

MEMORANDUM

DATE: September 13, 2023
TO: Public
FROM: Heritage Oversight Project
SUBJECT: The Investigation and Trial of Dr. Patrick Ho

On November 18, 2017, the U.S. Department of Justice (“DOJ”) arrested Dr. Patrick Ho and charged him with four counts of violating the Foreign Corrupt Practices Act, two counts of Money Laundering, and single counts of conspiracy to commit the same. On December 5, 2018, he was convicted at a trial in the Southern District of New York (“SDNY”) and sentenced to three years imprisonment and payment of a \$400,000 fine.¹ Dr. Ho was affiliated with CEFC China Energy Company Limited (“CEFC”) as well as other individuals and entities with connections to the Chinese intelligence apparatus. Ho and his associates also paid millions of dollars to the Biden family.

Since Ho’s conviction, significant evidence has emerged identifying concerning irregularities with the DOJ investigation and prosecution. The concern about these irregularities is compounded by additional evidence linking Ho, CEFC, and the Biden family. At a minimum, it appears DOJ was aware of connections between the Biden family and CEFC at least as early as 2017 and that they acted to conceal this information from the public. In addition, new evidence has emerged revealing contacts between Hunter Biden and FBI agents related to Ho’s arrest, allegations have been made of a leak of investigatory information in the Ho case, and a senior FBI counterintelligence official has been arrested. That official not only likely oversaw the Ho investigation, but also is now charged with having held undisclosed meetings with another foreign CEFC affiliate. These events raise significant questions about DOJ’s behavior.

This memorandum first provides a brief background on Dr. Ho, CEFC, and payments to the Biden family. Next, it describes multiple irregularities related to the Ho case with supporting evidence from public sources. Finally, it proposes investigative steps and questions which Congress should pursue to determine if members of the FBI or DOJ have allowed domestic political considerations to interfere in important national security cases. All of the information contained in this memo is derived from open source, non-classified information.

The Biden Family Received Millions of Dollars from Companies Linked to the Chinese Intelligence Apparatus

Dr. Ho was the Executive Vice President of the CEFC Hong Kong Non-Governmental Fund Committee (“CEFC NGO”), and its U.S. based subsidiary, China Energy Fund Company U.S. Inc.

¹ United States of America v. Chi Ping Patrick Ho (1:17-cr-00779-LAP).

(EIN: 35-2444623). These entities formed two think tank arms of the larger CEFC conglomerate led by its Chairman Ye Jianming. CEFC, in turn, funneled millions of dollars to Hunter Biden and his associates. To date, Congressional investigators and career IRS criminal investigators who blew the whistle to Congress have identified at least \$6.8 million flowing from entities related to CEFC or its Chairman Ye to Biden family members via conduits Hudson West III and Robinson Walker LLC.^{2,3,4}

In addition to their financial relationship with the Bidens, CEFC and Dr. Ho possessed ties to People’s Republic of China (“PRC”) intelligence and influence operations. For example:

- Dr. Ho served as a member of the PRC’s Chinese People’s Political Consultative Conference (CPPCC)⁵. The CPPCC is the leadership body which, according to U.S. government reports, coordinates United Front Work influence operations by the CCP.⁶ United Front Work operates by dividing a population into three groups: the CCP, its ardent opponents, and a group of “waverers” who greatly outnumber the other two groups. It then seeks to form “[communities] of interest” with potential allies among the waverers⁷, and, in this way, to “co-opt and neutralize sources of potential opposition to ... the [CCP].”⁶ United Front Work has been successfully employed by the CCP at other periods in its history⁸ and has been given even greater emphasis under Chinese leader Xi Jinping who has described it as a “magic weapon.”⁶
- According to the *New York Times*, CEFC Chairman Ye served as “deputy secretary of a Chinese military organization ... that congressional researchers called a front for the People’s Liberation Army unit that has ‘dual roles of intelligence collection and conducting PRC propaganda.’”⁹ The organization described by the *Times* is the deceptively named

² House Ways and Means Committee (Accessed 26 July, 2023) Whistleblower #2 redacted transcript.

https://waysandmeans.house.gov/wp-content/uploads/2023/06/Whistleblower-2-Transcript_Redacted.pdf

³U.S. Senate Committee on Homeland Security and Governmental Affairs (Accessed 26 July, 2023) Hunter Biden, Burisma and Corruption: The Impact on U.S. Government Policy and Related Concerns.

<https://www.finance.senate.gov/imo/media/doc/HSGAC%20-%20Finance%20Joint%20Report%202020.09.23.pdf>

⁴House Committee on Oversight and Accountability. (Accessed 26 July, 2023) Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes

<https://oversight.house.gov/wp-content/uploads/2023/07/Bank-Memorandum-5.10.23.pdf.-SECOND.pdf>

⁵ Archive of page from CP Ho website. (Accessed: 25 July 2023)

<https://web.archive.org/web/20230724192502/https://www.cpho.hk/a/96299-cht>

⁶ U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION (Accessed: 25 July, 2023). “China’s Overseas United Front Work: Background and Implications for the United States.”

https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf

⁷ Lyman P. van Slyke. *The United Front in China*. 5, J. Contemp. Hist. 119, 128 (1970).

<https://www.jstor.org/stable/259678>

⁸ Gerry Groot, “The United Front in an Age of Shared Destiny,” *China Story*, 2014.

<https://www.thechinastory.org/yearbooks/yearbook2014/forum-begging-to-differ/the-united-front-in-an-age-of-shared-destiny/>.

