

THE UTILITY OF THE TIM THIBAUT SMEAR FOR INSURRECTIONISTS

Back on September 12, when Matt Gaetz' plan to depose Kevin McCarthy was a seeming fantasy, he appeared on CNN to complain that McCarthy's concession to open an impeachment inquiry wasn't enough.

Even as Abby Phillip repeatedly (and laudably) noted that there was no evidence to support an impeachment, Gaetz claimed he had been "deposing" retired FBI Agent Timothy Thibault that day and further claimed that, as part of a cover-up, the Foreign Influence Task Force had "designate[d] any derogatory information about the Bidens as foreign disinformation."

GAETZ: I mean, come on, he was – wait, hold on. Can you just acknowledge it calls into the business deals, he's involved? When he calls dinners, you don't think that's involvement?

PHILLIP: First of all, this is not about innuendo. It's not about what I believe. It's a question, do you have evidence? If you had evidence that Joe Biden was linked to Hunter Biden's business deals in a way that is illegal, we wouldn't be having this conversation. You would probably have the votes for an impeachment inquiry, but you don't, because of people like [K]en [B]uck, and people like Don Bacon, and many others in your conference.

GAETZ: Yes. But on the substance, look, you want to talk about how long we've had the evidence, the FBI had Hunter Biden's laptops in 2019. So, this inquiry isn't just going to be into the Bidens and the bad things they've done, it's also going to be into the cover-up, and we do have that evidence.

I was deposing Tim Thibault today. Today, I was asking questions about the roles of foreign interference task force to go and designate any derogatory information about the Bidens as foreign disinformation when that was part of a cover up.

PHILLIP: Congressman, let me just move on here because I'm going to reiterate to the audience, because we need to be clear, there is not evidence linking President Biden to anything illegal having to do with Hunter Biden.

It's true that Gaetz was *in* the deposition of Thibault that day. But unlike Jim Jordan, who was the only other member of Congress recorded as having attended the deposition, Gaetz doesn't appear to have asked a single question.

Jordan asked over 70 questions. The aspiring Speaker asked about:

- Thibault's efforts to predicate an investigation against the Clinton Foundation based on Peter Schweizer's Clinton Cash in 2016
- Two separate warnings the Washington Field Office got against using Schweizer – and the copy of “the laptop” he offered them – as a source in the Hunter Biden investigation in 2020
- Thibault's role, also in 2020, in fielding an effort by Tony Bobulinski to share his phones but not any personal content from his

phones

- Questions from Baltimore to DC about a new prong of the Hunter Biden investigation in 2022 (possibly a campaign finance investigation into Kevin Morris' donations to Hunter Biden)

The deposition arose out of the same stream of right wing complaints to Chuck Grassley (one, two) that lie at the core of the Republican campaign against Hunter Biden. The only thing that rationalizes the campaign is that in 2020 Thibault liked a number of Randall Eliason columns critical of Bill Barr's corruption and even criticized Dick Cheney:

- The Justice Department confirms things are even worse than we feared
- Why the Michael Flynn case still matters
- William Barr has gone rogue

Of course, Grassley's known and likely sources say far more partisan things online all the time.

Nevertheless Chris Wray has, per his norm, let Thibault weather the attack campaign alone, treating him as the legitimate subject of scrutiny as they have Peter Strzok and Lisa Page and Brian Auten and Jim Baker – every FBI agent except those (like John Durham's cherished Cyber agents) who help sustain conspiracy theories favored by Trump and his allies.

What I wanted was someone from the FBI – because they know the truth – was someone to defend me after 26 years. I understand they can't defend every allegation that's made, so – I wish they would have. Right? I didn't have that.

And so that's how I felt was I just wanted a defense. And I'm not blaming the FBI, because if they would respond to accusations against FBI agents from the media, they would be doing that a lot. So I'm not special.

But, when those accusations were made against me in July, I was, like, outraged. Why – no FBI agent that I know would put their reputation and honor on the line just to square up. They wouldn't do that.

From there, Grassley and Jim Jordan have built entire pyramids of conspiracy theories, claiming that the guy who opened the investigations against William Jefferson and Jesse Jackson Jr and who rushed to open an investigation based solely off Schweizer's Clinton Cash in 2016 abusively intervened to shut down – all of it! – the Hunter Biden investigation in 2020. All because, after several warnings about Schweizer, Thibault didn't ignore warnings that Steve Bannon's close associate, Schweizer, could discredit the Hunter Biden investigation (at a time when Bannon himself was coordinating with Guo Wengui).

Over the course of most of a day, Thibault addressed one after another of these conspiracy theories. One reason why Thibault ordered two agents to shut down an informant – Schweizer has since confirmed it was him – was because Schweizer was a less defensible source for allegations against Hunter Biden at trial than whatever means by which – including, undoubtedly, the laptop passed on by John Paul Mac Isaac – Delaware had already gotten materials on Hunter Biden. Using Schweizer rather than the sources Delaware already had, “could harm a case. It could cause problems when you get to prosecution,” Thibault explained that the Supervisory Special Agent, Joe Gordon had informed him in early October 2020, “and to open doors for defense attorneys.”

Within days of Gordon's warning that Schweizer was an unwelcome source, the head of the Public Corruption Unit contacted Thibault to raise other concerns about Schweizer. In an October 21, 2020 classified briefing, members of the Foreign Intelligence Task Force provided more context, not just on Schweizer. The two warnings, together, led Thibault to instruct two agents to shut down Schweizer, someone less credible than Christopher Steele.

That's probably what led to the complaints to Grassley.

One of the agents, Thomas Olohan, wrote a long memo claiming that Thibault was biased against Trump, before he left the FBI to join the Heritage Foundation. The other, whom Thibault had earlier mentored and considered a friend, would do more than that, as we'll see.

