

GARY SHAPLEY'S NOTES RECORDED SOMETHING HE CLAIMED NOT TO KNOW BEFORE HOUSE WAYS AND MEANS

In his House Ways and Means Committee testimony, when Gary Shapley was first asked about the discussion of leaks in the October 7, 2022 meeting at which – he claims he understood (though his notes make it quite clear he didn't understand what he was hearing) – David Weiss said he was not the final decision-maker for charging Hunter Biden, Shapley professed not to know what outlet published the leaked information.

Q In No. 1 on this email you prepared, says: "Discussion about the agent leak – requested the sphere stay as small as possible...DOJ IG will be notified. FBI – HQ is notified."

What was the specific leak?

A So there was a leak, I'm not sure what outlet, on October 6th of 2022 – it appeared to come from the agent's level, who was critical of the prosecutors for not charging the case.

Q Okay. Talking about the Hunter Biden case?

A Yes, not charging the Hunter Biden case.

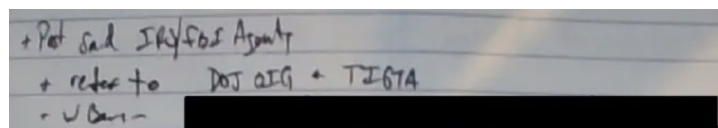
So, obviously that was part of the discussion at the beginning. And there have been multiple leaks in this case going back, and this one was handled a lot differently because I guess it was purportedly from the agent's level.

So this drastic – you know, they used

that as an excuse to kind of – to do
what they were doing. [my emphasis]

It was an interesting claim – not to know what outlet published the leaked information – then.

It's a more interesting claim now that his attorneys have released hand-written notes that are, in key respects, inconsistent with the notes he emailed to his colleague later that day (which I'll lay out in more depth shortly). Those notes make it quite clear the leak was to the WaPo.



He didn't include that detail – that the WaPo had identified the source as Agents – in his email to his supervisor later that day.

1. Discussion about the agent leak – requested the sphere stay as small as possible
 - a. DOJ IG will be notified
 - b. FBI – HQ is notified and they refer it to their Counter Intelligence squad in a field office for investigation
 - c. IRS-CI – We need to make a referral to TIGTA – What do you need from me on this action item?

His handwritten notes don't describe that there will be a criminal referral of the leak, either.

It's unclear what the last line of his notes on the leak said ("WBers," suggesting whistleblowers?).

But the important discrepancy is that Shapley told House Ways and Means *he didn't know* something he clearly had recorded in hand-written notes he chose not to share with the Committee.

And that's not the only oddity about Shapley's testimony about the leak.

I have already noted that while the email he wrote suggests Darrell Waldon would make a referral to TIGTA, in his Oversight testimony, Shapley claimed he had done so. That's weird, but it's certainly possible both referred the leak or that Shapley rushed to do it before

Waldon did.

And – also at that Oversight hearing – Shapley spun wildly about whether the leak was from Agents or not, with his attorneys saying something to him both times it came up.

Goldman: So it's pretty clear, you would agree, that this was a leak to the Washington Post by law enforcement agents since it describes what Federal agents believe, right?

Shapley: So it wasn't actually clear to me that it was because usually they'll say that it's a law enforcement source that provided it, and if you see at the bottom it says they corroborated independently and they did not mention law enforcement. [Shapley's attorney leans over to whisper to him]

Goldman: You don't think it's a Federal agent, agents, who leaked this when the headline says, Federal agents see chargeable tax gun purchase case against Hunter Biden? [my emphasis]

Shapley remained squirrely about whether this was a leak from an agent or not later in the same hearing.

Goldman: Gentlemen, I want to return to the Washington Post October 6 article and I'd ask unanimous consent to enter it into the record. In your testimony, Mr. Shapley, before the Ways and Means Committee, you stated, quote, there was a leak, it appeared to come from the agents level, who was critical of the prosecutors for not charging the case. What you testified earlier was a little different. Which one do you stand by today?

[pause]

Shapley: I'm sorry, could you repeat that?

Goldman, quoting: "There was a leak, it appeared to come from the agents level, who was critical of the prosecutors for not charging the case."

Shapley: Yeah, I said it appeared, because I said it came from the agents' level, but the source was a source familiar with the topic and it didn't say it was a law enforcement source.

Goldman: Okay, that seems to be a distinction without a difference. And then, you understand that, obviously leaks of grand jury information is a felony, right?

Shapley: Leaking investigative information including 6103 would be a felony, yes.

Goldman: Well that's true as well. So would you agree that there would be some skepticism from prosecutors about which of the agents may be the source of a leak?

Comer: Gentleman's time is expired but feel free to answer the question.

Shapley: Since there have been multiple leaks in this investigation, and the one on December 8 or December 9, 2020, it appears to come from someone, as Lesley Wolf stated –

Goldman: I was just asking about October 6, 2022.

Shapley: So I

Goldman: It would cause anyone suspicion, right?

Shapley: If it says it comes from an agent level. [His attorney leans over, whispers something.]

Goldman: That's what you said.

Comer: Gentleman's time has expired. [my

emphasis]

Shapley is really really determined to prove that his impression – that David Weiss said he didn't have final charging authority – was accurate, but read in conjunction it's actually clear he simply didn't know what the fuck he was hearing and made up the most damning explanation.

But along the way, his testimony about the leak itself has acquired more and more inconsistencies.

Most importantly, before House Ways and Means he played dumb about something that he recorded in his own notes: the outlet for the leak.