

Questions for the Record from Ranking Member Charles Grassley for Director Christopher Wray
U.S. Senate Committee on the Judiciary
“Oversight of the Federal Bureau of Investigation”
August 11, 2022

Director Wray, please answer the questions and provide the requested records no later than August 25, 2022:

1. The hearing was supposed to be one round of seven minutes and a second round of three minutes. You left early and did not complete a second round of questioning. News reports indicate that you took your government plane to the Adirondacks.¹ Is that true? If so, why couldn't you have stayed for a second round to complete the hearing?
2. On August 8, 2022, the FBI raided former President Trump's Mar-a-Lago residence. Reports indicate that the raid related to allegedly classified information stored at the residence. The Justice Department and FBI have failed to provide Congress and the American people transparency regarding this matter. The reporting thus far draws contrasts from how the Justice Department and FBI treated Secretary Clinton's mishandling of highly classified information. For example, even though Secretary Clinton and her attorneys did not hand over classified records in their possession for many months, they were not subject to a raid similar to what occurred at Mar-a-Lago.

For important context, on October 5, 2016, I wrote to then-Attorney General Lynch about Secretary Clinton and her staff receiving kid-gloves treatment relating to her mishandling of highly classified information. That mishandling of highly classified information resulted in 91 valid security violations committed by 38 individuals, some of whom “deliberately transmitted” classified information via Clinton's unsecured server.² An additional 497 security violations occurred but culpability could not be established.

In the October 5, 2016, letter, I discussed the infamous “Wilkinson Letters.”³ The Wilkinson letters—both dated June 10, 2016—were incorporated by reference into the immunity agreements for Ms. Cheryl Mills and Ms. Heather Samuelson related to the FBI's criminal investigation into former Secretary Hillary Clinton. The letters set out the precise manner in which the Department and the FBI would access and use federal records and other information stored on .PST and .OST email archives from Ms. Mills' and Ms. Samuelson's laptops. It was my understanding that Ms. Wilkinson and lawyers from the Justice Department drafted the Wilkinson letters jointly before Ms. Wilkinson sent them to DOJ.

¹ Miranda Devine, *FBI Director Christopher Wray is guiding the agency the wrong way, fast*, N. Y. Post (Aug. 7, 2022), <https://nypost.com/2022/08/07/fbi-director-christopher-wray-is-guiding-the-agency-the-wrong-way-fast/>.

² Letter from Sen. Chuck Grassley, U.S. Senate, to Mike Pompeo, U.S. Sec'y of State (Nov. 4, 2019) <https://www.grassley.senate.gov/news/news-releases/grassley-seeks-details-administrative-sanctions-deliberate-mishandling-classified>.

³ Letter from Chairman Charles E. Grassley, S. Judiciary Comm, to Att'y Gen. Loretta E. Lynch, Dep't. of Justice (Oct. 5, 2016) <https://www.grassley.senate.gov/news/news-releases/chairmen-question-doj-agreement-limit-investigation-secretary-clintons-private>.

My letter expressed concerns about the process by which Congress was allowed to view the Wilkinson letters, that the letters inappropriately restricted the scope of the FBI's investigation, and that the FBI inexplicably agreed to destroy these individuals' laptops knowing that the contents were the subject of Congressional subpoenas and preservation letters.

In his statements before Congress, then-Director Comey repeatedly assured Congress that the FBI investigated whether charges of obstruction of justice and intentional destruction of records were merited. As we now know, the FBI pulled its punches and Director Comey drafted an exoneration statement for Secretary Clinton *before* interviewing her and 16 other relevant witnesses.⁴

With respect to the FBI's failure to investigate destruction of federal records and related matters, the Wilkinson letters only permitted the FBI to review email archives from Platte River Networks created after June 1, 2014, and before February 1, 2015, that included emails sent or received from Secretary Clinton's four email addresses during her tenure as Secretary of State. These limitations would necessarily have excluded, for example, any emails from Ms. Mills to Paul Combetta in late 2014 or early 2015 directing the destruction or concealment of federal records. Similarly, these limitations would have excluded any email sent or received by Secretary Clinton if it was not sent or received by one of the four email addresses listed, or if the email address was altered. Notably, in December 2014, Mr. Combetta deleted all Clinton emails older than 60 days, which was in effect all of Secretary Clinton's emails from January 2009 to October 2014. He admitted to this "change in retention policy" during his second FBI interview in February 2016.

