Tuesday, Dec. 3, 2024 / The Hunter becomes the pardoned

[HALF SECOND OF SILENCE]

[BILLBOARD]

*<CLIP> ANNOUNCER: Distinguished guests, please welcome the president of the United States accompanied by National Turkey Federation chairman John Zimmerman and his son, Grant. <applause, Hail to the Chief, under>*

SEAN RAMESWARAM (host): President Biden kicked off the week of Thanksgiving with a ceremony on the South Lawn of the White House.

He came out in his aviators – it was a sunny day in DC. Everyone knew what he was about to do, and what he was about to say. He was gonna pardon a turkey.

*<CLIP> PRESIDENT BIDEN: Well good morning!  
CROWD: Good morning.* *BIDEN: They tell me there’s 2,500 people here today …   
CROWD: <cheers>  
BIDEN: … looking for a pardon. <laughs>*

SCORING <A Smooth Sea – BMC>

SEAN: President Biden closed out Thanksgiving week with a written statement. It took a lotta people by surprise, because he did something he promised over and over again. He said he would not pardon his son Hunter. And then he did.

We’re gonna try and figure out why on *Today, Explained*.

[THEME]

SEAN: Matt Viser, you report on the White House for the *Washington Post*. Joe Biden pardoned his son on Sunday. What does that mean exactly?

MATT VISER (*Washington Post* reporter): It basically absolves Hunter from all of the legal cloud that has been around him for the past several years. But it's even bigger than that. I mean, it's more sweeping. This pardon. You know, basically protects Hunter from any legal prosecution over almost a decade long period from 2014 up until Sunday night at midnight. So anything that he did during that time period, he cannot be federally prosecuted for. It's pretty broad.

SEAN: Can you remind us where the cases against Hunter Biden stood as of Saturday?

SCORING <Wormhole Chamber>

MATT: There were two cases that were like immediately before him. One of them, he had been convicted by a jury in Delaware over the summer.

*<CLIP> BLOOMBERG: Hunter Biden has indeed been convicted of gun charges by a jury in a Delaware trial…*

*<CLIP> CBS NEWS: The President's only surviving son was charged with two felonies of lying on a federal form required to purchase a firearm in 2018. And then a third charge, also a felony for being in possession of a firearm while abusing or being addicted to drugs.*

*<CLIP> ABC NEWS: Hunter Biden could now face up to 25 years in prison, and a fine of up to $750,000….*

MATT: And that one was scheduled to go to sentencing in about a week. There was another case involving his tax returns and not paying taxes. And in that case, Hunter pled guilty to [sic] in September. And that one was scheduled to be sentenced the week after. So he faced over the next two weeks sentencing for two different crimes in two different jurisdictions. So that was the most immediate pressure on, you know, trying to to to do something from from the president's perspective. There's a longer term pressure that comes in January when Donald Trump takes office. And that's why the pardon was so sweeping, where, where Joe Biden is basically trying to protect Hunter from being investigated for any other crimes that could have occurred over that period.

SCORING OUT

SEAN: Joe Biden said he wasn't going to do this. Joe Biden's chief press officer said he wasn't going to do this. Can you remind us what exactly everyone was saying Joe Biden wouldn't do.

MATT: <chuckles> So right after Hunter Biden was found guilty in Wilmington, Delaware. Joe Biden got on a plane and went to Italy for the Group of Seven summit. He had a press conference there where he stood next to the Ukrainian president, Zelensky, where we asked him.

*<CLIP> PRESS CONFERENCE, REPORTER: Mr. President, do you plan on commuting your son's sentence?*

MATT: Joe Biden said no, adamantly. Like, he trusts the jury. He trusts the court of law. He trusts the Justice Department to do its job. And so he would not pardon or commute the sentence of his son. Since that time period, more has happened. There's been another case involving his taxes that, that he pled guilty to. There's been an election. You know, Donald Trump won that election. So we've repeatedly asked Karine Jean-Pierre, the White House press secretary, ‘Has anything changed for the president? Does he still commit to not pardoning his son, or is this mine changed at all based on, you know, different facts before him?’ She said:

*<CLIP> WHITE HOUSE PRESS SECRETARY KARINE JEAN-PIERRE: Still a no. It will be a no. It is a no. And I don't have anything else to add. Will he pardon his son? No.*

MATT: Up until Sunday night, that was the talking point from the White House. Now, people generally around Joe Biden kind of expected him to do this just because of the family loyalty that eventually he would pardon his son. But the White House was pretty adamant that he would not.

SEAN: And that only makes it look worse for Joe Biden. Do we know what changed his mind or is that all conjecture?

MATT: I don't know that his mind was ever fully on board with *not* pardoning his son.  
  
SEAN: Hm.   
  
MATT: I mean, I think there is a sense of, you know, personal and psychological drama around the Biden family and particularly between Joe and his son, Hunter, to where most people expected something like this would happen. And it was only surprising that he was so adamant that he wouldn't do it. That was more the surprise than the fact that he actually did pardon him. He came to this decision, we're told, over the weekend. Over the weekend, by the way, he was in Nantucket with Hunter, you know, with his family for Thanksgiving. Every year they go to Nantucket to celebrate the holiday together. So that's where Joe Biden came to this decision.

SEAN: He always goes somewhere when he's making a decision. That's so interesting. How are Democrats responding? We're speaking to you, what, late Monday.

MATT: There is a lot of criticism from a lot of members of his party.

*<CLIP> TEX SENIOR PRODUCER MILES BRYAN: Jared Polis, governor of Colorado tweeted, “While as a father I certainly understand President Joe Biden’s natural desire to help his son by pardoning him, I am disappointed that he put his family ahead of the country. This is a bad precedent that could be abused by later Presidents and will sadly tarnish his reputation…”*

MATT: People are pointing out that this goes against what he has said. You know, Joe Biden has talked about the rule of law. He's talked about [how’] nobody is above the law. He's often said “My word as a Biden.” you know, when making commitments. So this goes against his word. And it does seem to put Hunter in a different category from other Americans who don't have the connections, the familial connections to the president. So, I mean, he's getting criticized by a lot of members of his own party who also, quite frankly, worry about the precedent that this sets and what Donald Trump may do with this. You know, Donald Trump has talked about pardoning the rioters from January 6th. This kind of gives Trump cover to do some of those things, is the worry, you know, like, sort of what Trump does with his own Justice Department in less than two months.

SEAN: And since you brought him up, what's Donald Trump saying about this? I think he has a fondness for Hunter Biden.

MATT: I mean, so Trump It's worth pointing out just how fixated Trump has been on Hunter Biden, you know, for years and years. And, you know, he had the where's Hunter line during the 2020 campaign. It was the focal point for the impeachment, with Trump asking Zelensky to investigate Hunter in Ukraine. You know, there's been a long fixation between Trump and Hunter Biden, and that, that is one reason that that has led Joe Biden to pardon him is this fixation. But Trump has been sort of focused quite heavily on, on Hunter for some time.

SEAN: Now, Trump is predictably upset about this decision Biden made. But when we talk about the precedent Biden is setting. Is Biden setting the precedent or have presidents previously pardoned beloved friends, family members?

MATT: There's certainly a long history of presidents, you know, in the final weeks of their time in office pardoning people who were close to them. Bill Clinton, on his final day in office, pardoned his stepbrother for crimes related to cocaine. And, you know, Donald Trump pardoned Charles Kushner. You know, who's Jared Kushner's father.

SEAN: The next ambassador to France!

MATT: So there is a history of something like this. I, I think what is unusual is sort of how far reaching this particular pardon is. The past pardons are usually for one specific crime, one specific time period. This one is pretty… for, for anything that may or may not have been prosecuted for a ten year period. So Hunter gets a more far-reaching pardon. But pardons are not unusual, especially in the last, you know, sort of couple of weeks of, of a presidency.

