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5 COMMITTEE ON THE JUDICIARY,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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13 INTERVIEW OF: THOMAS J. SOBOCINSKI

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Thursday, September 7, 2023

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Washington, D.C.

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The interview in the above matter was held in room 2237, Rayburn House Office

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Building, commencing at 10:02 a.m.

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Present: Representative Jordan.

1 I, at the time -- I did not think that it was. And so I wanted to go on record in the
2 room of the leaders who were involved in this investigation, I wanted to say I didn't, offer
3 my team the opportunity to do that, to say it there, and offer the other individuals in the
4 room this was the appropriate venue to bring that up and let's discuss it. Because if it
5 was, that was going to be a problem, and we needed to work through it because, for me, I
6 wanted to get this case resolved.

7 Q At that point were you aware that the day of action -- which, in fairness, was
8 before you joined the office, it was December 8th, 2020 -- that the day of action the
9 investigators, [REDACTED], Gary Shapley, wanted to go talk to Hunter Biden?

10 And were you aware that somebody in the U.S. Attorney's Office or somebody in
11 the FBI tipped off the transition team, the political transition team? Were you aware of
12 that fact?

13 A I was not in this role at that time.

14 Q But were you aware of that fact, or is it the first time you're hearing about
15 it?

16 A Can I go off the record?

17 MAJORITY COUNSEL. Sure.

18 [Discussion off the record.]

19 Mr. Sobocinski. Yeah. At some point when I came onto the job, I was aware
20 that there had been an attempt to interview Hunter Biden in California. The minutia of
21 what that process was, approvals, things like that, I was not directly involved in.

22 BY MAJORITY COUNSEL:

23 Q But would you agree -- and this will be my last question, my hour is up
24 here -- would you agree that if somebody had tipped off the transition team, the political
25 transition team, that that would have politicized the investigation?

1 A I can't comment about specifically this case. But you haven't asked, but I'll
2 say it. I was a Secret Service agent. And it would have been expected for me, and I
3 would expect an investigative entity if they were going to want to interview a protectee
4 of mine, to come directly to me.

5 And so I don't know what that process would look like during that moment in time
6 to get to that protectee. I just don't know what that would look like.

7 Q Okay.

8 A But it would definitely be of concern to me if I was a Secret Service agent
9 and somebody's knocking on my door -- an armed individual claiming to be somebody is
10 knocking on my door. Yeah, that would have been a concern for me.

11 Q Okay. But when you asked whether the case had been politicized, in
12 essence, is it fair to say you were asking whether there had been any political favoritism?

13 A I was asking in a room of leaders on this case to say, "Hey, we are working
14 together. We're moving this thing forward. Do you think there's any manipulation
15 from the outside that's stopping us from what we're doing?"

16 Q And you thought at that point the answer was no?

17 A Thought that it was no, and nobody in that room raised their voice to say
18 anything other.

19 Q Okay.

20 A Because I -- because that -- like, that's what we do, and our job is to make
21 sure we are leading groups of people who feel that they're doing the right things.

22 Q Okay.

23 A And if you as a leader, no matter what your rank is, sitting in that room are
24 choosing not to do that, then that's of concern to me. That's what I wanted that space
25 to be, like, communication is really important to me amongst teams working cases like

1 Q There have been allegations that the FBI and the Delaware U.S. Attorney's
2 Office handling of this case is an example of two-tiered system of justice. What's your
3 reaction to those allegations?

4 A Speaking on my behalf of my team, we've worked this as diligently as we
5 work all the cases we do. And as we referenced my discussion about politics and my
6 belief of where that should play in our cases, it has no role. And so my goal as the
7 leader of this team has been focused on getting a resolution in that case.

8 Q Thank you.

9 I want to turn back to there was conversation earlier about trying to surprise a
10 witness, to conducting interviews, whether it might be advantageous to surprise a
11 witness. And I think you had said that you had -- as a former Secret Service agent
12 yourself, there are certainly certain particular considerations to be taken into account.
13 Do you recall that?

14 A I do.

15 Q And can you explain a little bit further what those considerations may be?

16 A So it's been over 25 years, but, you know, as a Secret Service agent, you
17 know, you're there to protect individuals as designated by law. And so that is a full
18 encompassing protection of them. Depending on the protectee, you prohibit people
19 from coming in contact with them or restrict that or protect them. And so as a Secret
20 Service agent, anybody knocking on their door is somebody that they're interested in, and
21 somebody interested who is obviously carrying a gun and potentially in an adversarial
22 issue is something that they would want to know about in advance.

23 Q And is it fair to say that that's for the safety of everybody involved?

24 A Correct.

25 Q Because if somebody who's carrying a gun shows up at the home of a

1 protectee, the instinct of the Secret Service officer would be to protect the protectee,
2 correct?

3 A Correct.

4 Q Okay. And it's also the case -- again, you talked about having -- over your
5 course of your 25 years, you've been involved in many interviews, you've supervised
6 agents who have done many interviews, correct?

7 A Correct.

8 Q Is it fair to say that each one of those interviews is different?

9 A Yes, it is.

10 Q And the facts in each one of those interviews is different?

11 A Yes.

12 Q Okay. And so there's a question about taking a witness, quote/unquote, by
13 surprise. That could be a tactic in some cases, and in some cases it might be ill advised.
14 Is that fair to say?

15 A Correct.

16 Q So, for example, in the case where an individual has security?

17 A Correct.

18 Q Okay. Is it also the case that even if you take a wit- -- even when an FBI
19 agent takes a witness by surprise, that witness can still decline to talk to them, correct?

20 A Correct.

21 Q And if somebody is an attorney who has an understanding of the law, they
22 might be more inclined to decline to have that voluntary conversation?

23 A I have found that to be true.

24 Q And if somebody is represented by counsel, they might also decline to take
25 part in a voluntary interview without counsel present?

1 A Corre -- yeah, I find that to be true as well.

2 Q Okay. And so, again, these are all fact-specific situations, but the idea of
3 taking somebody by surprise doesn't necessarily mean that, even if that was the plan,
4 that that would have played out anyways, right?

5 A Yeah. You never know how those are going to end.

6 Q Okay. All right. You spoke earlier -- in the earlier hour, we talked a little
7 bit about who has ultimate charging decision -- and I'm talking about within a case, not
8 different venues, but -- and you said that the ultimate charges are up to the prosecutors.
9 Do you recall that conversation?

10 A I do.

11 Q Okay. And, again, you're not an attorney, but in your experience, have you
12 been in situations where you thought that prosecutors -- that you hoped prosecutors
13 would bring charges that they ultimately decided not to bring?

14 A Yes.

15 Q And without getting into specifics, can you describe any of the circumstances
16 around those?

17 A Yeah. In a general sense, I mean, the FBI opens cases on people we
18 think -- criminal cases on people we think have broken the law. We put a lot of time,
19 effort, and energy into gathering the evidence. And when we get to a point where we
20 think there's enough evidence for an arrest and an ultimate prosecution, yeah, we
21 are -- you know, our goal is to get that there. But as I said, the U.S. Attorney's Office or
22 State prosecutors are the ones that make that ultimate decision, and they may have a
23 difference of opinion.

24 Q And is it fair to say that -- and I want to get back to that difference of opinion
25 in a second. But you said that you put -- your agents put a lot of work into these cases.