

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

May 25, 2023

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary is conducting oversight of the Department of Justice, including serious allegations of whistleblower retaliation. Recently, the Committee learned that the Department requested the removal of an Internal Revenue Service (IRS) Criminal Supervisory Special Agent—who is also a whistleblower—and “his entire investigative team” from a “high-profile, controversial” ongoing investigation.<sup>1</sup> The timing of the Department’s removal of the agent and investigative team raises serious concerns given that the investigation was the subject of the agent’s protected whistleblower disclosure.<sup>2</sup> The Committee will not tolerate the Department’s retaliatory conduct against this or any other whistleblower.

Whistleblowers play an integral part in identifying and rooting out waste, fraud, abuse, mismanagement, and corruption within federal agencies. Federal law protects whistleblowers from retaliation.<sup>3</sup> The Department’s alleged efforts to remove an IRS whistleblower from an ongoing investigation could be a retaliatory action prohibited under United States law.<sup>4</sup> Accordingly, to inform our ongoing oversight, we ask that please provide the following documentation and information:

1. All documents and communications referring or relating to the removal on or around May 15, 2023, of an IRS Criminal Supervisory Special Agent and investigative team from an ongoing investigation;

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<sup>1</sup> Letter from Tristan Leavitt & Mark D. Lytle, attorneys for the IRS whistleblower, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, *et al.*, (May 15, 2023) (on file with the Committee).

<sup>2</sup> *Id.*

<sup>3</sup> 6 U.S.C. 6103(f)(5); 5 U.S.C. § 7211; and 5 U.S.C. § 2302(a)(2)(A)(xii).

<sup>4</sup> 5 U.S.C. § 2302(b)(8)(C).

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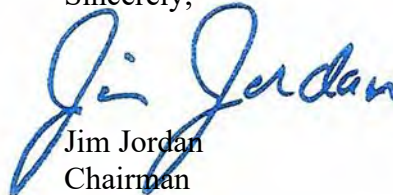
2. All documents and communications between or among the Department of Justice and Internal Revenue Service referring or relating to any investigations involving both the Department of Justice and Internal Revenue Service, from May 1, 2023, to the present;
3. All documents and communications between or among the Department of Justice and the U.S. Attorney's Office for the District of Delaware referring or relating to the removal on or around May 15, 2023, of any IRS Criminal Supervisory Special Agent and investigative team from an ongoing investigation.

Please provide this information as soon as possible, but no later than 5:00 p.m. on June 8, 2023.

In addition, this letter serves as a formal request to preserve all existing and future records and materials 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 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.

The Committee has legislative and oversight jurisdiction over the Department of Justice pursuant to Rule X of the Rules of the House of Representatives.<sup>5</sup> If you have any questions about this matter, please contact Committee staff at (202) 225- 6906. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive style with a large "J" and "D".

Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

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<sup>5</sup> Rules of the House of Representatives, R. X, 118th Cong. (2023).