SCORING <Shadow Man>

SEAN: Why was this pardon so far reaching, making it an even bigger deal?

MATT: So it covers a time period that basically encapsulates all of Hunter Biden's foreign business dealings in 2014 is a time period where people may remember the word Burisma – or maybe not – but Burisma was this Ukrainian gas company that Hunter Biden sat on the board of while his father was vice president. This is a time period where Hunter's pursuing, you know, business deals in Mexico and Romania and Ukraine. You know, so he's sort of all around the world doing these various business efforts in ways that Republicans have tried to tie Joe Biden directly to. And so it covers a time period that I think there's been concern that, that a Trump-appointed attorney general, Trump overseeing a new Justice Department, may choose to go after Hunter for crimes during that time period when he was quite active in his foreign business dealings.

SCORING BUMP

SEAN: Matt Viser. *Washington Post* dot com. Biden didn’t say much about *future* prosecutions in his statement pardoning his son, but it’s clear that was among his chief concerns from the far-reaching nature of this pass that Hunter Biden is getting.

By coincidence, on presidential pardon-my-son EVE, future president Donald Trump, who knows a thing or two about being a convicted felon, announced his pick to lead the FBI. It was one of his most loyal loyalists. A guy named Kash Patel. We’re gonna tell you about him when we’re back on *Today, Explained*.

[BREAK]

[BUMPER]

*<CLIP> WU-TANG: Kash rules everything around me – KREAM get the money –*

SEAN: *Today, Today, Explained*, y’all. In granting a pardon to Hunter, a lotta people think Joe Biden is trying to protect him from a DOJ run by hardcore Trump loyalists like Kash Patel, Trump’s pick to lead the FBI.

Elaina Plott Calabro profiled Kash this past summer in *The Atlantic,* in a piece titled ‘The Man Who Will Do Anything for Trump’. And back when she wrote it this summer, Kash was doing a lot.

ELAINA: At one point I just had to kind of put in a list the various things he had been engaged in post administration to see if there was any throughline whatsoever. And I can't say I found one. But I would say that he mirrors a lot of MAGA World in his interest in making money off of his connections with Trump. But he is one of the few that has managed to maintain, you know, good standing with Trump in spite of doing that.

SEAN: Hmm. Who, who was Kash Patel before he became aaaa Trump loyalist?

ELAINA: You know, most people I profile, if I see somewhere where they stay, where they're born, I typically take that at good faith. You know, obviously, our fact checker later will confirm that that's true, but it's not something where I think, ‘Okay, well, I need to spend the next two hours strenuously checking that.; Kash Patel was different, however.

SEAN: Hmm.

ELAINA: I had come across several podcasts that he had done, media appearances where he would say things like, The reason that he and Donald Trump get along so well is that they're both just a couple of guys from Queens. Kash Patel is in fact from Garden City…

SEAN: <laughs>

ELAINA: …which for those unfamiliar, is a pretty tony suburb on Long Island. So that, I think, kind of set the tone for what, what the reporting journey would be like in terms of learning, who was this person before he became the person we know he is today.

SCORING <Loopbox Amber>

ELAINA: So he he started at Pace Law School. That, that I think was really the place where he sort of decided what his career ambitions – what he wanted them to look like, and that was to work at a white collar firm. By his count, he was rejected from the various firms he applied to post-graduation, but happened to get an offer from the Miami-Dade Public Defender's Office, which is really thee most prestigious public defender's office in the country.   
  
SEAN: Hm!  
  
ELAINA: So a huge deal for him to get a spot there. And so for the next decade, he would sort of go from there to the federal defender's office in Miami. I think learning about that chapter of his life was really instructive for me because talking to colleagues from both the state defender and the federal defender's office there in Miami, they pretty unanimously said that, you know, he was a basically capable, competent attorney, not tremendously political by any means or certainly not overtly so. And somebody who was pretty good on his feet, very good in a trial setting, not especially good with, you know, document-based things – discovery – and kind of diving into statutes and whatnot. But when it came to getting in front of a judge, I mean, he was he was often quite charming. And having read a lot of those transcripts myself on Pacer, I can attest that he really did seem to have a kind of magic with some judges, as one of his colleagues put it to me.

