

Congress of the United States
Washington, DC 20515

June 17, 2024

Ms. Karen Gorman
Acting Principal Deputy Special Counsel
U.S. Office of Special Counsel
1730 M Street NW, Suite 218
Washington, D.C. 20036

Dear Acting Principal Deputy Special Counsel Gorman:

The House of Representatives, including the Committees on Oversight and Accountability, Judiciary, and Ways and Means (collectively, the Committees), is investigating whether the U.S. Office of Special Counsel (OSC) has contributed by action and/or inaction to retaliation against Internal Revenue Service (“IRS”) Supervisory Special Agent (“SSA”) Gary Shapley, and IRS Special Agent (“SA”) Joseph Ziegler (collectively, the Whistleblowers). Needless to say, such behavior would be contrary to OSC’s primary mission of protecting whistleblowers. The House Republican leadership and the Committees request a briefing to better understand OSC’s conduct and to ensure that there has not been any improper influence on OSC’s investigation.

SSA Shapley and SA Ziegler both have whistleblower retaliation claims pending before OSC.¹ In particular, SSA Shapley made protected disclosures about the Office of the U.S. Attorney for the District of Delaware, alleging prosecutorial misconduct in the Hunter Biden investigation.² SSA Shapley alleges that U.S. Attorney David Weiss began retaliating against him in November 2022 upon learning of the disclosure about his Office’s wrongdoing.³

On March 11, 2024, Special Counsel David Weiss filed a redacted document related to the Whistleblowers with the United States District Court for the Central District of California, which was placed on the Court’s public docket.⁴ The phrasing of and redactions to the filing have led to media speculation about whether the Whistleblowers themselves are under investigation for wrongdoing.⁵ However, the Committees now understand, based upon information provided by counsel for the Whistleblowers, that they are not under investigation.⁶ Rather, it is OSC that is

¹ Letter from Tristan L. Leavitt, et al. to Acting Principal Deputy Special Counsel Karen Gorman (May 14, 2024) at 1.

² *Id.*

³ *Id.*

⁴ *United States v. Biden*, No. 23-00599-MCS (C.D. Cal. Mar. 11, 2024) (Govt. Opp. to Def. Mot. to Dismiss (“Opposition”) 10-12 [ECF Doc. 42]).

⁵ See, e.g., Margot Cleveland, “Is Biden’s IRS Meddling In The IG Investigation Of Hunter Biden Whistleblowers?,” *The Federalist* (Apr. 22, 2024),

⁶ *Supra* n. 1 at 2-3.

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investigating the Whistleblowers' allegations of retaliation.⁷ Further, it appears that OSC specifically requested that the information be filed with the Court under seal, which necessitated the redactions to the publicly available version.⁸ The Committees are concerned both about OSC's request and the nature of the subsequent redactions because they were interpreted by many to reflect negatively upon the Whistleblowers. Additionally, the Committees were surprised to learn that OSC did not take any meaningful action for nearly two months to correct this unnecessary impression.⁹ The Committees understand that the confidentiality of Whistleblowers is of the utmost significance, but when there is a public filing by the very government official accused of retaliating against the Whistleblowers that damages their reputation and the chain of events leading to that damage appears to have been initiated by OSC, the Committees seek to understand why OSC did nothing to mitigate the harm and correct the public record.

Relatedly, after President Biden announced his nomination of now-Special Counsel Hampton Dellinger, U.S. Senators expressed deep concern with his ability to fairly investigate the specific cases at issue given his prior work at Boies Schiller "with Hunter Biden on various Burisma-related matters."¹⁰ While the Committees recognize that Special Counsel Dellinger has recused himself from this matter, the Committees want to ensure that there has been no improper influence exerted regarding these OSC cases, including the decisions of OSC related to the handling of this particular court filing, both before and after the media scrutiny it brought. Accordingly, the House Republican leadership and the Committees request a briefing on those topics.

If you have any questions regarding this request, please contact the Oversight Committee staff at (202) 225-5074.

Thank you for your prompt attention to this matter.

Sincerely,



Mike Johnson
Speaker of the House



Steve Scalise
Majority Leader

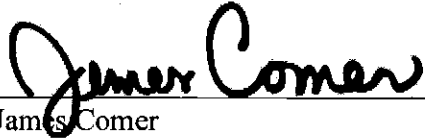
⁷ *Id.* at 2.

⁸ *Id.*

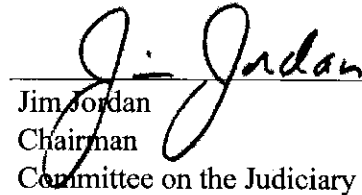
⁹ *Id.* at 3.

¹⁰ Letter from Senator Marsha Blackburn, et al. to President Joseph Biden (Nov. 28, 2023).

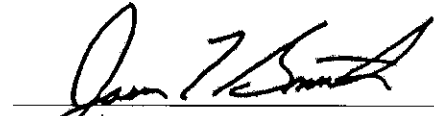
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James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary



Jason Smith
Chairman
Committee on Ways and Means

- cc: The Honorable Hakeem Jeffries, Minority Leader
- The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability
- The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary
- The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means