

ONE HUNDRED NINETEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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February 24, 2025

The Honorable Kash Patel  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue NW  
Washington, D.C. 20535

Dear Director Patel:

Under the Biden Administration and the tenure of former Director Christopher Wray, the Federal Bureau of Investigation (FBI) departed from its core public safety mission, suffered from senior leadership failures, and refused any real transparency or accountability for its actions. During the 118th Congress, the Committee issued several subpoenas that compelled information and documents concerning the operations of the FBI. Unfortunately, Director Wray failed to produce many of these materials before the end of that Congress.

When President Trump nominated you to serve as the Director of the FBI, he rightly called you an “advocate for truth, accountability, and the Constitution” who will “bring back Fidelity, Bravery, and Integrity to the FBI.”<sup>1</sup> You have identified “two foundational steps ... necessary to rebuild public confidence in the FBI”: (1) “streamlining operations at headquarters while bolstering the presence of field agents across the nation” to “let good cops be cops” and (2) “ensuring that the FBI operates with the openness necessary to rebuild trust by simply replying to lawmakers” when we conduct congressional oversight.<sup>2</sup> We support your commitment to restore public confidence in the FBI, including your efforts to streamline the FBI’s bureaucracy at headquarters to allow good agents to do their jobs and your promise to improve the FBI’s transparency.

During this critical time in the FBI’s history, when Americans deeply distrust the FBI, it is important that you succeed in restoring public confidence and creating much-needed transparency. We will work with you toward these goals. Accordingly, consistent with your

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<sup>1</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Nov. 30, 2024, 6:47 PM), <https://truthsocial.com/@realDonaldTrump/posts/113574572759738919>.

<sup>2</sup> Kash Patel, Opinion, *How I’ll Rebuild Public Trust in the FBI*, WALL ST. J. (Jan. 29, 2025), <https://www.wsj.com/opinion/how-ill-rebuild-public-trust-in-the-fbi-kash-patel-on-what-he-would-do-if-confirmed-0e116c87>.

commitments, we write to compel several categories of documents and information necessary for the Committee’s oversight in the 119th Congress.

## **I. The Biden Administration’s Insertion of Federal Law Enforcement into Local School Board Meetings**

On October 4, 2021, then-Attorney General Merrick Garland issued a memorandum to then-FBI Director Wray on the subject of “Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff,” directing federal law enforcement resources to address a purported increase in school board-related threats.<sup>3</sup> Days later, the FBI created a special threat tag, EDUOFFICIALS, to use to track investigations relating to the memorandum.<sup>4</sup> Since the 118th Congress began, the Committee has sought documents and materials, both voluntarily and then by subpoena (School Boards Subpoena), concerning the FBI’s actions in response to the October 4, 2021 memorandum, as well as any communications the FBI received from the Biden-Harris White House concerning such threats.<sup>5</sup> In response to our requests, the FBI produced only a limited subset of internal communications regarding how the Justice Department could address purported threats at local school board meetings and made available to the Committee *in camera* additional documents regarding cases opened using the special threat tag.<sup>6</sup>

However, the FBI’s productions did not include responsive material the Committee knows or reasonably believes is in the FBI’s possession. For example:

- The FBI should possess additional responsive documents and communications referring or relating to the EDUOFFICIALS threat tag—including internal documents and communications regarding investigations categorized under the threat tag. Specifically, the FBI failed to produce complete communications between relevant officials involved in dispatching guidance on the EDUOFFICIALS threat tag to field offices nationwide, as required by the School Boards Subpoena.<sup>7</sup> During a transcribed interview with the

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<sup>3</sup> Memorandum from the Off. of the Att’y Gen. to Dir., Fed. Bureau of Investigation et al. (Oct. 4, 2021), [https://www.justice.gov/d9/pages/attachments/2021/10/04/partnership\\_among\\_federal\\_state\\_local\\_tribal\\_and\\_territorial\\_law\\_enforcement\\_to\\_address\\_threats\\_against\\_school\\_administrators\\_board\\_members\\_teachers\\_and\\_staff\\_0\\_0.pdf](https://www.justice.gov/d9/pages/attachments/2021/10/04/partnership_among_federal_state_local_tribal_and_territorial_law_enforcement_to_address_threats_against_school_administrators_board_members_teachers_and_staff_0_0.pdf).