Importantly, in March 2015, Mr. Combetta had two conference calls with David Kendall, attorney for Secretary Clinton, and Ms. Mills. Mr. Combetta admitted to the FBI in his third interview in May 2016 that after the second conference call on March 31, 2015, he used BleachBit to destroy any remaining copies of Secretary Clinton's emails and .PST files that he was able to locate. Per the agreement with Ms. Wilkinson, emails from around the time of the conference calls (and subsequent deletion of records) would not have been covered by the FBI's review of Ms. Mills' and Ms. Samuelson's laptops. Before the FBI agreed to the Wilkinson letters in June 2016, it already knew of the conference calls between Secretary Clinton's attorneys and Mr. Combetta, his use of BleachBit, and the resulting deletions, further casting doubt on why the FBI would enter into such a limited evidentiary scope of review with respect to the laptops.

The Wilkinson letters provided that the FBI would destroy any records which it retrieved that were not turned over to the investigatory team, meaning the FBI might proceed to delete such an email, after determining it should not be sent to the investigatory team. Further, the Wilkinson letters memorialized the FBI's agreement to destroy the

⁴ Press Release, Sen. Charles E. Grassley, Transcripts: Comey Drafted Conclusion In Clinton Probe Prior To Interviewing Key Witnesses (Aug. 31, 2017), <https://www.grassley.senate.gov/news/news-releases/transcripts-comey-drafted-conclusion-clinton-probe-prior-interviewing-key>; see also Josh Gerstein, *GOP senators: Comey drafted statement clearing Clinton before her interview*, POLITICO (Aug. 31, 2017), <https://www.politico.com/story/2017/08/31/fbi-comey-clinton-email-242213>.

laptops. This is simply astonishing given the likelihood that evidence on the laptops would be of interest to congressional investigators.

Based on news reports, Trump has not been provided the same treatment given to Secretary Clinton and her associates. Please answer the following questions fulsomely so that Congress can perform independent and objective oversight of the FBI's actions:

- a. Were you aware of the pending raid of Mar-a-Lago when you sat before the committee?
- b. When did you approve the raid? When did Attorney General Garland?
- c. What was the predication for the raid? Please provide the predicated records, including the search warrant and supporting affidavit.⁵
- d. What is the scope of the investigation that predicated the raid? Is it limited to federal records and classification issues? Please explain.
- e. Did you discuss the search warrant with anyone at the White House before or after its execution?
 - i. If so, what was discussed?
 - ii. Did any member of the White House staff or other executive employee, official, or agent, direct you in any way to pursue and execute the search warrant? If so, who?
- f. Did you discuss the search warrant with Attorney General Garland or any of his representatives or subordinates at the Department of Justice before or after its execution? If so, what was discussed?
- g. Has the FBI employed a team to determine which records fall within the scope of investigation and those that fall outside of it? If so, when was that team employed? If not, why not?
- h. With respect to the 91 security violations committed by the 38 individuals relating to Secretary Clinton's mishandling of highly classified information, did the State Department refer any of them to the Justice Department or FBI? If so, what steps were taken to investigate them for those security violations and potential criminal conduct? If no steps were taken, please explain why not.

⁵ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents). This definition applies to all requests for records in the questions for the record.

- i. On August 5, 2015, with respect to David Kendall storing a flash drive in his possession that included highly classified information from Secretary Clinton's tenure, State Department spokesman Mark Toner stated, "We simply cleared the site where they're being held, made sure that it was a secure facility, and capable of holding what could be classified material."⁶ Did the FBI engage in the same conduct with respect to former President Trump and Mar-a-Lago? If not, why not?
 - j. As the aforementioned fact pattern illustrates, the Justice Department and FBI engaged in long-running negotiation with Secretary Clinton and her lawyers. The government even allowed non-government attorneys to draft the letters that circumscribed the scope of the document review that would be performed by the FBI. That scope of review significantly limited the FBI's ability to review all relevant records during Secretary Clinton's tenure with the Obama-Biden administration. Has the Justice Department and FBI provided the same privilege to former President Trump and his attorneys?
 - k. As the aforementioned fact pattern illustrates, the FBI, under the Obama-Biden Administration, agreed to destroy government records pertaining to Secretary Clinton's mishandling of highly classified information as well as laptops associated with Ms. Mills and Ms. Wilkinson. Those records were subject to congressional subpoena and related requests. Has the Justice Department and FBI provided the same privilege to former President Trump and his attorneys? If not, why not?
3. According to CNN and the Washington Post, the FBI is investigating former President Trump's campaign and its advisors, and the Justice Department has issued subpoenas to individuals linked to electors during the 2020 election.⁷ Whistleblowers have indicated that ASAC Thibault and Richard Pilger, Director of the Election Crimes Branch within the Justice Department's Public Integrity Section, were deeply involved in the decisions to open and pursue this investigation.⁸ Based on allegations, the investigation's predicated document is based in substantial part on January 2022 CNN news articles which relied on information derived from a liberal non-profit, American Oversight, and referenced a Boris Epshteyn interview on MSNBC.⁹ As you know, a high-profile