It would have been three and four days after that when Thibault exchanged calls with Stefan Passantino regarding whether they could selectively image Tony Bobulinski's phones, which Jordan found suspect because, in an attempt to shield the investigation, the FBI had Bobulinski speak to the Washington Field Office rather than Baltimore. Jordan repeatedly invented conspiracy theories about efforts to *protect* the investigation into Joe Biden's son.

Jordan's staffers also focused on Thibault's role, like that of everyone else in the DC area, in investigating January 6. Except for his minor role in drafting the memo opening the investigation into the fake electors in 2022, Thibault's role in investigating the attack on the Capitol was limited to freeing up his agents to help deal with the initial surge. Again, Jordan recycled Grassley's conspiracy theories to treat any FBI agent who didn't focus primarily on Trump's enemies as suspect.

Tellingly, however, Jordan and his staffers asked no question about how the same agent who tried to open Schweizer as a source bypassed

Thibault, who considered her a friend, to try to chase down the Italygate conspiracy theory months after Richard Donoghue's judgement that it was "pure insanity" was published.

[I]t first came to my attention when I got a call from — a call from this supervisor, Special Agent from CR-15, and he said: Look, my agents are trying to do an interview of a subject with regard to election fraud, and the subject is in Italy. And he told me that they had tried to get the Legal Attache Office in Rome to do the interview and that they had declined.

Then they had tried to get funding through FBI Headquarters, Public Corruption Unit, to travel over to Italy to do the interview of this person, a potential witness who was in jail. And so I just got briefed on that.

[snip]

So I got off the phone with them, and my next call was to the Public Corruption Unit chief at headquarters, and I said: Hey, what's the problem with funding?

And he goes: Are you kidding me, basically.

And I go: No.

And he goes: Do you know that this is to support an opening of a case that's been sent to the Public Corruption Unit as a draft?

I said: I don't know about that.

[snip]

He's assuming at the time that I would have seen this because ... Because of the gravity of the allegation and what it meant, he couldn't believe that I hadn't been briefed on it. He actually thought, I think, that I was approving it —

[snip]

So the head of the Public Corruption Unit tells me that he has received an email forwarded to him from Public Integrity, and it contains a draft opening language, and he was shocked that I didn't know about this. Because of the type of case it was, you would expect that the ASAC would be in the loop.

[snip]

[S]o I'm trying to do due diligence. And, look, this isn't the ASAC's job. But, at this point, I was sort of losing some confidence.

[snip]

Because I wasn't told about this, and even in my – I wasn't told about it, number one. But, number two, when I was having conversations with people about this, no one told me – they didn't raise Italygate. I wasn't told about what – the allegation that this had previously been reviewed by, like, the Deputy Attorney General had made that comment. I wasn't provided situational awareness. Right?

[snip]

6 months later, people want to travel halfway around the world to talk to someone who's in prison. Any FBI agents knows, number one, first of all, an argument can be raised – and it was raised by people when we were discussing this at the squad level: Well, Tim, we talk to people all the time that appear to have kind of whacky theories.

And I was, like: Yeah, we might. We might go down the road to Manassas and talk to someone about some whacky theory. On a low-level case, we do do

that.

But I think, you know, the situational awareness that I was gaining as an ASAC and working consistently with headquarters and learning, that Public Corruption Unit chief was unbelievable in terms of his knowledge of foreign influence. I had the benefit of that information. The case agents here did not.

[snip]

[T]here's a term in the Bureau I learned a long time ago. You're either working a source, or they're working you. I was concerned that there wasn't an element of 267 savviness here on the agent's behalf, that maybe this source was working her. Q In what way? A It just seemed to me that, you know, you're going and you're trying to open a case, but you haven't asked the very basic questions, like who – I couldn't understand how they were trying to work a case without – we've got all the resources in the Federal Government to find out if a breach of information or a breach of data had occurred. We've got CISA. We've got the NSA.

[snip]

I was concerned that there was a lack of investigative rigor and the judgment issue, yes, because I wasn't allowed to intervene, you know, where an ASAC is there for to help guide. This isn't how CR-15 works cases. I was on that squad. We're the flagship public corruption squad in the country. This isn't how it's done.

Jordan and his staffers expressed no interest or concern that the Public Corruption team at FBI was chasing already discredited conspiracy theories halfway around the world.

In the aftermath of this incident, Thibault asked the supervisor of the squad what was going on. The response was that supervisors were raising concerns about uncharacteristic partisan discussions.

And he said that senior members of CR-15, he didn't tell me who, but had raised concerns to him that there was uncharacteristically partisan discussions happening on the squad floor.

This is the DC public corruption group – as Thibault described it, “the flagship public corruption squad in the country.” And Thibault discovered the hard way that even agents he believed to be friends were going behind his back to chase the conspiracy theories Trump wanted to chase.

For Jordan, who could be second in line to the Presidency within days, this was all an exercise of finding something within attempts at revenge that would substantiate his belief that the guy who took down two Democratic members of Congress was biased against Republicans.

But for Gaetz – the guy whose coup creates the opportunity for Jordan to become Speaker – it was something else: an opportunity to sit silently so that he could spin a refusal to accept foreign dirt on Hunter Biden as cause to impeach his father.

With the exception of a detailed NYT report in May, the attack against Thibault has passed largely unnoticed in the mainstream press, even as frothy right wingers have continued to impugn yet another stuff lifetime Feeb as a partisan simply because he treated Trump just like he treated the Democratic members of Congress he pursued.

But this Grassley-to-Jordan conveyor belt of bullshit continues to churn away, turning disgruntled hacks with allegations but no evidence into the enforcement wing of their

effort to weaponize government.