<sup>4</sup> E-mail from Carlton Peeples, Acting Deputy Assistant Dir., Fed. Bureau of Investigation (Oct. 20, 2021, 10:02 AM) (providing guidance on threat of violence against school administrations).

<sup>5</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation at 1 (Jan. 17, 2023) (enclosing Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Nov. 18, 2022) (requesting testimony from two of the FBI employees who drafted the email guidance on the use of the EDUOFFICIALS threat tag)); see also Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Feb. 3, 2023) [hereinafter “School Boards Subpoena”]; see also Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Jeff Zients, Assistant to the President and Chief of Staff, The White House (June 6, 2023) (requesting from The White House four categories of documents relating to school board-related threats and communications with the FBI regarding such threats).

<sup>6</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 17, 2023).

<sup>7</sup> School Boards Subpoena at 3, *supra* note 7.

Committee on May 18, 2023, Carlton Peeples, former Acting Deputy Assistant Director of the Criminal Investigative Division at FBI Headquarters, testified that the email guidance to the field offices was drafted in collaboration with FBI officials Steve Jensen, then-Section Chief of Domestic Terrorism Operations, and Kevin Vorndran, former Deputy Assistant Director of the Counterterrorism Division.<sup>8</sup> Mr. Peeples confirmed that this email went up a chain of approval that included his supervisor, Acting Deputy Assistant Director of the Criminal Investigative Division Jay Greenberg.<sup>9</sup> However, the FBI has only produced the final draft of this guidance email sent on October 20, 2021, which fails to shed light or provide any background information to the Committee on what the FBI originally believed necessitated issuing the threat tag.

- The FBI should possess additional responsive documents and communications referring or relating to investigations identified and labeled with the EDUOFFICIALS threat tag. In a March 1, 2023 letter to the Committee, the FBI's Office of Congressional Affairs acknowledged that all but one of the 25 Guardian files "have been closed at the FBI level."<sup>10</sup> The letter further stated that "[s]eventeen of the 25 Guardians were assigned to the Criminal Investigative Division; six were assigned to the Counterterrorism Division; and the remaining two were assigned to the Weapons of Mass Destruction Directorate, as they pertained to potential bomb threats."<sup>11</sup> While the Committee has reviewed the physical Guardian files on the investigations *in camera*, no email correspondence or other internal communications were produced regarding these cases or subsequent actions taken, as required by the School Boards Subpoena.<sup>12</sup>
- The FBI should possess additional responsive documents and communications regarding its investigations of school board threats sent or received by Mr. Vorndran. At his transcribed interview, Mr. Vorndran testified that he communicated with Mr. Jensen regarding potential charges the Justice Department could pursue in these cases.<sup>13</sup> Specifically, Mr. Vorndran testified they discussed 18 U.S.C. § 875, which pertains to interstate communications and threats.<sup>14</sup> The FBI has failed to produce these communications, as required by the School Boards Subpoena.<sup>15</sup>
- On June 27, 2023, the FBI produced certain documents referenced during Mr. Jensen's and Executive Assistant Director of the Criminal, Cyber, Response, and Services Branch Timothy Langan's interviews with the Committee. However, these documents were

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<sup>8</sup> Transcribed Interview of Mr. Carlton Peeples at 30 (May 18, 2023).

<sup>9</sup> *Id.*

<sup>10</sup> Letter from Mr. Christopher Dunham, Acting Assistant Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary at 3 (Mar. 1, 2023).

<sup>11</sup> *Id.*

<sup>12</sup> School Boards Subpoena at 3, *supra* note 7.

<sup>13</sup> Transcribed Interview of Mr. Kevin Vorndran at 22–23 (May 18, 2023).

<sup>14</sup> *Id.* at 23.

<sup>15</sup> School Boards Subpoena, *supra* note 7.

heavily redacted. Although the Committee has requested unredacted copies of these documents,<sup>16</sup> the FBI has failed to produce them in unredacted form.