⁹ The New York Times (Accessed: 25 July, 2023). “A Chinese Tycoon Sought Power and Influence. Washington

China Association for International Friendly Contact (CAIFC). Ye served there from 2003-2005.¹⁰ CAIFC is also identified as a United Front Work organization by the U.S. government.⁶

- Furthermore, a part of CEFC’s China-based operations shared office space with People’s Liberation Army Unit 61716, which academics have identified as responsible for the PLA’s “public opinion, psychological, and legal warfare.”^{11,12}

Overall, the multiple connections of CEFC to the PRC’s intelligence and influence apparatus, together with news reports of CEFC’s efforts to recruit former top U.S. federal officials⁹ lend credence to Czech academic Martin Hal’s 2018 admonition that “it’s been clear for some time that this is not just a Chinese commercial company, that they had some intelligence ties” and that “people from the U.S. intelligence agencies should have known something was going on”.⁹

Irregularities in the Investigation and Trial of Dr. Patrick Ho

There were a number of irregularities with the investigation and prosecution of Dr. Ho. The following points from the Ho case are important for determining what the FBI and DOJ knew about the connection between CEFC and then Biden family, when they knew it, and how these institutions chose to respond:

1. Prior to his November 2017 arrest, Dr. Ho was the subject of FISA surveillance,¹³ likely on multiple email accounts. This surveillance coincided with a period of regular communication between CEFC affiliates, the Biden family, and their business partners^{14,15,16,17} (see, for

Responded.” <https://www.nytimes.com/2018/12/12/business/cefc-biden-china-washington-ye-jianming.html>

¹⁰ ETH Zurich Center for Security Studies. (Accessed: 29, July 2023) Hybrid Warfare with Chinese Characteristics. <https://css.ethz.ch/en/services/digital-library/articles/article.html/195268>

¹¹ Brookings Institute (Accessed 25, July 2023). A conversation about China’s sharp power and Taiwan. https://www.brookings.edu/wp-content/uploads/2018/10/fp_20180911_taiwan_power_transcript.pdf

¹² Institut de Recherche Stratégique de l’Ecole Militaire. (Accessed: 25, July 2023). “Chinese Influence Operations: A Machiavellian Moment. <https://www.irsem.fr/report.html>.

¹³ PACER, United States District Court, Southern District of New York. (Accessed: 29 June, 2023). Case 1:17-cr-00779-KBF, Document 45, p 1

<https://storage.courtlistener.com/recap/gov.uscourts.nysd.485530/gov.uscourts.nysd.485530.45.0.pdf>

¹⁴ DocumentCloud. (Accessed 31 July, 2023). Email from James Gilliar to Hunter and Jim Biden, April 18, 2017.

<https://www.documentcloud.org/documents/23891916-299567partialemx-export>

¹⁵ DocumentCloud (Accessed 31 July, 2023). Email from Gongwen Dong to Hunter Biden and Mervyn Yan, August 2, 2017. <https://www.documentcloud.org/documents/23891915-298912partial>

¹⁶ DocumentCloud (Accessed 31 July, 2023). Email from Hunter Biden to Nicholas Mallo Huergo, August 17, 2023 <https://www.documentcloud.org/documents/23891922-289482emlx-export>

¹⁷ DocumentCloud (Accessed 31 July, 2023). Email from Hunter Biden to Vuk Jeremic, April 7, 2015. Document available at <https://www.documentcloud.org/documents/23891927-290363emlx-export>.

Comment: Vuk Jeremic was a witness in the Ho trial whose emails with Ho were presented in redacted from by DOJ during Ho’s prosecution. The referenced email from Vuk shows connections between Vuk, the Bidens, a Chinese businessman (likely Ye), and former Mexican energy CEO Emilio Lozoya was also referenced during Vuk’s testimony in the Ho trial.

example, Figure 1). Moreover, multiple cell phones, an iPad, and six USB drives were seized¹⁸ by federal law enforcement during Ho’s arrest.¹⁹ At trial, the government produced over 30,000 documents.²⁰ Altogether, this volume of evidence suggests that the FBI and DOJ likely had knowledge of Biden family business dealings with suspected agents of the government of the PRC at least as early as 2017 and probably in 2016.²¹

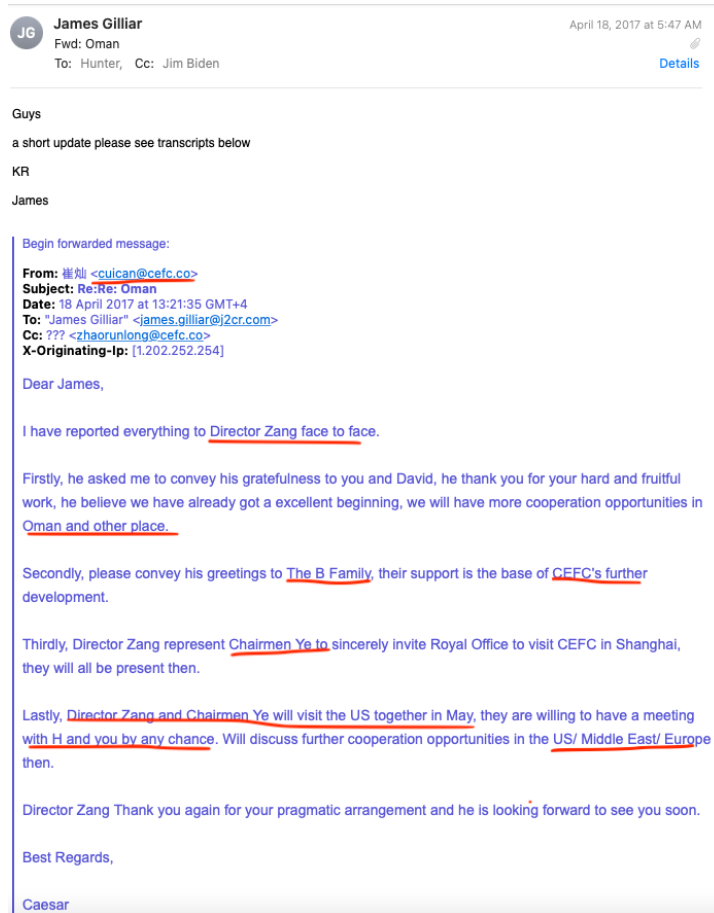


Figure 1: An April 2017 email from CEFC affiliate “Cesar” Cui Can to Hunter’s business partner James Gilliar with another CEFC affiliate, Zho Runlong, CC’d. The email references “H” and “B Family” whose support has been the “base of CEFC’s further development.”