SCORING BUMP

ELAINA: So in 2014, he receives an offer to join the counterterrorism section of the National Security Division at the Department of Justice in Washington, DC. So he moves to Washington and essentially becomes involved in various cases to do with terrorism, and then he was not there very long before, only a few years before he came in contact with Congressman Devin Nunes. And that was, of course, his bridge to the House Intelligence Committee, the Russia investigation and his report on it. And then from there, we see him go to the White House.

SCORING OUT

SEAN: Before we talk about what he does or doesn't accomplish in the first Trump administration, you make a big deal in your profile of him about this one time he forgot to wear a tie to court. And you seem to suggest that this was like a foundational moment for him.

ELAINA: That's right. It really was formative for him. While he was working for the Department of Justice as a prosecutor in the national security division, he had gone to Tajikistan to interview witnesses in a terrorism case that he was working on.

SCORING <Uptown Scuffle>

ELAINA: While he was there, a federal judge in Houston calls a surprise hearing for a case unrelated to the one he's currently working on in Tajikistan. But at any rate, he has to get to Texas within 24 hours or so. So he had only brought slacks and a button down on his trip to Tajikistan. So as he's en route to Houston, he reaches out to the US attorney's office there and he says, ‘Hey guys, you know, I really need your help. Could somebody bring a tie for me?’ And for reasons that remain in dispute. There was no tie when he arrived. And the judge there really unloads on him for that, takes him into chambers and berates him for, you know, not being dressed appropriately and then questioning why he's even there in the first place, what value he added to the case at all.

SEAN: Hmm.

ELAINA: And I mean, it was pretty withering and to the point that, you know, even those in the U.S. attorney's office looked on and just thought, ‘Okay, this is really over the top.’ I mean, it was really disproportionate to the fact that he just didn't have a tie. But what really comes to infuriate Kash Patel and the thing that he comes to fixate on is not even the exchange with the judge itself, but the fact that when *The Washington Post* gets word of what happened and writes it up and reaches out to the Department of Justice for comment, they decline to comment. They don't they don't engage with the porter on reporter on the record to defend Kash Patel. And this enrages him. And I was told by various of his colleagues from that time that he would thereafter just constantly, constantly for months, go to his supervisors office and say, ‘What are you going to do about this US attorney? You know, how are you going to punish them?’ And these people at a certain point said, ‘We really empathize with you. It was unfair what happened. But the U.S. attorney is a presidentially-appointed position, we just don't know what you want us to do.’

SCORING OUT

ELAINA: I think that was a really defining moment for him in terms of deciding that, you know, the system that he had devoted all of his career to thus far – pretty much all of his career to thus far – was never going to have his back and was in it and was, in fact, actively out to get him. And so that, I think, is the premise of the kind of revenge-driven ideology that goes on to define him as he scales the ranks of the Trump administration.

SEAN: And perhaps that revenge-driven ideology makes him a good match for the former and future president. What was his role in the first Trump administration? As, as I recall, he wasn't a sort of front-facing figure.

ELAINA: So after considerable lobbying by Congressman Devin Nunes, who Kash Patel had worked with on the House Intelligence Committee, Kash Patel is brought on to the National Security Council at a pretty low-level role. But, you know, it's really breathtaking, the speed with which he rose from there: Within a few months, he was leading the counterterrorism division of the National Security Council. I will often forget that he was only in the administration for a year and eight months or so. But in that time, he goes from this low-level position in the National Security Council to quite an important role in the National Security Council. And then from there to an assistant to the director of national intelligence and then ultimately ending up as chief of staff to the acting secretary of defense in the final months of the Trump administration.

SEAN: And since then, he's been selling merch and writing children's books. Have you. Have you read his children's books?