⁶ Daily Press Briefing, Deputy Spokesperson Mark Toner, U.S. Dep't of State (Aug. 5, 2015),

<https://www.youtube.com/watch?v=1gvH5CehUQg>.

⁷ Zachary Cohen & Sara Murray, *Multiple fake electors cooperating in Georgia criminal probe of Trump's efforts to overturn 2020 election*, CNN (May 10, 2022), <https://www.cnn.com/2022/05/10/politics/georgia-trump-investigation-fake-electors-witness-interviews/index.html>; see also Katelyn Polantz et al., *Federal prosecutors expand criminal probe into January 6, examining rally planning and fake electors*, CNN (Mar. 31, 2022), <https://www.cnn.com/2022/03/31/politics/january-6-criminal-probe/index.html>; Carol D. Leonnig et al., *Justice Dept. investigating Trump's actions in Jan. 6 criminal probe*, WASH. POST (July 26, 2022) <https://www.washingtonpost.com/national-security/2022/07/26/trump-justice-investigation-january-6/>.

⁸ Letter from Ranking Member Charles E. Grassley, S. Judiciary Comm, to Att'y Gen. Merrick Garland, Dep't. of Justice, & Dir. Christopher Wray, Fed. Bureau of Investigation (July 18, 2022)

https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_dept_fbi_-_political_bias.pdf. (submitted into the record)

⁹ Marshall Cohen et al., *Trump campaign officials, led by Rudy Giuliani, oversaw fake electors plot in 7 states*, CNN (Jan. 20, 2022), <https://www.cnn.com/2022/01/20/politics/trump-campaign-officials-rudy-giuliani-fake-electors/index.html>; see also Sonnet Swire, *Former Trump campaign adviser acknowledges being part of 2020 'alternate electors' plot*, CNN (Jan. 22, 2022), <https://www.cnn.com/2022/01/22/politics/boris-epshteyn-trump-campaign-fake-electors/index.html>; Zachary Cohen & Marshall Cohen, *Trump allies' fake Electoral College certificates offer fresh insights about plot to overturn Biden's victory*, CNN (Jan. 12, 2022), <https://www.cnn.com/2022/01/12/politics/trump-overturn-2020-election-fake-electoral-college/index.html>.

investigation such as this would require the Attorney General and FBI Director to be briefed on the full factual predication which they would then review and approve.

Based on allegations, the opening memo that you approved included selective assertions created in large part by ASAC Thibault and either removed or watered-down material connected to the aforementioned left-wing entities that existed in previous versions and recommended that a full investigation – not a preliminary investigation – be approved. As you know, a full investigation requires a heightened factual basis as compared to a preliminary investigation.

In addition, multiple whistleblowers have reported that various individuals, including ASAC Thibault and Mr. Pilger, did not support FBI agents seeking to follow normal investigative procedures related to investigating election crime allegations during multiple presidential elections. The allegations that I've received include, but are not limited to, campaign finance allegations, which historically have been an area in which ASAC Thibault and Mr. Pilger are said to have applied these double standards. This also demands further explanation from the Justice Department and FBI, which you have failed to provide.

- a. Before you approved the investigation, were you aware that ASAC Thibault and Mr. Pilger were prime movers in opening the investigation?
 - b. Have you ever been briefed by ASAC Thibault or Mr. Pilger? If so, when and what was the subject matter?
 - c. Why did you approve a full investigation into former President Trump's campaign and advisors based on overtly liberal news articles and information derived from a left-wing non-profit? Please explain to the committee and the American people the basis for predication and why a full investigation is warranted.
 - d. Is it acceptable predication practice for the FBI to open a full investigation that is sourced in substantial part to liberal news articles and information derived from a left-wing non-profit? If so, please explain.
 - e. Since my July 18, 2022, letter on this matter, why does the FBI continue to expend significant resources on an investigation predicated by politically biased FBI agents and politically biased news articles?
4. As you are aware, whistleblowers have alleged to my office that the FBI gave preferential treatment to the Biden family by shutting down investigative activity and sources with respect to potentially criminal information on Hunter Biden.¹⁰

First, it's been alleged that the FBI developed information in 2020 about Hunter Biden's criminal financial and related activity. It is further alleged that in August 2020, FBI Supervisory Intelligence Analyst Brian Auten opened an assessment which was used by a FBI Headquarters ("FBI HQ") team to improperly discredit negative Hunter Biden information as disinformation and caused investigative activity to cease. Based on

¹⁰ Letter from Ranking Member Charles E. Grassley, S. Judiciary Comm, to Att'y Gen. Merrick Garland, Dep't. of Justice, & Dir. Christopher Wray, Fed. Bureau of Investigation (July 25, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf (submitted into the record)

allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation.

Importantly, it's been alleged to my office that Mr. Auten's assessment was opened in August 2020, which is the same month that Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI that purportedly related to our Biden investigation and a briefing for which the contents were later leaked in order to paint the investigation in a false light.

Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Mr. Auten's assessment. The FBI HQ team's investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

Third, in October 2020, an avenue of additional derogatory Hunter Biden reporting was ordered closed at the direction of ASAC Thibault. My office has been made aware that FBI agents responsible for this information were interviewed by the FBI HQ team in furtherance of Mr. Auten's assessment. It's been alleged that the FBI HQ team suggested to the FBI agents that the information was at risk of disinformation; however, according to allegations, all of the reporting was either verified or verifiable via criminal search warrants. In addition, ASAC Thibault allegedly ordered the matter closed without providing a valid reason as required by FBI guidelines. Despite the matter being closed in such a way that the investigative avenue might be opened later, it's alleged that FBI officials, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.

You have an obligation to the country to take these allegations seriously, immediately investigate, and take steps to institute fixes to these and other matters before you. Please provide and answer the following:

- a. The case file for the Auten assessment.
- b. What steps has the FBI taken to investigate ASAC Thibault for attempting to improperly shut down sources who provided information on Hunter Biden to the FBI? If no steps have been taken, why not?
- c. All records derived from reporting on derogatory information linked to Hunter Biden, James Biden, and their foreign business relationships that was overseen under the approval, guidance and purview of ASAC Thibault from January 1, 2020, to the present.
- d. All records related to derogatory information on Hunter Biden, James Biden, and their foreign business relationships.

- e. All leads sent to the Washington Field Office (WFO) that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
 - f. All opened and closed cases initiated by the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
 - g. Exactly what derogatory information related to Hunter Biden was selected as part of Mr. Auten's assessment?
 - h. What criteria was used to select information as part of Mr. Auten's assessment?
 - i. What evidence of disinformation did the FBI require before wholly discounting derogatory information on Hunter Biden?
 - j. Are any sources of information who previously were determined to have provided potential disinformation presently active in any FBI investigation?
 - k. With respect to the August 2020 FBI briefing given to Senator Johnson and me¹¹:
 - i. A copy of the FBI 302 for the briefing;
 - ii. All intelligence reporting, products, and analysis that formed the basis of the briefing;
 - iii. The name(s) of the person(s) who recommended that Senator Johnson and I be briefed;
 - iv. A description of the process for deciding to brief us; and
 - v. All records, including emails, relating to the briefing.
5. At the hearing, I asked you the following, "If the FBI received information that foreign persons had evidence of improper or unlawful financial payments paid to elected officials or other politically exposed persons, would that pose a national security concern?"¹² In response, you said,¹³

Well, I think, the kind of conduct you're describing is typically something that we would look at very closely through our efforts at malign foreign influence. It starts to shade into a blend of what we call malign foreign influence with potentially public corruption and it's something that we take seriously.

¹¹ Letter from Sen. Ron Johnson, U.S. Senate, to Att'y Gen. Merrick Garland, Dep't. of Justice (July 26, 2022), <https://www.ronjohnson.senate.gov/2022/7/sen-johnson-whistleblower-allegations-reveal-corrupt-fbi-undermined-hunter-biden-investigations>. (submitted into the record)

¹² *Oversight of the Federal Bureau of Investigation* Before the S. Comm on the Judiciary, 117th Cong. (Aug. 4, 2022) (Sen. Charles Grassley questioning of Dir. Christopher Wray).

¹³ *Id.*

Based on allegations, what you described as the normal, proper course of conduct in investigative activity – “something that we would look at very closely” and “something that we take seriously” – didn’t happen with information and sources relating to potential criminal activity with respect to Hunter Biden. Based on allegations, the FBI did exactly the opposite and shut down investigative activity and sources relating to Hunter Biden’s potential criminal conduct. What steps are you taking to investigate the allegations that I’ve presented to you? What steps are you taking to investigate FBI misconduct that resulted in this information and sourcing being shut down?

6. At the hearing, I asked you the following, “Pursuant to FBI policies and protocols, what steps should the FBI take to vet or more fully investigate evidence of improper or unlawful financial payments paid to elected officials and other politically exposed persons?”¹⁴ You responded,¹⁵

Well, I think, at the risk of sounding like a lawyer like I used to be... it depends on the facts and circumstances of each case but we would certainly need to look into that and depending on the circumstances there could be an assessment, there could be an investigation, there could be any number of steps that would be taken to make sure that there’s not a national security risk.

In light of your answer and with respect to your reference that “we would certainly need to look into [evidence of improper or unlawful financial payments paid to elected officials or other politically exposed persons],” why did the FBI shut down verified and verifiable derogatory information on Hunter Biden and shut down sources that provided that information to the FBI? How does that conduct comport with the process and procedure you told the committee ought to be followed? What steps are you taking to investigate FBI misconduct that resulted in the breach of this process and procedure?

7. At the hearing, I asked you the following, “Does the FBI have a criteria that it uses to evaluate whether information is or isn’t disinformation? If so, what is that criteria?”¹⁶ In your response, you stated the following, in part,¹⁷

So when it comes to disinformation we don’t look at the – I think sometimes this gets lost in a lot of the public commentary – we’re not out there investigating whether or not information that we see floating around is truthful or false in the first instance. Our focus in the malign foreign influence space, which is I think what you’re driving at, is on whether or not there’s a foreign adversary of some sort potentially trying to push the information and then from there we’d look into it.

In light of your answer, with specific reference to “we’re not out there investigating whether or not information that we see floating around is truthful or false in the first

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

instance,” please explain the basis for which the FBI labeled verified and verifiable derogatory information on Hunter Biden as disinformation. What steps have you taken to investigate FBI misconduct that allegedly falsely labeled Hunter Biden information as disinformation?

8. At the hearing, I asked you the following, “When the FBI receives potential criminal information relating to a matter that is subject to investigation and prosecution by a U.S. Attorney, is it the FBI’s standard practice to share that information with the relevant U.S. Attorney’s Office?”¹⁸ In response, you stated the following,¹⁹

My expectation is that when a particular office has the lead, both the U.S. Attorney’s office and the relevant FBI field office, that if other offices come across that information – information that’s relevant to that – we want to make sure those tips and leads are passed to the responsible office.

Senator Johnson and I have asked U.S. Attorney Weiss whether he possesses certain bank records relating to potential Biden family misconduct with foreign governments, including the communist Chinese government.²⁰ Mr. Weiss has refused to answer.

- a. Based on allegations, verified and verifiable information relating to Hunter Biden’s potential criminal activity was shut down and labeled disinformation. How can that verified and verifiable information be shared with U.S. Attorney Weiss if it is shut down? Was the information shared? If so, when?
 - b. Has any information relating to Hunter Biden’s potential criminal conduct been shared between the FBI and U.S. Attorney Weiss’s office? If so, what and when? If not, why not?
 - c. How can the Hunter Biden criminal investigation be full and complete if the FBI improperly shuts down verified and verifiable information and sourcing relating to potential criminal activity? How can Congress and the American people trust the results?
9. On March 28, 2022, March 29, 2022, and April 5, 2022, Senator Johnson and I gave speeches on the Senate floor introducing bank records relating to Hunter Biden’s and James Biden’s financial connections to the communist Chinese regime.²¹ Based on reports of the scope of Mr. Weiss’s investigation, these bank records are relevant to his work. It’s unclear what records the FBI maintains with respect to Hunter and James

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Ranking Member Charles E. Grassley, S. Judiciary Comm., & Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, to U.S. Att’y David Weiss, District of Del. (May 9, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_delaware_usa_-_biden_investigation.pdf.