¹⁸ PACER, United States District Court, Southern District of New York.. (Accessed: 29 June, 2023). Case 1:17-cr-00779-LAP, Document 47, p. 1.

¹⁹ PACER, United States District Court, Southern District of New York. (Accessed: 29 June, 2023). Case 1:17-cr-00779-LAP, Document 73, p. 2.

²⁰ PACER, United States District Court, Southern District of New York. (Accessed: 29 June, 2023). Case 1:17-cr-00779-LAP, Document 54, p. 1.

²¹ PACER, United States District Court, Southern District of New York. (Accessed: 29 June, 2023).Case 1:17-cr-00779-LAP, Document 70.

2. It is almost certain that, during Dr. Ho’s trial, the DOJ aided the Bidens by redacting evidence²² that would have publicly linked Hunter Biden and CEFC in 2018. Specifically, Assistant U.S. Attorney Daniel Richenthal requested that the judge in Ho’s trial redact, from an email between Dr. Ho and witness Vuk Jeremic, the name of an individual that “Mr. Jeremic was willing to bring to a dinner with the chairman ... Ye.”²³ Richenthal justified his request as a desire to avoid introducing “a political dimension” to the case, and the redaction was allowed by the judge. Comparing context from Mr. Jeremic’s testimony to emails from the Hunter Biden laptop (Figure 2) it is almost certain that the redacted name was that of Hunter Biden.

Ho Trial Transcript

MR. RICHENTHAL: Go to the next part of the conversation, Ms. Rao. Blow up the e-mail that's November 30, 2015 at 10:43 p.m., the bottom of the page ending 1525.

Q. What is the defendant proposing here, Mr. Jeremic?

A. A dinner it looks like. By reading this e-mail, I suppose it's a dinner.

Q. On a specific date?

A. It seems like the date in question is December 6.

Q. Did he ask you a question?

A. Yeah, he did.

Q. What did he ask you?

A. "How many in your party?"

Q. And how did you respond? It should be the bottom e-mail on your screen?

A. I said it's short notice for high-level people, because you are talking November 30 -- this exchange happened on November 30, and we were talking about December 6, so we're talking only a week, and my suggestion here was that it's kind of hard to get people to change their schedules on such a short notice.

:

Q. Look at the next e-mail.

A. Oh, yeah, he responded by saying that he was considering on their side -- that's he my reading of it -- Ye -- that is chairman of the energy company -- himself, and then mentioning two people Zang and Liu. I can't really say who they were.

Laptop Emails

VJ Vuk Jeremic
Dinner in DC
December 1, 2015 at 11:14 AM
To: Eric Schwerin DC, Cc: Hunter Biden DC & 1 more [Details](#)

Dear Eric,

I hope all is well in DC and that you had a relaxed Thanksgiving holiday.

I've had difficulties in reaching Hunter recently, so I would have to ask you a big favor - to convey this message to him.

On Sunday, December 6th, I will have a private dinner in DC with an old friend from China - Ye Jiemaing - one of the 10 wealthiest Chinese businessmen.

He is the Chairman and majority owner of CEFC China Energy, a second-largest privately owned company on Shanghai stock exchange.

He's very young and dynamic (39), with the top-level connections in his country. They have recently started making big investments abroad (billions of dollars), and plan on doing much more.

I would like to invite Hunter to join me at this private dinner (small dinner - this is not an event of any kind). I am confident that many interesting projects may come out of that in the future.

Please let me know if this would be possible.

Kind regards from Mexico,
Vuk

PS Please check out the invitation that I sent you for our event at the Center for American Progress on December 9th.

Sent from my BlackBerry 10 smartphone.

H hbiden@rosemontseneca.com
Re:
To: Anjan
December 7, 2015 at 11:46 AM

Just met with him. Went well.

RHB
202-333-1880

On Dec 7, 2015, at 10:30 AM, Anjan <ajmukherjee@gmail.com> wrote:

Hunter - hope things are well. Vuk and I missed you last night at the dinner with the Chinese. They were quite a bunch! I hope you get a chance to meet the Chairman this week - he is an impressive guy who I think you'd enjoy meeting. Hopefully see you soon, Anjan

Figure 2: (Left) Vuk Jeremic, a witness at Ho’s trial, describes a dinner invitation involving Chairman Ye and an individual whose name was redacted at request of DOJ²³. (Right, top) An invitation to a dinner on the same date involving the same individuals was extended to Hunter Biden by Jeremic. (Right, bottom) An email within one day of the dinner in which Hunter confirms meeting Ye.

3. In the Ho case, Hunter Biden provided legal representation to Dr. Ho.²⁴ This afforded Hunter,

²² House Committee on Oversight and Accountability. (Accessed June 27, 2023). Letter to Vuk Jeremic. [https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-21-Letter-Vuk-Jeremic .pdf](https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-21-Letter-Vuk-Jeremic.pdf).

²³ PACER, United States District Court, Southern District of New York. (Accessed: 29 June, 2023). Case 1:17-cr-00779-LAP, Document 204, p. 125.

²⁴ The Washington Post. (Accessed June 27, 2023). Inside Hunter Biden’s Multimillion-dollar Deals with a Chinese Energy Company, p. 6. <https://www.washingtonpost.com/politics/2022/03/30/hunter-biden-china-laptop/>

who had been involved in business deals with CEFC and was almost certainly a participant in some events discussed in Ho’s trial, a channel of attorney-client privileged communication with Dr. Ho and his other lawyers.

- Evidence indicates that on the date of Ho’s arrest, another of Ho’s attorneys, Edward Kim, asked Hunter to “find the names FBI agents you spoke with, that would be helpful”²⁵ (Figure 3). It is unknown which FBI agents Mr. Kim was referring to, whether the DOJ has investigated these contacts, or what information was provided to Hunter.



Figure 3: Email exchange between Hunter Biden and Ho’s lawyer Edward Kim on the day of Ho’s arrest.

- On January 23, 2023 the Department of Justice unsealed a pair of indictments in the District of Columbia (“D.C.”)²⁶ and the Southern District of New York (“SDNY”)²⁷ against Charles McGonigal, a former Special Agent in Charge (“SAC”) of Counterintelligence at the FBI’s New York Field Office. From these indictments the public learned that McGonigal, who almost certainly oversaw the investigation of Ho²⁸ and possibly other concurrent investigations of CEFC affiliates, had held undisclosed meetings with another CEFC employee on dates that included the period of Ho’s investigation.²⁶ Specific evidence includes:
 - While serving as Special Agent in Charge of Counterintelligence at the FBI’s New York

²⁵ The New York Post. (Accessed June 29, 2023). Hunter Biden’s link to Disgraced Ex-FBI Official Charles McGonigal. <https://nypost.com/2023/02/15/hunter-bidens-link-to-disgraced-ex-fbi-official-charles-mcgonigal/>

²⁶ United States Attorney’s Office of the District of Columbia (Accessed 26 July, 2023) Retired FBI Executive Charged With Concealing \$225,000 In Cash Received From An Outside Source. <https://www.justice.gov/usao-dc/pr/retired-fbi-executive-charged-concealing-225000-cash-received-outside-source>

²⁷ United States Attorney’s Office of the Southern District Of New York (Accessed 26 July, 2023) Former Special Agent In Charge Of The New York FBI Counterintelligence Division Charged With Violating U.S. Sanctions On Russia. <https://www.justice.gov/usao-sdny/pr/former-special-agent-charge-new-york-fbi-counterintelligence-division-charged-violating>

²⁸ Real Clear Investigations. (Accessed July 26, 2023). Feds' Foreign-Corruption Double Standard: They Protected Bidens Even as They Bore Down on Trumpworld. https://www.realclearinvestigations.com/articles/2023/03/15/feds_foreign-agent_double_standard_protective_of_bidens_even_as_they_bore_down_on_trumpworld_885544.html

Field office, McGonigal held two undisclosed meetings with “Person B” who, according to the D.C. indictment, was “an Albanian national who was employed by a Chinese energy conglomerate.”²⁶ These meetings occurred during the period in which the FBI was investigating Ho. The first meeting occurred in early September 2017 just over two months before Ho’s arrest.²⁶ The second meeting occurred on November 19, 2017 — likely within 24 hours of Ho’s arrest.²⁶

- Based on a published witness subpoena from the McGonigal case and reports in the U.S. and Albanian press Person B is almost certainly Dorian Ducka.^{29,30,31}
- Based on reporting in the Albanian, U.S., and Chinese press, the “Chinese energy conglomerate” described in the indictment as employing Ducka is almost certainly CEFC^{31,32,33} (Figure 4).

²⁹ Business Insider. (Accessed: 29 June, 2023). Exclusive: Former top FBI official involved in Trump-Russia investigation under scrutiny by federal prosecutors for his own ties to Russia.

<https://www.businessinsider.com/exclusive-fbi-charles-mcgonigal-trump-russia-grand-jury-oleg-deripaska-2022-9>

³⁰ The New York Times (Accessed 26 July, 2023) How Prosecutors Say a Top F.B.I. Agent Sold His Services Overseas. <https://www.nytimes.com/2023/02/03/nyregion/fbi-intelligence-charged-albania.html>

³¹ Shqiptarja.com (Accessed 26 July, 2023) FOTOLAJM/ Berisha e quan ‘shërbëtori i Ramës’, shikoni si Dorian Duçka lobonte mes familjes Rothschild dhe gjigantit kinez për marrëveshje. <https://shqiptarja.com/lajm/fotolajm-berisha-e-quan-sherbetori-i-rames-shikoni-si-dorian-ducka-lobonte-mes-familjes-rothschild-dhe-gjigandit-kinez-per-marreveshje>

³² The Dan Bongino Show. (Accessed 26 July, 2023) Revealed: Identity of Unnamed Albanian Official Listed in Indictment of Ex-FBI Official May Be Hunter Biden Link. <https://bongino.com/revealed-albanian-likely-listed-in-mcgonigal-indictment-worked-for-cefc-at-same-time-as-hunter-biden>

³³ China Daily (Accessed 26 July, 2023). CEFC China Energy, Rothschild & Co to team up.

https://web.archive.org/web/20230612045208/http://chinadaily.com.cn/business/2017-05/11/content_29307432.htm

policy

FOTOLAJM/ Berisha calls him 'Rama's servant', see how Dorian Ducka lobbied between the Rothschild family and the Chinese giant for an agreement

One of the characters, whose name has been among the most popular in recent days after the arrest in the US of FBI agent Charles McGonigal, was that of Dorian Ducka. The opposition has called Edi Rama's lobbyist who serves him to "do work for him in different countries".



Figure 4: Image from Albanian Press³¹ identifying Ducka (Circled in Red) with Ye Jianming (Fourth from Left). Image originally appeared in a 2017 China Daily article³³.

- According to the D.C. indictment, during the Fall of 2017, McGonigal allegedly received more than \$200,000 from Person A who is described as “a friend and business associate” of Ducka.²⁶ Reporting and the published witness subpoena indicate that Person A is Agron Neza.^{29,30}
- Emails indicate that Ducka was an acquaintance of Hunter Biden with their association predating May 2017. First, in an email from May of 2017 (Figure 5, left) Hunter and his business partner James Gilliar discuss including an individual named “Dorian” in a business

Hunter
Re: Dorian
To: Rob Walker, Cc: James Gilliar

5/13/17 [Details](#)

No way we don't do it. And if majority says no I'll take it out of my salary.

Sent from my iPhone

On May 13, 2017, at 8:09 PM, Rob Walker <rob@pilotgrowth.com> wrote:

Understood.