Consequently, the Committee still has unanswered questions about how the FBI quickly operationalized the Attorney General's October 4, 2021 memorandum and whether the FBI objected to the civil liberties infringements inherent in the Attorney General's memorandum. Thus, to advance our oversight, we reiterate our need for this information to consider potential legislative reforms.

## **II. The Richmond Field Office's Intelligence Memorandum that Labeled Traditional Catholics as "Violent Extremists"**

The FBI's Richmond Field Office released a January 23, 2023 memorandum (Richmond memorandum)<sup>17</sup> that linked "racially or ethnically motivated violent extremists" (RMVEs) with a "radical-traditionalist Catholic" (RTC) ideology.<sup>18</sup> The Richmond memorandum resulted in federal law enforcement agents being inserted into places of worship.<sup>19</sup> In February and March 2023, the Committee requested several categories of documents and information from the FBI relating to the Richmond memorandum, and the FBI made several rolling productions to the Committee in response to its request. However, the FBI's response was insufficient, ultimately leading the Committee to issue a subpoena to the FBI for the requested documents and information on April 10, 2023.<sup>20</sup> But information and testimony received by the Committee indicates that the FBI possesses additional responsive documents that were not produced to the Committee. For example:

- The "Opportunities" section of the Richmond memorandum suggests that the FBI relied on information derived from at least one undercover employee, who sought to use local religious organizations as "new avenues for tripwire and source development."<sup>21</sup> The Committee requires information regarding the extent to which the FBI developed sources within religious organizations to inform on the activities occurring at a place of worship.
- Whistleblower testimony confirms that the FBI distributed the Richmond memorandum to field offices across the country. The prior productions received by the Committee

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<sup>16</sup> See School Boards Subpoena at 3, *supra* note 7; Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation at 6 (July 17, 2023).

<sup>17</sup> Memorandum from the Fed. Bureau of Investigation, U.S. Dep't of Justice, Domain Perspective, Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities (Jan. 23, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/fbi-anti-catholic-memo.pdf> [hereinafter "Richmond memorandum"].

<sup>18</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. Mike Johnson, Chairman, Subcomm. on the Const. and Limited Gov't., to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Feb. 16, 2023).

<sup>19</sup> See Richmond memorandum at 4-6, *supra* note 19.

<sup>20</sup> Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Apr. 10, 2023).

<sup>21</sup> Richmond memorandum at 1, *supra* note 19.

included no documents or communications regarding the dissemination of the Richmond memorandum.

- The Richmond memorandum noted two other opportunities to engage in outreach with religious institutions in the Richmond area, citing a desire “to sensitize these congregations to the warning signs of radicalization and enlist their assistance to serve as suspicious activity tripwires.”<sup>22</sup> This outreach plan even included contacting so-called “mainline Catholic parishes” and the local “diocesan leadership[,]” such as scheduling a March 24, 2023, meeting between FBI Richmond and the Catholic Diocese of Richmond, to “enlist [their] assistance in sensitizing parishes to the warning signs of radicalization.”<sup>23</sup> Redacted documents produced to the Committee highlight communications between the FBI and the Diocese of Richmond, but the redactions prevent the Committee from fully understanding the nature of these interactions. The Committee requests the unredacted versions of these documents. Further, the Committee believes additional communications exist, such as the organizing and scheduling of the meeting between FBI Richmond and the Catholic Diocese of Richmond, that are responsive to the subpoena but have not been produced.

Additionally, the FBI failed to produce information regarding open-sources, FBI case files, and liaison and local law enforcement reporting used to create the Richmond memorandum—all of which were responsive to the Committee’s subpoena. In addition, the FBI produced documents with heavy redactions, which frustrated the Committee’s ability to assess and understand the responsive material. The Committee requires these documents in unredacted form for its oversight investigation and to weigh potential legislative reforms.

### **III. The Biden Administration’s Collusion with Big Tech Companies to Censor and Moderate Free Speech**

During the 118th Congress, the Committee conducted extensive oversight of how and to what extent the Executive Branch coerced and colluded with technology companies and other entities to censor speech.<sup>24</sup> The Committee’s investigation, public reporting, and publicized discovery in an ongoing federal court case, *Missouri v. Biden*,<sup>25</sup> revealed how the federal government, including the FBI, pressured and colluded with Facebook and other Big Tech entities to censor certain viewpoints in ways that undermined First Amendment principles.<sup>26</sup>

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<sup>22</sup> *Id.* at 5.