²¹ Floor Speech, Sen. Charles E. Grassley, U.S. Senate, Johnson Discuss Investigation into Biden Family Foreign Financial Entanglements - Part I (Mar. 28, 2022) https://www.grassley.senate.gov/news/remarks/grassley-johnson-discuss-investigation-into-biden-family-foreign-financial-entanglements_-_part-i; *see also* Floor Speech, Sen. Charles E. Grassley, U.S. Senate, Johnson Release Bank Records Tying Biden Family to CCP-Linked Individuals & Companies (Mar. 29, 2022), <https://www.grassley.senate.gov/news/remarks/grassley-johnson-release-bank-records-tying-biden-family-to-ccp-linked-individuals-and-companies>; Floor Speech, The Biden Family Investigation – Part III: James Biden (Apr. 5, 2022) https://www.grassley.senate.gov/news/remarks/the-biden-family-investigation_part-iii-james-biden.

Biden's financial associations with the communist Chinese government. Moreover, it's unclear whether the records that the FBI does have in its possession with respect to Hunter and James Biden have been shared with Mr. Weiss. However, at the hearing, you noted that it's your "expectation" that the FBI share information with relevant U.S. Attorney's offices during an ongoing investigation.²²

- a. With respect to the records that the FBI maintains on Hunter Biden and James Biden and their potential criminal conduct and affiliations with foreign governments and persons, has that information, including derogatory information, been shared with Mr. Weiss? If not, why not?
 - b. Does the FBI maintain records from Wells Fargo, USAA, Bank of America, TD Bank, JPMorgan Chase, PNC, Morgan Stanley, Citibank, Bank of New York Mellon, Bank of China and First National Bank of Omaha relating to Hunter Biden, James Biden, Sara Biden, John R. Walker, Eric Schwerin, Devon Archer and corporate entities linked to them, including but not limited to, Hudson West III and the Lion Hall Group? If not, why not?
10. On January 19, 2021, then-President Trump issued a memorandum to the Attorney General, the Director of National Intelligence and the Director of the Central Intelligence Agency directing them to declassify certain Crossfire Hurricane records for public dissemination. On February 25, 2021, Senator Johnson and I requested an update from the Justice Department with respect to when a full and complete set of declassified records would be provided to Congress.

Since then, our respective staffs have had countless emails and phone calls requesting updates, to which the Department has consistently failed to provide any substantive response. Indeed, to-date, the Justice Department has not produced a single declassified record to Congress and the American people. What role does the FBI have in producing the declassified Crossfire Hurricane records to Congress? What steps have you taken to ensure the records are produced to Congress?

11. Congress has a responsibility to ensure conflicts of interest laws and regulations are complied with. Are you aware of any FBI officials who are recused from any involvement in the January 6 investigations? If so, what was the basis for their recusal? Did they recuse before or after the commencement of the investigations?
12. Is Wayne Jacobs, a Special Agent in Charge at the WFO, recused from any involvement in the January 6 investigations? If so, what was the basis for his recusal? Did he recuse before or after the commencement of the investigations?
13. What are the FBI's policies to detect and prevent politicized decisions from influencing the opening or pursuit of investigations? Who prepares, reviews, and oversees those policies?

²² *Oversight of the Federal Bureau of Investigation* Before the S. Comm on the Judiciary, 117th Cong. (Aug. 4, 2022).

14. The other week, members of this Committee received a briefing from the Department of Justice about the false statements made by the two former FBI agents who worked on the Larry Nassar investigation. The Department declined to give members access to notes and documents concerning the FBI's false statements in their possession. I want to stress my dissatisfaction with the Department's response and I'll continue to ask questions about this case until I get satisfactory answers. When you testified before this Committee in September you told us that the FBI implemented a series of corrective actions related to the handling of reports of sexual abuse and assault. Please give us an update on those corrective actions and if they remain ongoing.
15. Did you become aware of ASAC Thibault's political bias before or after my May 31, 2022, letter to you?
16. At the hearing, I asked you about the FBI's Special Agents Advisory Committee that presents reports and concerns to you. The committee consists of FBI agents from all of its Field Offices. It's been alleged to me that FBI agents provided information outlining concerns that the FBI has become too politicized in its decision-making. It's been alleged that those concerns were removed from this year's final report. I then asked you the following:²³

Wouldn't you agree that field agents' concerns of that level of significance should be included in the report? What steps will you take to address the concerns raised by these FBI agents?

You did not provide a complete answer to me and noted that you would get back to me. So, what are the answers to my questions? Why were those concerns removed from the final report?

17. Your written testimony stated that "the greatest terrorism threat to our Homeland is posed by lone actors or small cells who typically radicalize to violence online..."²⁴ Earlier this congress, the Judiciary Committee held a hearing on domestic terrorism in which some members suggested that radicalized tendencies are commonly found across the political right.
 - a. In the FBI's experience, are domestic terrorism and violent extremist sentiments broadly held? Is an idea, in itself, domestic extremism, or does it need to be paired with violence?
 - b. Is domestic terrorism and violent extremism unique to a particular side of the political or ideological spectrum? Or do violent and extremist sentiments exist across the political spectrum?
18. The FBI has noted that racially motivated violent extremism is a top banded threat. This threat includes white supremacists, but also includes black racists. Is black racially

²³ *Id.*

²⁴ *Oversight of the Federal Bureau of Investigation* Before the S. Comm on the Judiciary, 117th Cong. (Aug. 4, 2022) (statement of Christopher A. Wray, Director, Federal Bureau of Investigations).

motivated violent extremism responsible for numerous deadly attacks in the last ten years? Please list some of them.

19. How many domestic terrorism investigations have been opened in regards to the 2020 riots that occurred in response to the death of George Floyd?
20. In our hearing, you were questioned about abortion-related violent extremism. As I understand, over 200 domestic terrorism threat assessments have been opened by the FBI since the unprecedented leak of the Supreme Court's opinion in *Dobbs*. As you noted in the hearing, these are overwhelmingly pro-abortion violent extremists. Violence by pro-life extremists is mostly historical. What percentage of the investigations into abortion-related violent extremism opened since May 2022 are pro-abortion versus pro-life? How many total investigations have been opened in each category?

Some in Congress have advocated trying to shift DOJ's and FBI's efforts to combating only or mostly certain violent extremism ideologies, and taking resources away from others. Would doing so hamstring the FBI's efforts to combat all domestic terrorism threats?

- a. Would you agree that the FBI should address all forms of extremist violence regardless of ideological predilection?
 - b. Would you agree that the FBI would impede its effectiveness by limiting its focus to certain types of extremist violence without addressing others?
21. The leader of ISIS was killed in a strike in Kabul, fulfilling comments made by you and others that Afghanistan may become a safe haven for terrorists after the United States' withdrawal. Is Afghanistan continuing to offer a safe haven for Al Qaeda and ISIS? Is either group closer to having the ability to launch strikes against the West from Afghanistan's territory than before the withdrawal from Afghanistan?
22. Your written testimony addressed the pervasive effects that the Chinese Communist Party's cyber-attacks have had on American businesses and governmental entities. Along with a number of my colleagues, I remain concerned about the Chinese government's use of cyber-attacks to obtain America's intellectual property and otherwise coerce our industry and government. How pervasive is the threat of espionage from China? How does this compare in scale to the threat of espionage from other actors?
23. It is well-documented that violent crime has skyrocketed across America in recent years. Much to my disapproval, Attorney General Garland's Department of Justice has failed to establish a specific task force to combat violent crime, and has otherwise prioritized issues such as threats to election workers and threats to school board members.
 - a. Can you confirm that violent crime is a top priority of the FBI?
 - b. What resources are dedicated to addressing the rise in homicides and other violent crimes that have occurred beginning in 2020?

- c. Would you agree that a relatively small number of repeat offenders commit a disproportionately large percentage of violent crime in the United States?
 - i. If yes, then would you agree that initiatives that bring federal resources to bear, like Operation Trigger Lock or Operation Legend, can be helpful in reducing violent crime by removing violent, repeat offenders from communities?
 - ii. If no, then please cite the supporting data.
 - d. Would you agree that the 30% rise in murder rate from 2019 to 2020 was not caused by *legal* gun ownership?
 - e. Would you agree that the sharp rise in the murder rate, which began in the summer of 2020, was connected to less active policing?
 - f. You agreed in the hearing with the proposition that, anecdotally, criminal street gangs are often most responsible for the trafficking and sale of illicit drugs that cross the southern border. Would you then agree that a DOJ task force to specifically combat the existence and operation of criminal street gangs – both national and regional – would have a chilling effect on the sale and distribution of illegal drugs?
 - g. You agreed in the hearing that “absolutely” criminal street gangs contribute to a significant share of violent crime in America.²⁵ Would you then agree that a DOJ task force designed to specifically combat criminal street gangs could lead to a significant reduction in violent crime across our country?
24. You stated in an op-ed in the *Wall Street Journal* that 73 officers were feloniously killed in 2021, a 59% increase over 2020.²⁶ Would you agree that attacks on police are a serious problem in the United States today?
- a. Would you agree that anti-police rhetoric is a factor in this rise in attacks on police?
 - b. Would you agree that this rise in attacks on police was not caused by *legal* gun ownership?
25. Would you agree that the lack of accountability for criminal activity contributes to rising crime rates and frustrates crime fighting efforts?