On May 13, 2017 10:18 AM, "James Gilliar" <james.gilliar@j2cr.com> wrote:
Dorian was a real help early on we should consider how we include him

I expect Tony to break my balls on remuneration so strength in numbers, but thats why we need him

Dorian Ducka (via Twitter)
Dorian Ducka (@dorian_ducka) has requested to follow you on Twitter!
To: Hunter Biden

January 14, 2019 at 2:51 AM

Hunter Biden,
You have a new follower request on Twitter



Dorian Ducka
@dorian_ducka
Humble yourself to the sight of the Lord and He shall lift you Up. ;)
Albania

Followed by Bahadır Aksay,
Following: 63 · Followers: 26

[Accept or deny this request](#)

Forgot your Twitter password? [Get instructions on how to reset it.](#)
You can also [unsubscribe from these emails](#) or [change your notification settings.](#) Need help?
If you received this message in error and did not sign up for Twitter, [click not my account.](#)
Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103

Figure 5: References to "Dorian" and "Dorian Ducka" in emails to Hunter Biden

venture. Then in 2019, Hunter received a twitter follow request from “Dorian Ducka” (Figure 5, right). Further support that the “Dorian” referred to in the May 2017 email is Ducka comes from reporting that Ducka was a business associate of Gilliar.³⁴

6. Finally, multiple lines of evidence suggest that, prior to Dr. Ho’s arrest, CEFC Chairman Ye Jianming believed that CEFC was under investigation in the U.S. and that he sought, and may have obtained, confidential or classified information on this investigation from U.S. contacts. Specific evidence includes:
 - A *New Yorker* article stating that, in the summer of 2017, “Ye talked with Hunter about his concern that U.S. law-enforcement agencies were investigating...Patrick Ho”. In response, “Hunter, who sometimes works as a private lawyer, agreed to represent Ho, and tried to figure out whether Ho was in legal jeopardy in the U.S.”³⁵
 - Hunter’s “[signing on Sept 18, 2017] a two-page attorney engagement letter to represent Ho, with a \$1 million retainer” more than two months before Ho’s arrest.³⁶
 - Hunter’s messages to Tony Bobulinski (Figure 6), predating Ho’s arrest, indicating that he was working as an attorney for Chairman Ye and helping him with “some more sensitive things.”

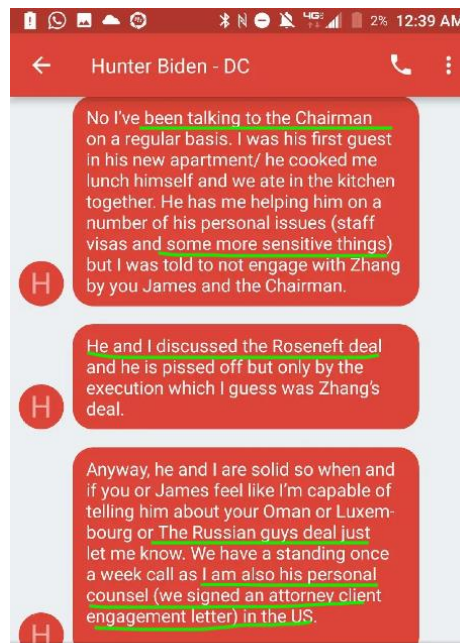


Figure 6 : Messages from Hunter Biden to Tony Bobulinski.

³⁴ The New York Post (Accessed 28 July 2023). Hunter Biden’s link to disgraced ex-FBI official Charles McGonigal. <https://nypost.com/2023/02/15/hunter-bidens-link-to-disgraced-ex-fbi-official-charles-mcgonigal/>

³⁵ The New Yorker. (Accessed 18, July 2023). Will Hunter Biden Jeopardize His Father’s Campaign? <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>

³⁶ The Washington Post (Accessed 18, July 2023). Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company. <https://www.washingtonpost.com/politics/2022/03/30/hunter-biden-china-laptop/>

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- Emails dated Sept. 11, Oct. 28, and Nov. 9, 2017, on Hunter’s laptop indicate that “all media, data, and settings” on iPhones and an iPad linked to his account were in the process of being “permanently erased (Figure 7).”^{37,38,39}

