

United States Senate
WASHINGTON, DC 20510

May 31, 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:

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. I take these constitutional responsibilities very seriously and from time to time I receive information that requires Congress to ask questions of the Executive Branch in an effort to better understand whether any wrongdoing has occurred and, if so, what remedial actions will be employed to cure the damage done.

It has come to my attention that while serving in a highly sensitive role that includes threshold decision-making over which Federal public corruption matters are opened for investigation, Assistant Special Agent in Charge (“ASAC”) at the Washington Field Office, Timothy Thibault, likely violated several federal regulations and Department guidelines designed to prevent political bias from infecting FBI matters, including the Attorney General Guidelines for Domestic FBI Operations and FBI social media policies.¹ Specifically, as illustrated below, based on a review of open-source content, ASAC Thibault has demonstrated a pattern of active

¹ 5 C.F.R. § 2635; 5 C.F.R. § 3801; U.S. DEP’T. OF JUST. *The Att’y. Gen.’s Guidelines for FBI Operations*, <https://www.justice.gov/archive/opa/docs/guidelines.pdf>; *Hatch Act FAQs*, U.S. OFF. OF SPECIAL COUNS., <https://osc.gov/Services/Pages/HatchAct-FAQ.aspx#tabGroup26>; *Pol. Activities*, U.S. DEP’T. OF JUST., <https://www.justice.gov/jmd/political-activities>; FED. BUREAU OF INVESTIGATION, PUBLIC AFFAIRS POLICY GUIDE: MEDIA RELATIONS, EXTERNAL COMMUNICATIONS, AND PERSONAL USE OF SOCIAL MEDIA 1002PG (2017), <https://vault.fbi.gov/public-affairs-policy-guide-media-relations-external-communications-and-personal-use-of-social-media-1002pg/public-affairs-policy-guide-media-relations-external-communications-and-personal-use-of-social-media-1002pg-part-01-of-01/view>. On his LinkedIn page, ASAC Thibault states that he is currently an ASAC for the FBI’s Washington Field Office. In that position, he has oversight over public corruption investigations. His LinkedIn account featured the same photo as his Twitter account (@tim_thibault) until he changed both, which now include his official FBI photo for his LinkedIn and a Ukraine-related photo for his Twitter account.

public partisanship, such as using his official title for public partisan posts relating to his superiors and matters under the FBI's purview, that is likely a violation of his ethical obligations as an FBI employee. Accordingly, his actions present a grave risk of political infection and bias in his official decision-making process, creating serious questions with respect to oversight of investigative matters under his purview.

For example, ASAC Thibault's social media postings, comments, and "likes" (i.e. public expressions of appreciation, validation and approval) demonstrate a pattern of improper commentary related to, for example, ongoing FBI investigations including those under his purview. It is noteworthy that ASAC Thibault's LinkedIn network includes current and former FBI personnel and the general public is able to review his social media content, which includes his political views, biases and objections. Representative examples include, but are not limited to:

- While serving under the authority of President Trump and Attorney General Barr, ASAC Thibault "liked" a LinkedIn posting of a highly partisan Washington Post opinion article titled, "The Justice Department confirms things are even worse than we feared."² That opinion piece opposed the Justice Department's decision that Roger Stone's conviction was "excessive and unwarranted."³ The opinion piece also noted that, "[t]he politicization of the Justice Department appears complete."⁴ The author of the article also wrote, "[m]y latest in the Washington Post: what's happening at DOJ is not normal. It's not remotely OK. And it's extremely dangerous."⁵
- ASAC Thibault, under the title "Assistant Special Agent in Charge", directly posted to his LinkedIn account a partisan article related to the Michael Flynn case. The article was a September 3, 2020, opinion piece from the Washington Post titled, "Why the Michael Flynn case still matters," which was about "the Trump administration's abuses of the judicial system."⁶ The post from the author of the article stated:

[m]y latest in the Washington Post: Judge Sullivan can now build a record about what really went on in the Flynn case. Such a public reckoning may be the best thing that can emerge from the wreckage at this point.⁷
- ASAC Thibault also "liked" another Washington Post opinion piece on LinkedIn from September 12, 2020, titled "William Barr has gone rogue" which notes "[h]e and the administration can be held politically accountable for their corruption of the Justice Department."⁸

² Randall D. Eliason, *The Justice Department Confirms Things Are Even Worse Than We Feared*, THE WASHINGTON POST (Feb. 12, 2020), <https://www.washingtonpost.com/opinions/2020/02/12/trumps-damage-justice-department-will-outlast-his-presidency/>.

³ *Id.*

⁴ *Id.*

⁵ *Id.* Available on ASAC Thibault's LinkedIn.

⁶ Randall D. Eliason, *Why the Michael Flynn Case Still Matters*, THE WASHINGTON POST (Sept. 3, 2020), <https://www.washingtonpost.com/opinions/2020/09/03/why-michael-flynn-case-still-matters/>

⁷ *Id.* Available on ASAC Thibault's LinkedIn.