<sup>23</sup> *Id.* at 6.

<sup>24</sup> *See, e.g.*, Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice (Aug. 17, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Jeff Zients, Assistant to the President and Chief of Staff, The White House (June 15, 2023).

<sup>25</sup> No. 3:22-cv-01213 (W.D. La.).

<sup>26</sup> *See, e.g.*, Rep. Jim Jordan (@Jim\_Jordan), TWITTER (Aug. 3, 2023, 11:00 AM), [https://twitter.com/Jim\\_Jordan/status/1687116316073930752](https://twitter.com/Jim_Jordan/status/1687116316073930752); Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023), <https://www.wsj.com/articles/facebook-bowed-to-white-house-pressure-removed-covid-posts-2df436b7>; Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 28, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684957660515328001](https://twitter.com/Jim_Jordan/status/1684957660515328001).

After the FBI failed to cooperate fully with our initial voluntary requests,<sup>27</sup> we issued a subpoena to the FBI on August 17, 2023, compelling the production of, among other things, communications between FBI employees and private companies, internal communications, and communications between the FBI and other third parties discussing content moderation.<sup>28</sup>

As part of our investigation, the Committee investigated the FBI's efforts to suppress stories regarding Hunter Biden's laptop leading up to the 2020 presidential election—namely by falsely telling social media companies that a “hack and leak” involving the Biden family and Burisma would be part of a Russian disinformation operation.<sup>29</sup> In fact, the Committee conducted a transcribed interview of Laura Dehmlow, the former Section Chief of the FBI's Foreign Influence Task Force (FITF), who revealed that the same FBI personnel who were warning social media companies about the laptop being a potential Russian “hack and leak” operation knew that the laptop was not Russian disinformation.<sup>30</sup> After the *New York Post* broke a story on October 14, 2020, about Biden family influence peddling,<sup>31</sup> based on the contents of the laptop, the FBI refused to answer direct questions from social media companies about the laptop's authenticity—despite months of consistently sharing information up to that time.<sup>32</sup>

In the hours following the publication of the *Post's* story, Twitter blocked the story from being shared, while Facebook deamplified the story, significantly reducing its circulation.<sup>33</sup> All the while, the FBI never formally revealed to the social media companies that the laptop was real and in the FBI's possession.<sup>34</sup> As Ms. Dehmlow testified to the Committee, had the Hunter Biden story been a product of an actual Russian disinformation campaign, FITF would have been fully authorized to warn the companies of such a campaign.<sup>35</sup> Instead, the refusal of FBI officials—the very officials who knew the laptop was real—to verify the authenticity of the laptop allowed widespread censorship about an otherwise accurate news story. Our August 17, 2023 subpoena

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<sup>27</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation at 2-3 (Apr. 18, 2023).

<sup>28</sup> Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 17, 2023) [hereinafter “Big Tech Subpoena”].

<sup>29</sup> See generally STAFF OF THE H. COMM. ON THE JUDICIARY AND SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., ELECTION INTERFERENCE: HOW THE FBI “PREBUNKED” A TRUE STORY ABOUT THE BIDEN FAMILY'S CORRUPTION IN ADVANCE OF THE 2020 PRESIDENTIAL ELECTION (Comm. Print Oct. 30, 2024).

<sup>30</sup> See Transcribed Interview of Laura Dehmlow at 55 (July 17, 2023) [hereinafter “Dehmlow Interview”].

<sup>31</sup> Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun Email Reveals how Hunter Biden Introduced Ukrainian Businessman to VP Dad*, N.Y. POST (Oct. 14, 2020), <https://tinyurl.com/v7maymv8>.

<sup>32</sup> See Dehmlow Interview at 33, 36, 55, *supra* note 31. Ms. Dehmlow also testified that, by October 14, 2020, the individual then serving as FITF Section Chief, Bradley Benavides, as well as individuals assigned to FITF's Russia Unit, knew that Hunter Biden's laptop was real. *Id.* at 37. On the same date, representatives from FITF attended a previously scheduled meeting with Twitter, during which a Twitter employee asked the FITF about the authenticity of the laptop. *Id.* at 29. According to Ms. Dehmlow's testimony, when an analyst in the FBI's Criminal Investigative Division embedded in FITF began to respond that the laptop was real, an FBI lawyer interrupted to say that the FBI had “no further comment.” *Id.* at 29-31.