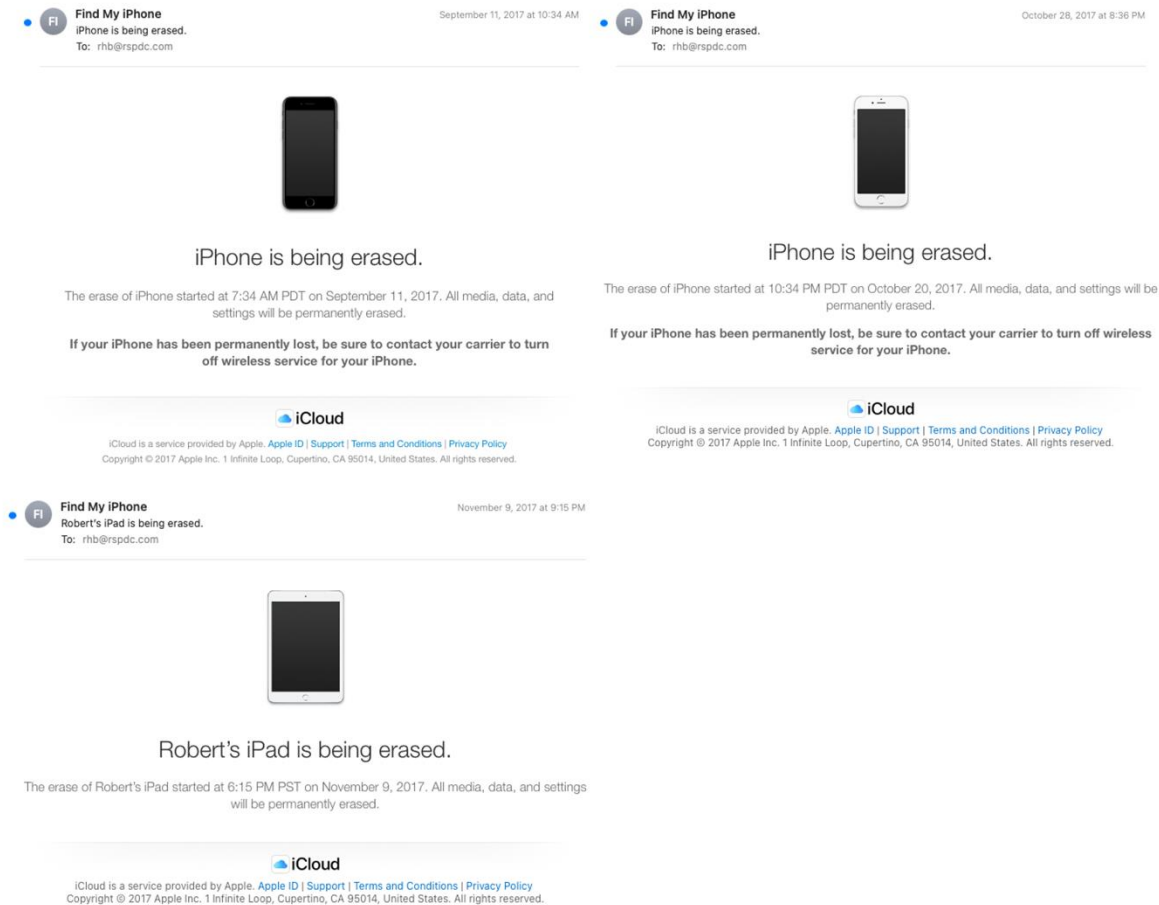


Figure 7: Emails from the Hunter Biden laptop indicating erasure of data on multiple devices during the Fall of 2017

- Receipts from the Hunter Biden laptop indicate that Jim Biden paid a private security company to conduct a due diligence and social media investigation of multiple Biden business associates spanning the week prior to the week of Ho’s arrest, and that he paid for the same services along with a “world watch” service for Patrick Ho for a 10-day period

³⁷ DocumentCloud. (Accessed 31 July, 2023). iCloud Notification, September 11, 2017.

<https://www.documentcloud.org/documents/23891931-365772partialemxl-export>

³⁸ DocumentCloud. (Accessed 31 July, 2023). iCloud Notification, October 28, 2017.

<https://www.documentcloud.org/documents/23891941-364208partialemxl-export>

³⁹ DocumentCloud. (Accessed 31 July, 2023). iCloud Notification, November 9, 2017.

<https://www.documentcloud.org/documents/23891977-363799partialemxl-export>

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which began prior to and included the day of Ho’s arrest (Figure 8).⁴⁰

INVOICE



Lowery & Associates
Security Consulting, LLC
 2140 Hall Johnson Rd. Suite 102-122
 Grapevine, TX 76051

Date: November 22, 2017
Invoice Number: 17-0150

BILL TO:

Operating under the State of Texas, Private Security Bureau; License C-19160.
 Complaints or concerns should be directed to: Texas Dept. of Public Safety, P.O.
 Box 4087, Austin, Texas 78773, or by telephone at (512) 424-7293.

Mr. Jim Biden

Date	Description	Incidental	Hours	Amount
Nov. 10-19, 2017	Due diligence investigation, world watch, and social media investigation on the following: <u>Patrick Chi Ping Ho</u> . Consultation and oral briefing on findings.	N/A	N/A	\$2,500.00

Make Checks Payable To: Lowery & Associates
 Fees due upon receipt.
 Late fee of 1.5% per month will be applicable beyond 30 days.

Texas State Tax	N/A	N/A
TOTAL		\$2,500.00

Figure 8: A receipt for due diligence, world watch, and social media investigations spanning an 10-day period beginning eight days before Ho’s arrest and billed to Jim Biden.

- Claims Gal Luft made to the DOJ and FBI in May of 2019⁴¹ and then publicly following his detention in February 2023 on an extradition request from SDNY. Specifics of Luft’s claims include that:
 - Prior to Ho’s arrest, Luft had learned from Ye Jianming of “a mole within the DOJ ... [that] shared classified information with Hunter Biden and his Chinese Business partners;”^{41,42} and
 - Hunter Biden was “closely associated with a very senior retired FBI official ... who had ... one eye”⁴².

⁴⁰ DocumentCloud. (Accessed 31 July, 2023). Invoice, November 22, 2017.

<https://www.documentcloud.org/documents/23881872-invoice-17-150-patrick-ho>

⁴¹ New York Post (Accessed 18, July, 2023). Hunter Biden used FBI mole named ‘One-Eye’ to top home off to China probes: tipster. <https://nypost.com/2023/03/22/hunter-biden-used-fbi-mole-to-tip-him-off-to-china-probes-tipster>

⁴² New York Post. (Accessed 18 July, 2023). ‘Missing’ Biden corruption case witness Dr. Gal Luft details allegations against president’s family. <https://nypost.com/2023/07/05/missing-biden-corruption-case-witness-dr-gal-luft-details-allegations-against-presidents-family-in-extraordinary-video/>

- The unsealing of SDNY’s charges against Luft, which include violation of the Foreign Agents Registration Act, Arms Trafficking, U.S. sanctions violations, and making false statements have caused some to question Luft’s credibility.⁴³ Nevertheless, Luft’s biography, which includes serving as a senior advisor to CEFC,⁴⁴ co-directing a think tank whose board of trustees was chaired by Ye⁴⁵, and co-hosting energy conferences with Dr. Ho,⁴⁶ demonstrates that he was uniquely positioned to understand the relationships and information available to CEFC leadership in the months leading up to Ho’s arrest.

