

# United States Senate

WASHINGTON, DC 20510

November 28, 2023

## VIA ELECTRONIC TRANSMISSION

Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Biden:

We write to express deep concern about your recent nomination of Hampton Dellinger to lead the United States Office of Special Counsel (OSC) and, consequently, your administration's continued pursuit of a two-tiered system of justice. The position of Special Counsel is crucial to protect thousands of federal civil servants—particularly whistleblowers. Specifically, the stated mission of OSC is to “safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing.”<sup>1</sup> Therefore, it is critical for the American people to know that the Special Counsel is fair and impartial.

Put simply, Mr. Dellinger's connection to the Hunter Biden Burisma matter gives us serious pause about his nomination to be Special Counsel. From 2013 to 2020, Mr. Dellinger was a partner at the Washington, D.C. office of Boies Schiller Flexner, where Hunter Biden also served as counsel. Of note, Mr. Dellinger worked on Boies Schiller's Crisis Management and Government Response team. Recent reports indicate that—according to emails from Hunter Biden's abandoned laptop—Mr. Dellinger, Mr. Biden, and several other members of the Crisis Management team attended a dinner together in March 2014.<sup>2</sup> Just weeks after the dinner, Hunter Biden suggested to Burisma—whose Board of Directors he served on—that the company meet with members of the firm's Crisis Management team.<sup>3</sup> Subsequently, the Crisis Management team reportedly worked closely with Hunter Biden on various Burisma-related matters.<sup>4</sup>

As one of OSC's primary responsibilities is to protect whistleblowers from retaliatory acts, Mr. Dellinger's nomination is particularly concerning given his apparent connection to Hunter Biden and his work with Burisma. It is important to note that Mr. Dellinger, as Special Counsel, would be charged with ensuring retaliation against whistleblowers—including the IRS whistleblowers in the Hunter Biden matter—is investigated and corrective or disciplinary action against retaliators is sought. In light of Mr. Dellinger's reported connections to Mr. Biden, and the appearance of a conflict that it creates, we have serious doubts as to whether he could act impartially in fulfilling OSC's obligations.

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<sup>1</sup> ABOUT OSC, UNITED STATES OFFICE OF SPECIAL COUNSEL, <https://osc.gov/Agency>.

<sup>2</sup> Joe Schoffstall & Cameron Cawthorne, *Joe Biden Nominates Former Hunter Biden Law Firm Colleague as Special Counsel*, FOX NEWS (Oct. 5, 2023, 4:26 AM), <https://www.foxnews.com/politics/joe-biden-nominates-former-hunter-biden-law-firm-colleague-as-special-counsel>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

The Office of Special Counsel's core mission is to protect whistleblowers, who are essential to ensuring accountability in our system of government. Mr. Dellinger's reported connection with Hunter Biden and the Burisma matter creates significant doubt that he can carry out his duty to safeguard the IRS whistleblowers, who are critical in shedding light on the two-tiered system of justice perpetrated under your watch. For all of these reasons, we urge you to withdraw Mr. Dellinger's nomination to be Special Counsel and find a nominee that is free from even the appearance of a conflict of interest.

Thank you for your attention to this urgent matter.

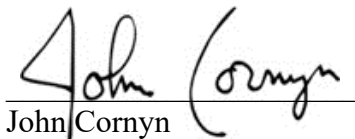
Sincerely,



Marsha Blackburn  
United States Senator



Charles E. Grassley  
United States Senator



John Cornyn  
United States Senator



Ted Cruz  
United States Senator



Tom Cotton  
United States Senator