ELAINA: I have. Yes. As part of my discovery process, you might say in my profiling him, I. I did read this one. His first one, *The Plot Against the King*, which is Kash Patel’s writing the story of Russiagate from his perspective to a children's audience with very vivid illustrations.

SEAN: <laughs> Classic children's entertainment. Do you have a favorite line from the children's book?

ELAINA: I'm so glad you asked. I am always ready with these.

SEAN: <laughs>

SCORING <Fairy Godmother>

ELAINA: Once Upon a Time in the land of the Free, there lived a wizard called Kash. The distinguished Discover Kash was known far and wide as the one person who could discover anything about anything. And so then the plot goes on that Duke Devin, who's Devin Nunes, recruits him to avenge Donald Trump against the Shifty Knight, who is Adam Schiff, who claims that that the King Donald had collaborated with the Russians to win his monarchy. I guess.

MINI SCORING BUMP

ELAINA: There's a, there’s another nice moment when Kash is pictured in his wizard garb at the top of a castle turret and he stands up and addresses everybody and says: “Everybody, I am Kash, the great wizard and the distinguished discoverer. I have discovered that the king, King Donald, is innocent. He did not work with the rush – Russionians…

SEAN: <laughs>

ELAINA: … and he did not cheat. You chose him. So he became king, fair and square.”

SCORING OUT

ELAINA: So. I think that's a good kind of encapsulation of that story.

SEAN: <laughs> I don't even know where to begin with the King stuff. Considering the origin story of this country. But between the tie incident and this children's book, I have to ask, you know, what is it that scares so many people about Kash Patel? He doesn't seem like the most serious person. Is that what scares people?

ELAINA: So his inexperience is definitely a factor. But I think more than anything, and this became clear from the moment he stepped foot on the National Security Council, this is someone who is motivated by very little else except for his devotion to Donald Trump and his loyalty to Donald Trump.

*<CLIP> KASH PATEL, CPAC: We are blessed by God to have Donald Trump be our juggernaut of justice, to be our leader, to be our continued warrior in the arena. But we have to fill that arena with Americans behind him… <fade>*

ELAINA: And so as I would talk to people throughout the administration who were utterly alarmed that, you know, at one point he almost became deputy FBI director. He almost became deputy director of the CIA. The panic that set in – and again, this is among Trump appointees themselves, you know, hardly, hardly members of the Deep State – who are lodging these objections to him. The concern was that he was just subject to Donald Trump's demands, whatever they might be, from day to day. So it was often said to me, ‘You know, it's not it's not the fear of what he would do. It's more like, what wouldn’t he do in order to maintain Donald Trump's favor?’ And, you know, that sort of sycophancy paired with a tremendous amount of power, as he would necessarily have atop the FBI is, I think, what many people, former administration officials I talked to, find alarming about the prospect of this nomination.

SEAN: Hmm. We'll probably never know the answer. But, but how much do you think people like Kash Patel weighed on Biden's decision over this holiday weekend to pardon his own son?

ELAINA: I mean, if you look at the letter itself, it certainly seems that Joe Biden, the president just taking him at his word, was concerned about the fact that a number of the people that Donald Trump has announced as being staffers in his new administration, nominees for powerful positions in his administration, have certainly been among the chorus of those on the right who really despise Hunter Biden and really feel like he emblematizes the corruption of the left. So again, just taking President Biden at his word, that does seem to have influenced his decision to pardon Hunter Biden and kind of remove him from kind of the, the crosshairs, possibly, of people like Kash Patel.

SCORING <twitchycorn>

SEAN: Elaina Plott Calabro. Read her at *The Atlantic* dot com. EmPHAsis on the The. THE Atlantic dot com.

Today’s show was produced by Miles Bryan and Amanda Lewellyn. It was edited by Matt Collette, fact-checked by Kim Eggleston, and mixed by Patrick Boyd.

I’m Sean Rameswaram. The program is *Today, Explained*.

[10 SECONDS OF SILENCE]