The six main irregularities described above, along with subpoints and supporting evidence, paint a picture of serious flaws and allegations in a case balancing sensitive national security and political issues. While the above facts make clear that DOJ acted to shield the Bidens in the Ho case, the direct impacts of these actions on U.S. national security as it relates to the threat from the CCP is not known to the public. Congressional oversight can do much to that end by pursuing the following investigators steps and questions.

Outstanding Questions

Congress should seek answers to the questions that are presented below and organized by topic. When investigating each question, members should seek documentation of steps taken by federal agencies and of the names and titles of officials with decision making authority. Whenever possible Congress should seek to interview line and immediate-supervisor level employees first. Although some of these questions may first need to be answered in a confidential setting, Congress should press the relevant federal agencies to release reports on the activities of CEFC and other key facts related to the Ho case to the public. Making this information publicly available will inform the electorate on the risks of PRC intelligence and influence activities within the United States and depoliticize the U.S. response to this important issue.

- Request information from FBI, DOJ, and U.S. intelligence community (IC) related to knowledge of CEFC at time of the investigation of Patrick Ho and current knowledge of CEFC. More specifically:

⁴³ United States Attorney’s Office of the Southern District Of New York (Accessed 26 July, 2023). U.S. Attorney Announces Charges Against Co-Director Of Think Tank For Acting As An Unregistered Foreign Agent, Trafficking In Arms, Violating U.S. Sanctions Against Iran, And Making False Statements To Federal Agents.

<https://www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-co-director-think-tank-acting-unregistered>
⁴⁴ The Atlantic Council (Accesses 18 July 2023). Silk Road 2.0: U.S. Strategy Towards China’s Belt and Road Initiative.
https://espas.secure.europarl.europa.eu/orbis/sites/default/files/generated/document/en/AC_StrategyPapers_No11_FIN_AL_web3.pdf

⁴⁵ Ye Jianming & China Energy Company Limited (Accesses 18 July 2023).

<https://www.grassley.senate.gov/imo/media/doc/1.%20Ye%20Jianming%20%20CEFC%20updated%20profile.pdf>

⁴⁶ The Institute for Analysis of Global Security (Accesses 18 July 2023). Energy Choices under Low Oil Prices.
<http://www.iags.org/GFES2016.pdf>

- At the time of the Ho investigation, to what extent did FBI and the IC assess CEFC China Energy to represent Chinese Communist Party (CCP) or PRC government interests? For example,
 - Were they advancing PRC interests related to the Belt and Road Initiative?
 - Were they seeking to influence current and former government officials or politicians to support policy favorable to the PRC?
 - Were the efforts of CEFC to purchase U.S. natural resources including LNG⁴⁷ and to purchase U.S. companies with sensitive technology such as Westinghouse^{48, 49} taken at the direction of PRC government or CCP officials?
- Additional Context: DOJ brought charges against Ho related to his efforts to advance PRC interests in Africa through bribery. During the same time period, Ho and other CEFC affiliates were paying millions to the Bidens, at least \$100,000 to the Clinton Foundation, and offering to make payments to former U.S. government officials.⁹ For example, Bobby Ray Inman a former NSA director and CIA deputy director reported declining a \$1 million dollar offer from CEFC in 2013.⁹
 - At the time of Ho's arrest, what evidence was available of CEFC seeking to advance PRC interests via U.S. citizens and U.S. organizations to whom they were also making payments?
 - Who was responsible for initiating (or failing to initiate) and for directing investigations into CEFC's relationships with U.S. entities?
- Request information from FBI and DOJ about evidence obtained in the Ho investigation and decision making by investigators and prosecutors. More specifically:
 - What was the justification for surveillance of Ho that was presented to the FISA court?
 - Were other affiliates of the CEFC conglomerate investigated as part of the case leading to Ho's prosecution or in contemporaneous cases? If so, was FISA used to collect information on any of these subjects?
 - Were affiliates of CEFC known to have conducted espionage or influence activities in the U.S., if so, to what extent? If not, why was DOJ employee Patrick Murphy, a Counter-Espionage and Export Control Section Trial Attorney assigned to the case?
 - Were communications with Biden family members or references to business or planned business between CEFC and Biden family members or their companies collected during the investigation of Ho or other CEFC affiliates. If so, to what extent?
 - If communications with or references to Biden family member were identified during the investigation of Ho or related investigations, how did this affect the course of the investigation? What steps were taken when connections to Biden Family members were

⁴⁷ DocumentCloud. (Accessed 31 July, 2023). Hudson West, 2017/12/12.

https://www.documentcloud.org/documents/23861729-natural-gas-ch_mervyn-slides_v9_121217

⁴⁸ DocumentCloud. (Accessed 31 July, 2023). Email. <https://www.documentcloud.org/documents/23891724-cefc-westinghouse>

⁴⁹ DocumentCloud. (Accessed 11 Sept, 2023). CEFC Chain & Westinghouse Strategy.

<https://www.documentcloud.org/documents/23945037-2016-02-22-eig-cefc-westinghouse>

- discovered? Who was responsible for determining how to proceed? If references to Biden family members were discovered, did this affect the extent of investigations into or prosecutorial action against CEFC affiliates or their contacts within the U.S.?
- Which DOJ official was responsible for the decision to redact the name from the email communication between Vuk Jeremic and Patrick Ho that was introduced by DOJ in exhibit 2739R⁵⁰ during the Ho trial? Was the redacted name that of a Biden family member?
 - The SDNY indictment against Gal Luft quotes emails from 2015 between Luft and an unnamed co-conspirator (“CC-2”), who served “as the president of a Hong Kong company ... that was described as being ‘in the fields of infrastructure, energy, defense, and logistics.’”⁵¹ CC-2 is almost certainly not Patrick Ho. Were these emails obtained via FISA surveillance of CC-2? If so, were references to Biden family members or businesses part of this set of CC-2’s communications that were collected?
- Request information on investigations into allegations of leaks in the Ho case. More specifically:
 - Due to allegations and lines of evidence supporting a leak of information during the investigations preceding Ho’s arrest, has FBI or DOJ carried out an investigation to determine if information was improperly disclosed, by whom and to whom? Who was responsible for conducting this investigation or for the choice not to investigate?
 - Has the FBI investigated which agents (referred to in the email to Hunter in Figure 3) were contacted by Hunter Biden in connection to Ho’s arrest? What information was disclosed in these contacts?
 - Did Charles McGonigal, former Special Agent in Charge of Counterintelligence at the New York Field office starting in October 2016, have access to information related to the Patrick Ho investigation? If so what information? Did the information relate to the Bidens? What was the earliest date he accessed this information?
 - As discussed in the previous section, the U.S. Attorney for the District of Columbia has alleged that Charles McGonigal held two undisclosed meetings with an individual who is almost certainly Dorian Ducka, an employee of CEFC and an associate of Hunter Biden. These meetings occurred during the period in which McGonigal was likely supervising the investigation of Patrick Ho. Has the FBI or DOJ investigated whether McGonigal improperly disclosed information related to any investigation of CEFC affiliates or Biden family business partners? If so, who was responsible for this investigation and what evidence indicates that no disclosure occurred. If no investigation occurred, who was responsible for that decision?

