

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

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).

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