<sup>33</sup> See, e.g., Matt Taibbi (@mtaibbi), TWITTER (Dec. 2, 2022, 7:08 PM), <https://twitter.com/mtaibbi/status/1598831435288563712>.

<sup>34</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation at 5 (July 20, 2023).

<sup>35</sup> Dehmlow Interview at 174, *supra* note 32.

compelled the FBI to produce all internal notes, documents, and communications from any of the agency's meetings with Big Tech companies in 2020, as well as all internal documents and materials regarding the laptop and its connection to Hunter Biden—most of which Director Wray failed to produce.<sup>36</sup>

Moreover, on February 15, 2023, we issued subpoenas to Meta Platforms,<sup>37</sup> the parent company of Facebook and Instagram, and Alphabet,<sup>38</sup> the parent company of Google and YouTube. Documents obtained in response to those subpoenas revealed that the FBI, on behalf of a compromised Ukrainian intelligence entity, requested—and, in some cases, directed—the world's largest social media platforms to censor Americans engaging in constitutionally protected speech online.<sup>39</sup> To this end, the Committee is reiterating its request for communications between the FBI and Big Tech, including all requests and messages from the FBI flagging specific accounts or posts.<sup>40</sup>

The Committee requires these FBI documents to better understand the FBI's coordination with social media companies to censor Americans and consider potential legislative reforms to prevent this from happening again.

#### **IV. Director Wray's Slow-Walking of January 6, 2021 Pipe Bomb Investigation**

On January 6, 2021, federal law enforcement discovered two pipe bombs near the headquarters of the Republican National Committee (“RNC”) and the Democratic National Committee (“DNC”) in Washington, D.C. The discovery of both pipe bombs resulted in federal law enforcement diverting significant resources to the RNC and DNC and away from the Capitol.<sup>41</sup> As law enforcement responded to the pipe bombs, protesters breached security perimeters at the Capitol, thereby delaying congressional proceedings.<sup>42</sup> The pipe bombs, whether intentionally or unintentionally, served as a critical diversion that substantially contributed to the weakened security posture, and ultimately the security breach, at the Capitol that day.<sup>43</sup>

Nearly four years later, law enforcement has yet to identify the individual responsible for planting the pipe bombs.<sup>44</sup> In the early weeks of the investigation, the FBI took significant

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<sup>36</sup> See Big Tech Subpoena, *supra* note 30.

<sup>37</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Mark Zuckerberg, C.E.O., Meta Platforms, Inc. (Feb. 15, 2023).

<sup>38</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Sundar Pichai, C.E.O., Alphabet Inc. (Feb. 15, 2023).

<sup>39</sup> SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV., H. COMM. ON THE JUDICIARY, ET AL., THE FBI'S COLLABORATION WITH A COMPROMISED UKRAINIAN INTELLIGENCE AGENCY TO CENSOR AMERICAN SPEECH at 1-3 (2023).

<sup>40</sup> Big Tech Subpoena, *supra* note 30.

<sup>41</sup> SUBCOMM. ON OVERSIGHT, H. COMM. ON ADMIN., ET AL., FOUR YEARS LATER: EXAMINING THE STATE OF THE INVESTIGATION INTO THE RNC AND DNC PIPE BOMBS at 1 (2025).

<sup>42</sup> See *id.* at 1, 11.

<sup>43</sup> See *id.* at 11-12, 53.

<sup>44</sup> *Id.* at 53, 73.

investigative steps, including identifying multiple persons of interest, issuing search warrants, reviewing hours of security camera footage, and analyzing the components of the pipe bombs.<sup>45</sup> Despite the threat the pipe bombs posed to Congress and the public, and the role they played in diverting resources away from the Capitol, federal law enforcement has refused to provide substantive updates to Congress.<sup>46</sup>

Throughout the 118th Congress, the Committee sent numerous requests to the FBI for documents and information regarding its investigation into the pipe bombs.<sup>47</sup> In response, the FBI only provided the Committee with a briefing that left the Committee with more questions than answers. Particularly, among other things, the briefing failed to inform the Committee of the viability of the pipe bombs that were recovered or whether the FBI interviewed the person who discovered the pipe bomb located outside the DNC headquarters.<sup>48</sup> While the Justice Department pursued its investigations of Americans following the events at the Capitol on January 6, 2021, with “unprecedented speed and scale,”<sup>49</sup> after nearly 1,500 days since two pipe bombs were placed on Capitol Hill, the FBI has not made meaningful progress toward the apprehension of the pipe bomb suspect. Due to the gravity of the threats posed by the pipe bombs, as well as the apparent lack of investigative activity by the FBI in identifying the suspect, the Committee requires information regarding the specific actions taken by the FBI in this critical investigation to determine whether the FBI has fulfilled its commitment to pursuing impartial justice against the suspect who placed the bombs. In particular, the Committee requires information specific enough to determine whether the FBI adequately pursued investigative leads, to determine the veracity of public statements regarding the pipe bombs’ viability, and whether the FBI received corrupted data from telecommunications companies. This will allow the Committee to consider potential legislative reforms regarding the FBI’s procedures for conducting investigations.

## **V. The Use of FBI Confidential Human Sources (CHSs) on January 6, 2021**

On December 12, 2024, the Justice Department’s Office of the Inspector General (OIG) released a report on the FBI’s handling of CHSs before the events that occurred at the Capitol on January 6, 2021.<sup>50</sup> The OIG found that the FBI had 26 undercover CHSs in the Washington, D.C. area to attend January 6-related events and rallies, three of whom were specifically tasked by the FBI to travel to Washington that day.<sup>51</sup> Although the FBI “recognized the potential for violence”

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<sup>45</sup> *Id.* at 73.

<sup>46</sup> *See id.* at 1.

<sup>47</sup> *See, e.g.*, Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al., to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (June 14, 2023) [hereinafter “June 2023 Pipe Bomb Letter”]; Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al., to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (May 24, 2023).

<sup>48</sup> *See* June 23 Pipe Bomb Letter at 2-4, *supra* note 50.

<sup>49</sup> Press Release, Dept. of Just., 43 Months Since the Jan. 6 Attack on the Capitol (Aug. 6, 2024), <https://www.justice.gov/usao-dc/43-months-jan-6-attack-capitol>.

<sup>50</sup> *See* OFF. OF THE INSPECTOR GEN., U.S. DEP’T OF JUST., 25-011, A REVIEW OF THE FEDERAL BUREAU OF INVESTIGATION’S HANDLING OF ITS CONFIDENTIAL HUMAN SOURCES AND INTELLIGENCE COLLECTION EFFORTS IN THE LEAD UP TO THE JANUARY 6, 2021 ELECTORAL CERTIFICATION (2024).

<sup>51</sup> *Id.* at 4-5.



that day,<sup>52</sup> the Domestic Terrorism Operations Section at FBI Headquarters failed to take the routine step of directing field offices to canvass their sources to develop detailed intelligence about potential threats.<sup>53</sup> It is also unclear whether the FBI shared its CHS reporting with other law enforcement entities before January 6 or whether the FBI took specific steps to prevent potential violence before it began.

According to the report, the 26 CHSs came from multiple FBI field offices and were in Washington “in connection with the events of January 6.”<sup>54</sup> Of those 26 CHSs, four entered the Capitol on January 6, thirteen entered the restricted area around the Capitol, and nine “attended January 6 events” but did not enter the Capitol or a restricted area or otherwise engage in illegal activity.<sup>55</sup> The Biden-Harris Justice Department did not prosecute any of the CHSs who entered the Capitol or a restricted area.<sup>56</sup> Additionally, one of the CHSs who entered the Capitol later provided information and video footage to their handling office, which was passed along to the Washington Field Office (WFO).<sup>57</sup> Upon receiving this information, the WFO instructed the handling office to task the CHS with attending President Joe Biden’s inauguration on January 20, 2021.<sup>58</sup> The FBI later used taxpayer dollars to reimburse the CHS for traveling to Washington on January 6 and for attending the inauguration.<sup>59</sup>

