

**Congress of the United States**  
**Washington, DC 20515**

June 29, 2023

The Honorable Daniel Werfel  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, D.C. 20224

Dear Commissioner Werfel:

Our Committees are continuing to conduct oversight of the programs and operations of the U.S. Department of Justice (DOJ) and Internal Revenue Service (IRS) within their respective jurisdictions. Recent startling testimony from IRS whistleblowers raises serious questions about the Agency's commitment to evenhanded justice and the veracity of assertions made to the Committee on Ways and Means. To fully assess these allegations, testimony is required from several Agency employees. We expect your full cooperation as we arrange these transcribed interviews.

From recent testimony before the Committee on Ways and Means, we have identified several Agency employees who we believe possess information concerning allegations of politicization and misconduct with respect to the investigation of Hunter Biden. Specifically, the Committees seek to examine whistleblower claims that the investigation of Hunter Biden was purposely slow-walked and subjected to improper and politically motivated interference.<sup>1</sup> The Committees must obtain the first-hand testimony from these individuals to fully assess the serious allegations raised by these brave IRS whistleblowers. Accordingly, we ask that you initially make the following Agency employees available for transcribed interviews before the Committee on Ways and Means promptly:

1. Michael T. Batdorf
2. Darrell J. Waldon

We anticipate that we may require testimony from additional Agency employees as our oversight continues, and we expect your cooperation in facilitating these future interviews as well. To the extent that the Agency attempts to interfere with our oversight by asserting that line-level employees are off-limits to congressional oversight, please be advised that we will not accept that excuse. Congressional committees have regularly received testimony from non-

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<sup>1</sup> See Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023); Transcribed interview of Case Agent, Internal Revenue Service (June 1, 2023).

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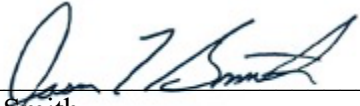
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Senate-confirmed and line-level DOJ employees in the past.<sup>2</sup> We expect this past precedent to apply to our oversight in this matter as well.


The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”<sup>3</sup> Pursuant to Rule X of the Rules of the House of Representatives, the Committee on Ways and Means is authorized to conduct oversight of the IRS and the administration of the Internal Revenue Code.<sup>4</sup> The Committee on the Judiciary has jurisdiction over criminal justice matters in the U.S. The Committee on Oversight and Accountability may examine “any matter” at any time. The Committees’ need to obtain first-hand testimony from Agency employees is vital for carrying out our oversight and for informing potential legislative reforms to the operations and activities of the Agency.

To avoid any unnecessary delay, we ask that you please direct your staff to work with the Committee on Ways and Means staff to begin scheduling these transcribed interviews as soon as possible, but no later than 5:00 p.m. on July 13, 2023. Please be aware that the Committees will resort to compulsory process to obtain the required testimony. Thank you for your prompt attention to this matter.

Sincerely,

  
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Jason Smith  
Chairman  
Committee on the Ways and Means

  
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Jim Jordan  
Chairman  
Committee on the Judiciary

  
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James Comer  
Chairman  
Committee on Oversight and Accountability

<sup>2</sup> See, e.g., Transcribed interview of Gary Grindler, U.S. Dep’t of Justice (Dec. 14, 2011); Transcribed interview of Jack Smith, U.S. Dep’t of Justice (May 29, 2014); Transcribed interview of Richard Pilger, U.S. Dep’t of Justice (May 6, 2014); Transcribed interview Maame Frimpong, U.S. Dep’t of Justice (July 19, 2016); Transcribed interview of Michael B. Steinbach, U.S. Dep’t of Justice (June 16, 2020); Transcribed interview of Bruce Ohr, U.S. Dep’t of Justice (June 30, 2020); Transcribed interview of Stuart Evans, U.S. Dep’t of Justice (July 31, 2020); Transcribed interview of Deputy Chief, Counterintelligence and Export Control Section, U.S. Dep’t of Justice (Sept. 18, 2020).

<sup>3</sup> See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

<sup>4</sup> Rules of the U.S. House of Representatives, R. X (2023).

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cc: The Honorable Jerrold L. Nadler, Ranking Member  
Committee on the Judiciary

The Honorable Richard E. Neal, Ranking Member  
Committee on Ways and Means

The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability