

United States Senate
WASHINGTON, DC 20510

August 24, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Director Wray:

Due to numerous inconsistent reports as well as ideologically-motivated enforcement actions, public faith in the FBI continues to erode.¹ We have seen one public example after another of the strong arm of federal law enforcement weaponized against ordinary Americans. Targeting Americans because of their ideas or political affiliations is always wrong and an abuse of the FBI's power, but it's especially alarming when it threatens the fundamental rights guaranteed in our Constitution, including the free exercise of religion.

As we have expressed to you previously, the FBI's memo from the Bureau's Richmond, Virginia Field Office inappropriately, and without evidence, relied upon blatantly biased and discredited sources to tie Catholic Christians to violent extremism based largely on their conservative political views on issues like, "abortion rights, immigration, affirmative action, and LGBTQ protections."² Upon its release, we were pleased by the FBI's swift and firm disavowal of that memo and its contents, and were led to believe it was an isolated incident. As you will recall, on March 8, 2023, you testified before the U.S. Senate Select Committee on Intelligence that the memo was, "a product by one field office."³ Despite this claim, documents recently provided to the House Judiciary Committee reportedly conflict with that testimony.

¹ Harvard Caps Harris Poll, showing just about half of Americans have a favorable view of the FBI, down from historical levels, and showing that 70% of respondents said they were either very or somewhat concerned about FBI and intelligence agencies' interference in future presidential elections (field dates: May 17-18, 2023), https://harvardharrispoll.com/wp-content/uploads/2023/05/HHP_May2023_KeyResults.pdf; *see also*, NBC News, Alexandra Marquez, Americans sour on the FBI and DOJ amid Trump investigations (July 3, 2023) (showing only 37% of Americans surveyed had a positive view of the FBI, and only 35% viewed the DOJ positively), <https://www.nbcnews.com/meet-the-press/meetthepressblog/americans-sour-fbi-doj-trump-investigations-rcna91814>.

² FBI Richmond, Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities (January 23, 2023), p. 4, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/fbi-anti-catholic-memo.pdf>.

³ U.S. Senate Select Comm. on Intelligence, Hearing on Worldwide Threats (March 8, 2023), <https://www.intelligence.senate.gov/hearings/open-hearing-worldwide-threats-3>; *see also* House Judiciary Committee, Hearing on Oversight of the Federal Bureau of Investigation (July 12, 2023), <https://judiciary.house.gov/committee-activity/hearings/oversight-federal-bureau-investigation-0> (referring to the memo as, "a single product by a single field office"); Wall Street Journal, Editorial Board, The FBI and 'Radical' Catholics: New evidence suggests the bureau probe was wider than director Christopher Wray said (August 9, 2023), <https://www.wsj.com/articles/the-fbi-and-radical-catholics-a2021275>.

For example, according to a letter from the House Judiciary Committee to you on August 9, 2023, “information recently produced to the Committee” revealed that, “the FBI relied on information from around the country—including a liaison contact in the FBI’s Portland Field Office and reporting from the FBI’s Los Angeles Field Office—to develop its assessment.”⁴ Any coordination with field offices across the country to develop this memo directly contradicts your claim that this was a singular incident. Further, this information suggests the FBI may have intentionally withheld this key information from Members of Congress, despite our repeated requests for it.

Moreover, although the FBI has promised to brief the House and Senate Judiciary Committees on the results of its internal review later this month, based on the House Judiciary Committee letter sent on August 9, 2023, such a briefing could have happened much earlier to provide information that’s since been provided to Congress. It is right for the FBI to conduct an internal review to reach conclusions about the origin, purpose, and use of the memo, but such a review does not prohibit the FBI from providing pertinent information to Congress while it conducts its own constitutionally-based investigations.

On July 6, the FBI agreed to a call with staff from more than half a dozen Senate offices. Staff on that call requested information that did not rely upon the completion of the internal review and that FBI could have provided months ago.⁵ On the call, FBI staff were asked for clarification on what it means when it says it “rigorously examine[s]” sources used in its reports, as well as the scope of its internal review, details of the steps the FBI says it took to implement training and instruction to its agents in the wake of the report, and what the FBI meant when it said no “investigative actions” were taken as a result of the report.⁶ The FBI failed to provide sufficient answers to any of these questions on or since the call. FBI boasts that it has provided “two document productions totaling 266 pages and . . . additional information in response to the [House] subpoena’s requests.”⁷ However, the FBI has failed to produce the same information to the Senate. Despite promises from the Bureau that it would follow up in an expeditious manner after that call to answer reasonable questions from Senate offices, the FBI has failed to do so.

Although the FBI quickly disavowed the report and explained that it did not meet FBI’s standards, six months after the fact, information continues to reach Congress in trickles, member and staff inquiries are ignored, and the information that has come to light conflicts with the FBI’s original assurances that the report was limited in scope.

⁴ The Hon. Rep. Jim Jordan, Chairman, U.S. House of Representatives, Committee on the Judiciary, and the Hon. Mike Johnson, Chairman, Subcommittee on the Constitution and Limited Government, Letter to The Hon. Christopher A. Wray, Director, Federal Bureau of Investigation (August 9, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-08-09-jdj-mj-to-wray-re-catholic-dp.pdf>.

⁵ Notes from the phone call are on file with Senator Grassley’s Budget Committee staff.

⁶ See, e.g., Christopher Dunham, Acting Assistant Director, Federal Bureau of Investigation, Letter to The Hon. Charles E. Grassley, Ranking Member, Senate Committee on the Budget, and The Hon. Lindsey O. Graham, Ranking Member, Committee on the Judiciary (April 18, 2023), on file with staff.

⁷ Christopher Dunham, Acting Assistant Director, Federal Bureau of Investigation, Letter to Rep. Jim Jordan, Chairman, Committee on the Judiciary, House of Representatives (July 25, 2023), on file with staff.


Accordingly, so that Congress can perform an independent and objective review, we request that you provide immediate explanation with respect to your potentially-misleading testimony before Congress, as well as a full explanation of information that came to light during the internal review. We also request that you explain the Bureau's failure to produce information we requested that did not rely upon completion of the FBI internal review. And finally, we ask that FBI produce all documents to the Senate that it has provided to the House on this matter, and that it continue to provide this information to both chambers for future evaluation and investigation.

Please respond to this letter no later than September 7, 2023.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget



James Lankford
United States Senator



Mike Lee
United States Senator




Ted Cruz
United States Senator



Marsha Blackburn
United States Senator



Mike Braun
United States Senator



Josh Hawley
United States Senator



Rick Scott
United States Senator

cc:

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Michael Horowitz
Inspector General
Department of Justice