⁸ Randall D. Eliason, *William Barr Has Gone Rogue*, THE WASHINGTON POST (Sept. 17, 2020), <https://www.washingtonpost.com/opinions/2020/09/17/william-barr-has-gone-rogue/>.

ASAC Thibault's public political associations don't end there. According to his Twitter feed, ASAC Thibault's, while working at the FBI during the Trump administration, retweeted a Lincoln Project tweet that included the statement, "Donald Trump is a psychologically broken, embittered, and deeply unhappy man."⁹ This tweet included a link to an Atlantic article titled "Donald Trump is a Broken Man." ASAC Thibault's also responded to a November 13, 2020, tweet mocking the election of Senator Tuberville, to which ASAC Thibault's said, "Thank God for Mississippi – state motto of Alabama."¹⁰ When Rep. Liz Cheney tweeted "Dick Cheney says WEAR A MASK" ASAC Thibault replied, "Your dad was a disgrace."¹¹ ASAC Thibault recently tweeted "Can we give Kentucky to the Russian Federation?"¹² On December 18, 2019, in response to a Catholic priest's tweet critical of abortion, ASAC Thibault tweeted an anti-Catholic slur to both the Catholic priest and President Trump: "Focus on the pedophiles."¹³

Equally concerning is that ASAC Thibault, while overseeing and directing the FBI's most significant Federal public corruption investigations, traveled to the Czech Republic to attend the same seminar with Bruce and Nellie Ohr in February 2016.¹⁴ At the time of the trip, Nellie Ohr was employed by Fusion GPS, which as you are aware, created anti-Trump propaganda for use by the Hillary Clinton Campaign and Democratic National Committee and was involved in the fake Alfa bank narrative. In March of this year, the Federal Election Commission fined both Hillary Clinton's 2016 Presidential Campaign and the Democratic National Committee for falsely claiming money used for opposition research against candidate Trump were legal services.¹⁵

These illustrative social media posts call into question ASAC Thibault's ability to perform the duties and responsibilities of an FBI agent objectively and without bias. His social media posts require investigation into what, if any, oversight Department leadership has done to ensure that investigative decisions under his charge have not been infected with a political bias. Furthermore, given ASAC Thibault's authority over major investigations coupled with the fact his LinkedIn network includes FBI and DOJ personnel and the general public, his posts illustrate a clear risk of systemic political infection within the Justice Department and FBI. Such conduct unquestionably undermines both the FBI and DOJ because, at minimum, it creates the perception of unequal application of the law.

⁹ @tim_thibault, TWITTER (July 21, 2020, 12:15PM), <https://twitter.com/ProjectLincoln/status/1285609470056378368> (Retweet available @tim_thibault).

¹⁰ @tim_thibault, TWITTER (Nov. 13, 2020, 2:03PM), https://twitter.com/tim_thibault/status/1327326175245504512.

¹¹ @tim_thibault, TWITTER (June 26, 2020, 7:54PM), https://web.archive.org/web/20200627025817/https://twitter.com/tim_thibault/status/1276710387975684096.

¹² @tim_thibault, TWITTER (Apr. 27, 2022, 6:27AM), https://twitter.com/tim_thibault/status/1519262029911138304.

¹³ @tim_thibault, TWITTER (Dec. 18, 2019, 12:44PM), https://web.archive.org/web/20191218205151/https://twitter.com/tim_thibault/status/1207401277824610309. Copy link for access.

¹⁴ Letter from Timothy Ziese, Senior Reviewing Attorney, U.S. Dep't. of Just., for Vanessa R. Brinkmann, Senior Couns., U.S. Dep't. of Just., to William F. Marshall, Senior Investigator, Jud. Watch (July 19, 2019), <https://www.judicialwatch.org/wp-content/uploads/2019/08/JW-v-DOJ-Ohr-comms-production-6-01854.pdf>.

¹⁵ Paul Bedard, *Scoop: FEC Fines DNC and Clinton for Trump Dossier Hoax*, THE WASHINGTON EXAMINER (Mar. 30, 2022), <https://www.washingtonexaminer.com/news/fec-fines-dnc-clinton-for-trump-dossier-hoax>.

As a preliminary matter, no later than June 14, 2022, please provide the following:

1. A spreadsheet identifying the following with respect to each investigation ASAC Thibault supervised since 2015:
 - a. The total number by calendar year;
 - b. The percentage involving a Democratic, Republican or Independent politician;
 - c. The supervising DOJ attorney(s);
 - d. The status of each matter.
2. A list of all cases opened and closed by ASAC Thibault while in his role as an ASAC in the Washington Field Office.
3. All records¹⁶ of briefings between Director Wray and ASAC Thibault.
4. All records between and among ASAC Thibault, Bruce Ohr and Nellie Ohr.
5. All overseas travel records relating to ASAC Thibault.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary

cc: The Honorable Richard Durbin
Chairman
Committee on the Judiciary

¹⁶ “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).