

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

January 27, 2023

Mr. Timothy Thibault
c/o Morrison & Foerster LLP
2100 L Street, N.W.
Washington, DC 20037

Dear Mr. Thibault:

We have made multiple requests that you appear for a transcribed interview before the Committee concerning serious allegations of abuse and misconduct within the senior leadership of the Department of Justice and the Federal Bureau of Investigation. Your testimony is necessary to further our oversight. As we begin the 118th Congress, we write again to reiterate our outstanding request and ask that you immediately cooperate.

You have been on notice about our request for your testimony—and aware that this request is outstanding—for months. For your convenience, we have attached the letters dated September 23, 2022, October 14, 2022, and November 25, 2022.¹ To date, you have not complied with our request that you appear for a transcribed interview before the Committee. This obstruction must stop.

Accordingly, we reiterate our request that you appear promptly for a transcribed interview. We also reiterate that the Committee is prepared to resort to compulsory process, if necessary, to obtain your testimony. Please direct your attorney to promptly contact Committee staff on your behalf to schedule your interview.

The Committee on the Judiciary has legislative and oversight jurisdiction over the Department of Justice and the FBI pursuant to Rule X of the Rules of the House of Representatives.²

¹ Letter from Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judic., to Mr. Timothy Thibault (Sept. 23, 2022); Letter from Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judic., to Mr. Timothy Thibault (Oct. 14, 2022); Letter from Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judic., to Mr. Timothy Thibault (Nov. 25, 2022).

² Rules of the U.S. House of Representatives, R. X (2023).

Mr. Timothy Thibault
January 27, 2023
Page 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style. The "J" is large and loops around the "i". The "Jordan" part is also cursive and connects to the "i".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosures

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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September 23, 2022

Mr. Timothy Thibault
c/o Morrison & Foerster LLP
2100 L Street, N.W.
Washington, DC 20037

Dear Mr. Thibault:

We have been investigating serious allegations of abuse and misconduct within the senior leadership of the Department of Justice and the Federal Bureau of Investigation. Brave whistleblowers have informed us that as an Assistant Special Agent in Charge at the Washington Field Office, you pressured line agents to reclassify cases as “domestic violent extremism” even though there was minimal, circumstantial evidence to support a reclassification.¹ Other whistleblowers have come to Congress alleging that you were part of a scheme to undermine and discredit allegations of criminal wrongdoing by members of the Biden family.² Accordingly, we believe that you possess information relating to our investigation and we request your assistance with our inquiry.

The Committee on the Judiciary has legislative and oversight jurisdiction over the Department of Justice and the FBI pursuant to Rule X of the Rules of the House of Representatives. We are investigating several allegations concerning the politicization of the Department and the FBI. Your testimony is necessary to advance our oversight. We ask that you please contact Committee staff to schedule a transcribed interview as soon as possible, but no later than 5:00 p.m. on October 7, 2022. Your attorney may contact Committee staff at (202) 225-6906 to schedule a transcribed interview without undue delay.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be

¹ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Jul. 27, 2022); Ashley Oliver, *Exclusive – Whistleblower: Same FBI boss who shut down Hunter Biden dirt also pressured agents to juice domestic violent extremism stats*, BREITBART (Jul. 27, 2022).

² Letter from Sen. Chuck Grassley, Ranking Member, S. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice & Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Jul. 25, 2022) (“ASAC Thibault allegedly ordered the [Hunter Biden inquiry] closed without providing a valid reason as required by FBI guidelines. . . . [I]t’s alleged that FBI official, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.”).

Mr. Timothy Thibault
September 23, 2022
Page 2

responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property and the Internet



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties

cc: The Honorable Jerrold L. Nadler, Chairman

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October 14, 2022

Mr. Timothy Thibault
c/o Mr. Charles E. Duross
Morrison & Foerster LLP
2100 L Street, N.W., Suite 900
Washington, DC 20037

Dear Mr. Thibault:

We are in receipt of your attorney's letter, dated October 7, 2022, in which you declined to appear for a transcribed interview concerning allegations of abuse and misconduct within the Federal Bureau of Investigation.¹ Your refusal to testify is curious in light of your earlier public statement that you "welcome any investigation" into these matters.² As we previously informed you, whistleblowers have come forward with allegations that you took certain official actions for political reasons. As we continue to investigate the politicization of the Justice Department and FBI, your testimony remains crucial to our inquiry.