Additionally, the FBI failed to track the number of CHSs in Washington on January 6 despite the fact that FBI offices specifically tasked three CHSs with being in Washington on that day.<sup>60</sup> The handling offices for each of these CHSs “obtained WFO’s concurrence . . . as required by FBI policy.”<sup>61</sup> Of the 23 CHSs who traveled to DC for January 6 on their own initiative, the WFO was only informed that two would be in Washington on January 6 despite thirteen notifying their handling agents of their travel plans.<sup>62</sup> Accordingly, the WFO only had advance knowledge of five out of 26 CHSs in DC on January 6.<sup>63</sup> The Committee requires information about these specific CHSs and the taskings the CHSs received related to January 6 to inform potential legislative reforms concerning the FBI’s broader CHS program and information sharing between the FBI and other law enforcement entities.

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<sup>52</sup> *Id.* at 4.

<sup>53</sup> *Id.* at 4-6; *see also id.* at 4 (“FBI Deputy Director Paul Abbate . . . described the lack of a canvass prior to January 6 as a ‘basic step that was missed,’ and told the OIG that he would have expected a formal canvassing of sources to have occurred[.]”).

<sup>54</sup> *Id.* at 77.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 59, 77 n.98.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 77-78. One of the three CHSs tasked with being in Washington, D.C. on January 6 had initially planned to travel to DC on his own initiative but was tasked with reporting on people traveling to DC on January 6 after notifying their handling agent of their intent to travel to DC. *Id.* at 77.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 78.

<sup>63</sup> *Id.*

## **VI. Iran’s Attempts to Interfere with the 2024 Presidential Election**

On September 18, 2024, the FBI, the Office of the Director of National Intelligence (ODNI), and the Cybersecurity and Infrastructure Security Agency (CISA), announced that in “late June and early July,” Iran sought to interfere with the upcoming presidential election by “sen[ding] unsolicited emails to individuals then associated with President Biden’s campaign that contained an excerpt taken from stolen, non-public material from former President Trump’s campaign . . . .”<sup>64</sup> Apparently, Iran continued “to send stolen, non-public material” from President Trump’s campaign to the media.<sup>65</sup> Iran’s actions raised serious concerns about foreign election interference targeting President Trump’s campaign, as well as President Biden’s and Vice President Harris’s campaigns for the Presidency.

On September 20, 2024, the Committee wrote to the FBI requesting an unclassified briefing regarding Iran’s hack.<sup>66</sup> On October 16, 2024, FBI and CISA representatives provided an unclassified briefing to the Committee on Iran’s hack and leak effort. In addition, the FBI, in December 2024, provided a classified response to several questions posed before and during the briefing. However, the FBI’s briefing and classified response were woefully deficient—especially given the high stakes of a nationwide election. The Committee seeks to understand the scope and severity of Iran’s hack, especially because one of the subjects of the hack is the current President of the United States. Additionally, the Committee seeks the FBI’s cooperation in working to prevent similar attacks and thus requires detailed information concerning the hack and the FBI’s investigation. The Committee specifically requires information regarding the breadth of the hacking operations, the way the hackers managed to gain access to government systems, and the status and scope of the FBI’s investigation. Because the FBI has failed to provide the Committee with this information so far, we still require all responsive information to further our oversight efforts and to consider potential legislative reforms relating to the FBI’s investigative procedures for cybersecurity attacks and intrusions.

## **VII. The Biden Administration’s Use of the FACE Act to Pursue Political Prosecutions**

On August 19, 2024, the Committee’s Subcommittee on the Constitution and Limited Government wrote to the FBI requesting documents relating to the FBI’s statistical assertion that the majority of abortion-related violent extremism focused on violence against pro-life facilities as compared to abortion facilities since May 2, 2022—the date on which the draft of the Supreme Court opinion in *Dobbs v. Jackson Women’s Health Organization* was leaked.<sup>67</sup> After the FBI failed to provide sufficient information in response to the Subcommittee’s request, the Subcommittee wrote to the FBI again, formally placing the agency on notice to preserve all

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<sup>64</sup> Press Release, Fed. Bureau of Investigation, Joint ODNI, FBI, and CISA Statement (Sept. 18, 2024), <https://www.fbi.gov/news/press-releases/joint-odni-fbi-and-cisa-statement-091824>.