²⁵ *Oversight of the Federal Bureau of Investigation* Before the S. Comm on the Judiciary, 117th Cong. (Aug. 4, 2022).

²⁶ Christopher Wray, *The Cops Who Didn't Come Home*, WALL STREET JOURNAL (Jan. 12, 2022),

<https://www.wsj.com/articles/the-cops-who-didnt-come-home-fbi-police-special-agent-killing-murder-record-high-reform-crime-shooting-11642020020>.

- a. Would you agree that prosecutors who decline to enforce existing laws, or to pursue adequate sentences for violent and other serious crimes, contribute to this problem?
 - b. Would you agree that bail reform, including the passage of laws that make it difficult to hold violent criminals after their arrest, contributes to this problem?
26. Would you agree that federal legislation as a general matter can help the FBI better combat violent crime or other crimes?
- a. In particular, would amending the definition of “attempted bank robbery” under 18 U.S.C. § 2113(a) to clarify that the statute punishes ordinary “attempt” offenses and does not require “actual” rather than planned violence or intimidation in order to meet the definition of “attempted bank robbery” make it easier for the FBI to combat violent crime?
 - b. In particular, would amending 18 U.S.C. § 2113 to include a provision that punishes a conspiracy to commit bank robbery as severely as a committed bank robbery make it easier for the FBI to combat violent crime?
 - c. In particular, would removal of the common law “year-and-a-day” rule for federal criminal offenses resulting in the death of the victim, as recognized in *United States v. Chase*, 18 F. 3d 1166 (4th Cir. 1994), and other cases, make it easier for the FBI to combat violent crime?
 - d. In particular, would clarification that 18 U.S.C. § 111 is a general intent crime rather than a specific intent crime make it easier for the FBI to combat violent crime?
 - e. In particular, would amending 18 U.S.C. § 2119 by striking the superfluous “intent element”—which requires that in addition to proof that an offender took a car by violence or intimidation, the evidence must also establish that he or she acted “with the intent to cause death or serious bodily harm” at the precise moment he or she took or demanded the car—make it easier for the FBI to combat violent crime?
 - f. In particular, would amending 18 U.S.C. § 2119 to add a conspiracy charge for carjacking offenses which prescribes the same penalties as those prescribed for the underlying offense make it easier for the FBI to combat violent crime?
 - g. In particular, would increasing the statutory maximum imprisonment term from 15 to 20 years for carjacking under 18 U.S.C. § 2119(1) make it easier for the FBI to combat violent crime?
 - h. In particular, would providing a statutory enhancement in 18 U.S.C. § 2119 that increases the maximum imprisonment term to 25 years if the offender uses a

dangerous weapon or device in committing carjacking—similar to the enhancement for using a dangerous weapon when committing bank robbery as under 18 U.S.C. § 2113(d)—make it easier for the FBI to combat violent crime?

- i. In particular, would increasing the statutory maximum term in 18 U.S.C. § 2119(2) from 25 to 40 years for a carjacking that results in “serious bodily injury” make it easier for the FBI to combat violent crime?
- j. In particular, would amending 18 U.S.C. § 924(c)(3)(B) to explicitly provide that a conspiracy or attempt to a commit a crime of violence constitutes a predicate offense as a “crime of violence” for a conviction under 18 U.S.C. § 924(c) make it easier for the FBI to combat violent crime?
- k. In particular, would amending the Controlled Substances Act to provide enhanced penalties for marketing candy-flavored substances to minors make it easier for the FBI to protect minors from exposure to dangerous substances?
- l. In particular, would amending 18 U.S.C. § 1201(a) to establish a kidnapping offense that is categorically violent, and therefore eligible for enhanced punishment under 18 U.S.C. § 924(c) when a firearm is used to commit the crime, make it easier for the FBI to combat violent crime?



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