Your baseless assertion that "sensitive law enforcement information and/or pending investigations"³ prevents your cooperation with our inquiry ignores the importance of congressional oversight as well as the Committee's past practice in examining misconduct at the FBI. The Supreme Court has repeatedly explained that the congressional oversight power is "broad and indispensable," "encompass[ing] inquiries into the administration of existing laws, studies of proposed law, and surveys of defects in our societal, economic, or political system for the purpose of enabling the Congress to remedy them."⁴ The Judiciary Committee, authorized to conduct such oversight pursuant to the Rules of the House of Representatives, has exercised this authority on several recent occasions to examine allegations of misconduct at the Department and FBI. There is no rationale or legal basis for your refusal to cooperate with our inquiry for the reasons articulated in your attorney's October 7 letter.

¹ Letter from Mr. Charles E. Duross, Partner, Morrison & Foerster LLP, to Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judiciary (Oct. 7, 2022). *See also* Letter from Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judiciary, to Mr. Timothy Thibault (Sept. 23, 2022).

² *See* Tweet by Catherine Herridge, Twitter.com (Aug. 30, 2022, 8:21 p.m.) ("Media Statement on Behalf of Timothy R. Thibault"); Tom Winter, *Lawyer says FBI agent's retirement had nothing to do with Hunter Biden investigation*, NBC NEWS (Aug. 31, 2022).

³ Letter from Mr. Charles E. Duross, Partner, Morrison & Foerster LLP, to Reps. Jim Jordan, Darrell Issa, & Mike Johnson, H. Comm. on the Judiciary (Oct. 7, 2022).

⁴ *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

Mr. Timothy Thibault

October 14, 2022

Page 2

In addition, your attorney asserts that you cannot comply with our document-preservation notice because you have left federal service. Notably, this assertion ignores that our notice includes both official *and* personal records that may be responsive to the topics we are investigating. To the extent that you possess any personal records—or copies of official records in your personal possession—that may be responsive to our inquiry, we ask that your attorney confirm to us on your behalf that you are taking all necessary steps to preserve these records. Alternatively, if you possess no personal records about the topics addressed in our letters to you, or any copies of official records in your personal possession, we ask that your attorney make such a representation to us on your behalf.


Our request that you appear for a transcribed interview remains outstanding. Your testimony is necessary for our oversight, and you can be assured that Committee Republicans will continue to pursue this matter into the 118th Congress. We again reiterate our request that you appear promptly for a transcribed interview. Please direct your attorney to contact Committee staff to schedule this transcribed interview without undue delay.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property and the Internet



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties

cc: The Honorable Jerrold L. Nadler, Chairman

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November 25, 2022

Mr. Timothy Thibault
c/o Mr. Charles E. Duross
Morrison & Foerster LLP
2100 L Street, N.W., Suite 900
Washington, DC 20037

Dear Mr. Thibault:

We are investigating serious allegations of abuse and misconduct within the senior leadership of the Department of Justice and the Federal Bureau of Investigation. As we explained in our September 23, 2022, and October 14, 2022, letters,¹ whistleblowers allege that you pressured line agents to reclassify cases as “domestic violent extremism” even though there was minimal, circumstantial evidence to support a reclassification.² Other whistleblowers have disclosed that you were part of a scheme to undermine and discredit allegations of criminal wrongdoing by members of the Biden family.³

As of today, despite your public statement “welcom[ing] any investigation,”⁴ you have declined to voluntarily comply with our requests for a transcribed interview. Our requests, therefore, remain outstanding. Your testimony is necessary for our oversight, and you can be assured that the Committee will continue to pursue this matter into the 118th Congress, including by compulsory process if necessary. Additionally, your counsel has ignored our request to certify whether you are preserving documents in your personal possession that may be responsive to the topics we are examining.

¹ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Ms. Jennifer Leigh Moore, Exec. Assistant Dir., Human Resources Branch, Fed. Bureau of Investigation (Sept. 29, 2022).

² Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Jul. 27, 2022); Ashley Oliver, *Exclusive – Whistleblower: Same FBI boss who shut down Hunter Biden dirt also pressured agents to juice domestic violent extremism stats*, BREITBART (Jul. 27, 2022).

³ Letter from Sen. Chuck Grassley, Ranking Member, S. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice & Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Jul. 25, 2022) (“ASAC Thibault allegedly ordered the [Hunter Biden inquiry] closed without providing a valid reason as required by FBI guidelines. . . . [I]t’s alleged that FBI official, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.”).

⁴ See Tweet by Catherine Herridge, Twitter.com (Aug. 30, 2022, 8:21 p.m.) (“Media Statement on Behalf of Timothy R. Thibault”); Tom Winter, *Lawyer says FBI agent’s retirement had nothing to do with Hunter Biden investigation*, NBC NEWS (Aug. 31, 2022).

Mr. Timothy Thibault
November 25, 2022
Page 2

We again reiterate our request that you appear promptly for a transcribed interview. Please ask your attorney to contact Committee staff at (202) 225-6906 on your behalf to schedule your transcribed interview promptly.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property and the Internet



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties

cc: The Honorable Jerrold L. Nadler, Chairman