<sup>65</sup> *Id.*

<sup>66</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation at 2 (Sept. 20, 2024).

<sup>67</sup> Letter from Rep. Chip Roy, Chairman, Subcomm. on the Const. and Limited Gov’t, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 19, 2024).

existing and future records and materials related to the Biden-Harris Administration's uneven enforcement of the Freedom of Access to Clinic Entrances (FACE) Act.<sup>68</sup>

Since the May 2, 2022 leak of the *Dobbs* decision, anti-life activists have vandalized, damaged, or destroyed over 100 pro-life facilities and places of worship.<sup>69</sup> Under the Biden-Harris Administration, the FBI and the Justice Department implemented a double standard in enforcing the FACE Act in a way that protected anti-life activists and facilities while effectively ignoring attacks on pro-life advocates and facilities. In addition, the FBI, under Director Wray's leadership, utilized aggressive law enforcement tactics to go after pro-life advocates that bordered on thuggish. For example, on September 23, 2022, an FBI SWAT team raided the home of Pennsylvania resident Mark Houck in the early morning to arrest him on an indictment charging him with FACE Act violations, punishable by up to 11 years in prison, based on shoving incidents that had occurred nearly a year prior.<sup>70</sup> On January 31, 2023, a 12-person jury unanimously acquitted Mr. Houck of these federal charges brought by the Biden-Harris Justice Department.<sup>71</sup> However, the use of heavy-handed law enforcement tactics, apparently to intimidate pro-life individuals such as Mr. Houck, as well as the corresponding misuse of federal law enforcement resources, demonstrates the need for our continued oversight into this matter. In particular, the Committee seeks detailed information regarding the FBI's crime statistics focusing on prosecutions under the FACE Act and all directives issued by the FBI regarding the pursuit of such prosecutions. These requests will inform potential legislative reforms to ensure the impartial application of the FACE Act by the FBI and Justice Department.

\* \* \*

We appreciate your leadership in refocusing the FBI on its public-safety mission and improving its transparency. Honoring the enclosed subpoenas would be a step in that direction and important to restoring public confidence in the FBI. Accordingly, we respectfully ask that you direct the relevant FBI employees to comply in full with the subpoenas by March 17, 2025. The Judiciary Committee is authorized to conduct oversight of the FBI pursuant to the Rules of the House of Representatives.<sup>72</sup>

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<sup>68</sup> Letter from Rep. Chip Roy, Chairman, Subcomm. on the Const. and Limited Gov't, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Oct. 10, 2024); Letter from Rep. Chip Roy, Chairman, Subcomm. on the Const. and Limited Gov't, H. Comm. on the Judiciary, et al., to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Dec. 5, 2024).

<sup>69</sup> Press Release, H. Comm on the Judiciary, Chairman Jim Jordan Praises House Passage of Pro-Life Legislation (Jan. 11, 2023), <https://judiciary.house.gov/media/press-releases/chairman-jim-jordan-praises-house-passage-of-pro-life-legislation>.

<sup>70</sup> Bradford Betz, *Pennsylvania pro-life activist arrested by FBI, charged with assaulting clinic escort*, N.Y. POST (Sep. 25, 2022), <https://nypost.com/2022/09/25/pennsylvania-pro-life-activist-arrested-by-fbi-charged-with-assaulting-clinic-escort/>.

<sup>71</sup> Maria Lencki, *Pro-life activist Mark Houck details shocking Planned Parenthood encounter following acquittal*, FOX NEWS (Jan. 31, 2023), <https://www.foxnews.com/media/pro-life-activist-mark-houck-shocking-planned-parenthood-encounter-acquittal>.

<sup>72</sup> See Rules of the U.S. House of Representatives, R. X., cl.1(7) (2025).

The Honorable Kash Patel

February 24, 2025

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Thank you for your prompt attention to this matter. We look forward to continuing to work with you to support the men and women of the FBI in their important public-safety mission.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly legible.

Jim Jordan  
Chairman

cc: The Honorable Jamie Raskin, Ranking Member