⁵⁰ Committee on Oversight and Accountability. (Accessed: 31 July, 2023). Letter to Mr. Vuk Jeremic. [https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-21-Letter-Vuk-Jeremic .pdf](https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-21-Letter-Vuk-Jeremic.pdf)

⁵¹ PACER, United States District Court, Southern District of New York. (Accessed: 28 July, 2023). Case 1:22-cr-00597-UA, Document 2, p. 5.

- Have Dorian Ducka or other CEFC affiliates ever cooperated with the FBI or other agencies, for example, by identifying or paying for the travel of witnesses?
- Request DOJ and FBI assessment of the credibility of all of Gal Luft's claims in his voluntary March 28-29, 2019, meeting with DOJ. More specifically:
 - Apart from the allegations of making false statements, the criminal activity of Luft alleged by the SDNY occurred before November 2017 – the month of Ho's arrest⁵². Most of the evidence supporting this alleged criminal activity, cited in Luft's indictment, comes from emails between Ho (dubbed "CC-1" Luft's indictment) and Luft. These communications also occurred before November 2017, and were likely obtained via FISA surveillance of Ho. If this is the case, all evidence needed to arrest and charge Luft was available prior to Ho's arrest. Moreover, the Luft indictment states that he was last in the United States in November 2017⁵³. Did the DOJ originally intend to arrest Luft at the same time as Ho?
 - If not, why not and what motivated the 2023 extradition request?
 - If so, why wasn't Luft arrested and is there evidence that he departed the U.S. due to the leaked information he claims to have received?
 - What claims did Gal Luft make to FBI and DOJ representatives whom he met on March 28-29, 2019? Apart from those claims for which Luft has been charged with making false statements, Luft states that he provided information "about the Biden family financial transactions with CEFC," the role of Rob Walker in payments to Hunter Biden and about "a mole within the DOJ ... [that] shared classified information with Hunter Biden and his Chinese Business partners."⁴² How did FBI and DOJ assess the credibility of these three claims? Were follow-up investigations performed and, if so, what were the conclusions? If Luft's claims about Biden family financial transactions, Walker, or allegations of a mole were disproven, why was he not also charged with making false statements on these points?
- Some FBI and DOJ officials were involved in more than one event connected to Ho's investigation, prosecution, and subsequent events. Some officials participated in activities with an apparent political motivation or have since been charged with crimes. Other officials may simply be able to provide valuable witness testimony. We suggest that Congress seek transcribed interviews with the following officials:
 - Individuals involved in SDNY prosecutions of Ho and Luft
 - Daniel C. Richenthal, Assistant United States Attorney Southern District of New York
 - Catherine E. Ghosh, Assistant United States Attorney Southern District of New York

⁵² PACER, United States District Court, Southern District of New York.. (Accessed: 28 July, 2023). Case 1:22-cr-00597-UA, Document 2, p. 1-58.

⁵³ PACER, United States District Court, Southern District of New York.. (Accessed: 28 July, 2023). Case 1:22-cr-00597-UA, Document 2, p. 2.

- Individuals involved in SDNY prosecutions of Luft and McGonigal
 - Damian Williamson, United States Attorney for Southern District of New York
 - Scott Claffee, of the National Security Division's Counterintelligence and Export Control Section
- Individuals allegedly involved in receiving evidence from Luft and collection of the Hunter Biden laptop.⁴²
 - Special Agent Joshua Wilson
- Other officials from Ho case who may have insight due to the national security focus of their work:
 - Paul A. Hayden, Trial Attorney
 - Patrick Murphy, Counter-Espionage and Export Control Section Trial Attorney
 - Geoffrey S. Berman, United States Attorney for SDNY for Ho Case
- Charles McGonigal and officials involved in the investigation leading to McGonigal's indictment in the District of Columbia.
- Finally, Congress should request access to the following records related to the Ho case:
 - All exhibits that were presented as evidence at Ho's trial.
 - An unredacted copy of Exhibit 2739R
 - Trulinc messages retained by the Bureau of Prisons either to or from Patrick Ho during his detention.
 - Any documents collected from FISA surveillance of Ho or on materials seized at the time of his arrest.

Conclusion

Over the last decade much of the geopolitical struggle between the U.S. and the Chinese Communist Party has revolved around whose interest will be served by political, economic, and supernational institutions. The DOJ is central to this struggle acting as an umpire in international business and in foreign involvement in domestic affairs. To maintain its credibility, the DOJ must be apolitical and transparent in its investigation and prosecutions. In the case of the investigation and trial of Patrick Ho, the above evidence demonstrates both political motivation and a suspicious fact pattern that leaves the American people with more questions than answers.

It is now up to Congress to use its oversight authorities to bring transparency in this important case. Responsive and energetic oversight, starting with the questions outline above, will

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require courage and work from Congress but will ultimately benefit the DOJ, America's national security, and the American people.