).

⁶ 18 U.S.C. § 1030.

⁷ 18 U.S.C. § 1343.

⁸ Miles Parks, *Sanctions, Charges and Disclosures Whirl in U.S. Bid to Defend 2020 Election*, NPR (Sept. 10, 2020, 4:33 PM), <https://www.npr.org/2020/09/10/911443854/sanctions-charges-and-disclosures-whirl-in-u-s-bid-to-defend-2020-election>.

⁹ U.S. Dept. of the Treasury, *Treasury Sanctions Russia-Linked Election Interference Actors*, Press Release, Sept. 10, 2020, <https://home.treasury.gov/news/press-releases/sm1118>.

Russian intelligence services influence operation,¹⁰ suggest that individuals, including Mr. Giuliani, may have violated the law prohibiting Americans from working with the aid of foreign nationals for the purpose of interfering with a federal election.¹¹

American Oversight therefore requests that your offices immediately investigate whether Mr. Giuliani, Mr. Costello, Mr. Isaac, and any other individuals involved in obtaining and transmitting the laptop and information allegedly contained on its hard drive violated federal law.

Thank you for your consideration of this urgent and important matter. If you have any questions or concerns, please contact Hart Wood at (202) 873-1743 or hart.wood@americanoversight.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin Evers", with a long horizontal flourish extending to the left.

Austin Evers
Executive Director
American Oversight

¹⁰ Shane Harris et al., *White House Was Warned Giuliani Was Target of Russian Intelligence Operation to Feed Misinformation to Trump*, Wash. Post (Oct. 15, 2020, 7:15 PM), https://www.washingtonpost.com/national-security/giuliani-biden-ukraine-russian-disinformation/2020/10/15/43158900-0ef5-11eb-b1e8-16b59b92b36d_story.html.

¹¹ 52 U.S.C. § 30121.