

United States Senate

WASHINGTON, DC 20510

July 25, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

On May 31, 2022, I wrote to you regarding likely violations of Federal laws, regulations and Federal Bureau of Investigation (“FBI”) guidelines by Assistant Special Agent in Charge (“ASAC”) Timothy Thibault of the Washington Field Office (“WFO”) based on a pattern of active public partisanship in his then public social media content. In that letter, I noted that Congress has a constitutional responsibility to ensure that the Executive Branch executes the law and uses taxpayer money appropriated to it in accordance with congressional intent. In furtherance of that constitutional responsibility, Congress has an obligation to investigate the Executive Branch for fraud, waste, abuse and gross mismanagement – acts which undermine faith in the American people’s governmental institutions. Those constitutional and legislative responsibilities apply to this letter to you. My letter also invited individuals, including current and former government employees, to contact me and my office to confidentially report allegations of fraud, waste, abuse and gross mismanagement by FBI and Justice Department (“Department”) officials including, but not limited to, ASAC Thibault. In response, my office has received a significant number of protected communications from highly credible whistleblowers.

The information provided to my office involves concerns about the FBI’s receipt and use of derogatory information relating to Hunter Biden, and the FBI’s false portrayal of acquired evidence as disinformation. The volume and consistency of these allegations substantiate their credibility and necessitate this letter.

First, it’s been alleged that the FBI developed information in 2020 about Hunter Biden’s criminal financial and related activity. It is further alleged that in August 2020, FBI Supervisory Intelligence Analyst Brian Auten opened an assessment which was used by a FBI Headquarters (“FBI HQ”) team to improperly discredit negative Hunter Biden information as disinformation and caused investigative activity to cease. Based on allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation.

The basis for how the FBI HQ team selected the specific information for inclusion in Auten's assessment is unknown, but in more than one instance the focus of the FBI HQ team's attention involved derogatory information about Hunter Biden. Accordingly, the allegations provided to my office appear to indicate that there was a scheme in place among certain FBI officials to undermine derogatory information connected to Hunter Biden by falsely suggesting it was disinformation.

Importantly, it's been alleged to my office that Auten's assessment was opened in August 2020, which is the same month that Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI that purportedly related to our Biden investigation and a briefing for which the contents were later leaked in order paint the investigation in a false light.

As Senator Johnson and I have publicly noted, on July 13, 2020, then-Minority Leader Chuck Schumer, Senator Mark Warner, Speaker Nancy Pelosi and Representative Adam Schiff sent a letter, with a classified attachment, to the FBI to express a purported belief that Congress was the subject of a foreign disinformation campaign.¹ The July 13, 2020, letter included unclassified elements that, among other things, unsuccessfully attempted to tie our investigative work to foreign disinformation. Those unclassified elements were later leaked to the press to try and smear our Biden investigation as unrelated foreign disinformation. Then, on July 16, 2020, then-Ranking Member Peters and then-Ranking Member Wyden requested a briefing on matters related to my and Senator Johnson's Biden investigation from the very same FBI HQ team that discredited the derogatory Hunter Biden information.² The concurrent opening of Auten's assessment, the efforts by the FBI HQ team and the efforts by the FBI to provide an unnecessary briefing to me and Senator Johnson that provided our Democratic colleagues fodder to falsely accuse us of advancing foreign disinformation draws serious concern.

Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Auten's assessment. The FBI HQ team's investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

¹ Letter from Minority Leader Charles Schumer, Vice Chairman Mark Warner, S. Select Comm. on Intelligence, Speaker Nancy Pelosi, and Chairman Adam Schiff, H. Select Comm. on Intelligence, to Fed. Bureau of Investigation (July 13, 2020), https://intelligence.house.gov/uploadedfiles/20200713_big_4_letter_to_fbi_director_wray_-_defensive_briefing_signed.pdf; *see also* Press Release, Nancy Pelosi Speaker of the House, Pelosi, Schumer, Schiff, Warner Send Letter to FBI Director Requesting Defensive Counterintelligence Briefing for All Members (July 20, 2020), <https://www.speaker.gov/newsroom/72020-2>.

² Letter from Ranking Member Ron Wyden, S. Comm. on Fin., and Ranking Member Gary Peters, S. Comm. on HSGAC., to Chairman Chuck Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on HSGAC. (July 16, 2020), https://www.hsgac.senate.gov/imo/media/doc/200716_Letter_PetersWyden_IntelligenceBriefingRequest.pdf.

Third, in October 2020, an avenue of additional derogatory Hunter Biden reporting was ordered closed at the direction of ASAC Thibault. My office has been made aware that FBI agents responsible for this information were interviewed by the FBI HQ team in furtherance of Auten's assessment. It's been alleged that the FBI HQ team suggested to the FBI agents that the information was at risk of disinformation; however, according to allegations, all of the reporting was either verified or verifiable via criminal search warrants. In addition, ASAC Thibault allegedly ordered the matter closed without providing a valid reason as required by FBI guidelines. Despite the matter being closed in such a way that the investigative avenue might be opened later, it's alleged that FBI officials, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.

The aforementioned allegations put a finer point on concerns that I have raised for many years about political considerations infecting the decision-making process at the Justice Department and FBI. If these allegations are true and accurate, the Justice Department and FBI are – and have been – institutionally corrupted to their very core to the point in which the United States Congress and the American people will have no confidence in the equal application of the law. Attorney General Garland and Director Wray, simply put, based on the allegations that I've received from numerous whistleblowers, you have systemic and existential problems within your agencies. You have an obligation to the country to take these allegations seriously, immediately investigate and take steps to institute fixes to these and other matters before you.

In light of the serious allegations and my ongoing investigation into Justice Department and FBI misconduct, I expect you to provide the following no later than August 8, 2022, as a preliminary matter so that Congress can perform an objective and independent review of the alleged misconduct:

1. The case file for the Auten assessment.
2. All records³ derived from reporting on derogatory information linked to Hunter Biden, James Biden, and their foreign business relationships that was overseen under the approval, guidance and purview of ASAC Thibault from January 1, 2020, to the present.
3. All records related to derogatory information on Hunter Biden, James Biden, and their foreign business relationships.
4. All leads sent to the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.

³ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

5. All opened and closed cases initiated by the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
6. With respect to the August 2020 FBI briefing given to Senator Johnson and me:
 - a. A copy of the FBI 302 for the briefing;
 - b. All intelligence reporting, products, and analysis that formed the basis of the briefing;
 - c. The name(s) of the person(s) who recommended that Senator Johnson and I be briefed;
 - d. A description of the process for deciding to brief us; and
 - e. All records, including emails, relating to the briefing.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary