

United States Senate
WASHINGTON, DC 20510

January 31, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Director Wray:

We are writing about the FBI's failure to provide information requested by members relating to the now infamous Richmond memo while misleading this body with what little information it did provide. We recently also learned that the FBI permanently deleted critical records related to the memo, and one of the authors of the Richmond memo prepared a second, external report in coordination with headquarters that was intended to be circulated outside the Richmond office to the full FBI.¹ This information further calls into question your sworn testimony before the House Judiciary Committee on July 12, 2023, and the integrity of the FBI's internal review.² The FBI must immediately provide a coherent and complete response to the Senate.

The FBI for months used its internal review of the Richmond memo as an excuse not to provide records or respond to members' questions. Despite the completion of what we now know was a very narrow internal review, limited to only certain aspects of this single internal analyst report, FBI has repeatedly ignored member requests for records that would enable Congress to conduct its own investigation. This includes FBI's repeated failure to fulfill the March 1, 2023, request by the Ranking Member of the Senate Budget Committee, Charles Grassley, and Judiciary Committee Ranking Member, Lindsey Graham. The Ranking Members asked for copies of the correspondence between the intelligence analysts who drafted the Richmond memo and anyone of higher rank related to the report, an unredacted copy of the Domain Perspective memo, and a copy of all reports issued within FBI or DOJ within the past

¹ U.S. House of Representatives, Committee on the Judiciary and Select Subcommittee on the Weaponization of the Federal Gov't, Interim Staff Report, The FBI's Breach of Religious Freedom: The Weaponization of Law Enforcement Against Catholic Americans (December 4, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-12-04-the-fbis-breach-of-religious-freedom-the-weaponization-of-law-enforcement-against-catholic-americans.pdf>.

² Testimony of the Hon. Christopher Wray, Director, Fed. Bureau of Investigation, before the 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").

five years alleging a link between any primarily-religious or conservative association or entity and violent extremism.³

Now we know that information related to the Richmond memo wasn't provided to Congress because the FBI deleted the records as soon as the incident became public. According to a report released by the House Judiciary Committee on December 4, Deputy Director Paul Abbate ordered Richmond Special Agent in Charge Stanley Meador to "take [the memo] down" as soon as it became public. According to Agent Meador, there was then a "follow-up call" from Tanya Ugoretz, the FBI's Assistant Director of the Directorate of Intelligence, which ordered Agent Meador to notify the Deputy Director and Ms. Ugoretz, "when [he] had taken the necessary steps' to remove the memorandum, and anything referring to the document, from FBI systems."⁴ FBI must provide an immediate explanation for its order to delete records related to this incident, which not only obstructs congressional oversight, but also means the FBI's internal review itself did not have access to documents that may have provided critical information on the incident. The FBI must also explain why it withheld this information from the Senate, despite repeated requests for records.

And we again call upon you to provide a full explanation of your testimony that the Richmond memo was "a single product by a single field office."⁵ Based upon now-available information, both of those claims were misleading and withheld material information from Congress. At the time you testified, Congress was unaware that any input had been received from other field offices, which aided in at least some respects in preparation of the Richmond memo, because the FBI redacted this information. In your testimony before the Senate Judiciary Committee on December 5, 2023, you claimed that the involvement of the two other field offices related to "two sentences or something or thereabouts referencing each of these other offices' cases, rather than the other offices reviewing the full memo." On this basis, you stood by your prior testimony, and said that "[you thought] this notion that other field offices were involved [was] a garble."⁶

³ Letter from Senator Charles E. Grassley, Ranking Member, Senate Committee on the Budget, and Senator Lindsey O. Graham, Ranking Member, Senate Committee on the Judiciary, to the Hon. Merrick Garland, Attorney General, U.S. Dep't of Justice, and The Hon. Christopher Wray, Director, Federal Bureau of Investigation (March 1, 2023), https://www.grassley.senate.gov/imo/media/doc/grassley_graham_to_doj_fbi_richmond_fbi_catholic_report.pdf.

⁴ House Judiciary Comm. Report, *supra* n. 1 at 20 (citing a transcribed interview House Judiciary conducted with SAC Meador at 97).

⁵ 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"); *see also* 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>; 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>.

⁶ Testimony of the Hon. Christopher Wray, Director, Fed. Bureau of Investigation, before the U.S. Senate Comm. On the Judiciary, Hearing on Oversight of the Federal Bureau of Investigation (December 5, 2023),

But this involvement was not a “garble.” The Richmond memo itself refers to information obtained from a “Portland liaison contact” as being one of the sources from which the memo was “primarily derived.”⁷ That information was redacted in the public version of the memo, but later provided to the House. Any member hearing your testimony would have reasonably believed that no other field office was involved in any degree in the preparation of the memo. This information was material and important to all of us, and to any member concerned about the memo’s scope. Members of Congress in both chambers had inquired about the scope of the memo, its preparation and distribution, before you testified.⁸ The involvement of the other field offices therefore was material information that you should have provided, and its redaction coupled with your testimony appear to show a conscious effort to withhold that information from us.⁹ We should not have to remind one of the chief law enforcement officers in our country of these facts.

Additionally, information from the House Report and FBI’s October 27 letter to Senator Grassley and other senators revealed that one of the analysts who authored the Richmond memo drafted another memo for external distribution “on the same topic,” in unison with the Counterterrorism Division. It seems the only thing that prevented this memo from being published Bureau-wide was the public backlash against the internal Richmond memo.¹⁰ So not only wasn’t the memo the work of a single field office, but there also wasn’t “a single product,” as you testified under oath. We again ask that you provide a detailed explanation of your testimony and your knowledge at the time you testified, and that you provide that to the Senate with your own signature, not that of any of your subordinates.

<https://www.judiciary.senate.gov/committee-activity/hearings/12/05/2023/oversight-of-the-federal-bureau-of-investigation>.

⁷ Domain Perspective, FBI Richmond Field Office, Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities (January 23, 2023) at 2, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/fbi-anti-catholic-memo.pdf>.

⁸ See, e.g., letter from Rep. Michael Cloud and Senator James Lankford, et al. to the Hon. Christopher Wray, Director, Fed. Bureau of Investigation (February 16, 2023), https://www.lankford.senate.gov/wp-content/uploads/media/doc/fbi_letter_director.pdf; letter from Senator Charles E. Grassley and Senator Lindsey O. Graham to the Hon. Christopher Wray, Director, Fed. Bureau of Investigation (March 1, 2023), https://www.grassley.senate.gov/imo/media/doc/grassley_graham_to_doj_fbi_richmond_fbi_catholic_report.pdf.

⁹ See 18 U.S.C. § 1001 (forbidding in relevant part concealment of a material fact in any matter under the jurisdiction of the legislative branch applying to, “any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress,” such as a committee hearing conducted under oath.)

¹⁰ House Judiciary Committee report, *supra* n. 1 (noting that, “In the FBI’s latest production, the draft of the external SPEAR report had a pending release for February 2023, suggesting an interest for a prompt release.”) According to the same House Judiciary Comm. report, on February 6, 2023, the Counterterrorism Division reviewed the report and suggested making in into an “Emerging Intelligence Report.” The uproar about the Richmond internal memo was generated by its public release just two days later, on February 8. The planned external report was never released Bureau-wide.

There are other significant problems with the FBI's response to the Richmond memo as well. Despite the internal memo's obvious flaws, it was approved by layers of FBI bureaucracy, including the Chief Division Counsel and the Special Agent in Charge (SAC).¹¹ Indeed, FBI's October 27 letter indicated that a total of seven individuals were involved in the drafting, review, and approval of the memo. That a product this defective was reviewed by seven FBI employees and senior agents is evidence of a cultural problem at FBI that points well beyond a single report. This is why members of Congress from the beginning questioned whether this was part of a broader problem and if other reports might have been similarly flawed. Despite this concern, the FBI revealed in its September 21, 2023, briefing to Senate staff that FBI didn't conduct a search for other products that may have similarly implicated religious or conservative groups. We request that you do so and provide the Senate with the results.

This broader crisis of FBI leadership is part of an ongoing pattern of weaponization of federal law enforcement against ordinary citizens that we have warned you about at length, and which the FBI must address. In March, Senator Grassley and Senator Graham expressed concern that, "[a]lthough the FBI withdrew this report quickly after public scrutiny was focused upon . . . its drafting, approval, and release proves yet again the crisis brewing within the FBI and its leadership, which time and again has failed to rein in such blatant bias." Likewise, Senator Lankford and Senator Grassley on October 11 wrote you questioning the FBI's use of the deeply-biased and thoroughly-discredited Southern Poverty Law Center (SPLC) as a source in intelligence products. Even though the FBI's October 27 letter purported to respond to that letter, it failed to do so. Accordingly, we once again request further information regarding the FBI's dependence upon the SPLC.

The credibility of the Bureau has been damaged further in recent years following internal abuses of power, as documented by the DOJ Inspector General and by Special Counsel John Durham. You personally have offered assurances of reforms, quality controls, and internal auditing to root out practices and individuals that do not meet the FBI's standards. One cornerstone of these promised reforms is the efficacy of the FBI's internal watchdogs, specifically the Inspection Division, and the newly created Office of Internal Audit.¹² Yet the FBI's response to this troubling memo shows the inability of these measures to safeguard against FBI overreach. Faced with the troubling Richmond incident, and with that intelligence product swiftly condemned by FBI leadership, one would expect the Inspection Division to step up and conduct a thorough investigation that addressed the concerns of Congress and the public. Based upon information obtained in the FBI's Senate briefing, it failed in that task and needs to go back to the drawing board.

¹¹ Staff notes from FBI Briefing to the U.S. Senate, September 21, 2023, on file with staff.

¹² Letter from The Hon. Christopher Wray, Director, Federal Bureau of Investigation, to redacted recipient, U.S. Senate (July 21, 2023), *redacted version available at* <https://www.fbi.gov/file-repository/redacted-section-702-director-wray-senate-letter-072123.pdf>.

A complete investigation of the Richmond incident, to address these cultural concerns, would have included at a minimum: (1) the history of the FBI employees responsible for the product, including an analysis of their prior work product; (2) a complete understanding of the memo's dissemination (e.g., who read the report and what, if anything, they did with the information contained therein); (3) a competent and thorough look at any and all other intelligence products analyzing traditionalist religious groups on similar grounds; (4) an investigation of the Counterterrorism Division's review of the drafted external memorandum; and (5) recommendations of disciplinary or remedial action that took into account the preceding analysis. Shockingly, none of these steps appear to have been part of the FBI's internal review.

Indeed, the FBI revealed in its briefing to the Senate that it didn't even review the personnel file and disciplinary history of the employees involved to determine if they may have other problematic work product or disciplinary issues. Without consulting the employees' personnel files, it's unclear how FBI determined that an admonishment was the appropriate discipline. FBI also admitted that it deferred to the Richmond Field Office's Human Resources office to review the personnel file of the Special Agent in Charge, the very supervisor they report to. This is a clear conflict, which FBI needs to remedy by tasking those outside the Richmond Field Office with this review. These revelations undermine confidence in the FBI's response to the Richmond memo, and the Bureau needs to right these wrongs.

Only a commitment to excellence and unbiased enforcement of the law will repair the FBI's damaged credibility. To further this goal, and so that Congress may continue to exercise its constitutionally-grounded oversight of the FBI's handling of this matter, we again reiterate the information requests already made by members of Congress, and ask the FBI to respond to the following requests no later than February 14, 2024:

1. Why did you testify that the Richmond memo represented a "single product by a single field office," despite the fact that other field offices provided input to the memo, and another product was drafted on the same topic for external distribution? Did you review the unredacted memo before your testimony? Please provide a copy of the external (SPEAR) product that was prepared "on the same topic" and all records¹³ related to its review and approval.
2. Why did the FBI permanently delete files related to the Richmond internal memo rather than simply removing the memo from distribution, and does FBI have a backup of this information? Was this deletion of records in accordance with FBI policy and federal document retention laws?

¹³ "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).

3. Did the FBI attempt to recover these files for use in its internal review? If not, why not? Please check all backups and provide all records recovered.
4. Why did the Bureau not review the previous work product and/or personnel files of the authoring analysts and approving agents to determine whether there was a pattern or practice of such sub-standard or biased work product before deciding on their discipline?
5. Why did the Bureau not undertake a complete assessment of the Richmond product's dissemination (e.g., who read the report, and what, if anything, they did with the information contained therein)? Please conduct this assessment and advise us of the results.
6. Why did the Bureau not take adequate steps to determine whether other FBI work product targeted traditional religious groups or similarly cited heavily-biased sources? Please conduct this assessment and advise us of the results.
7. Was the FBI influenced by the Southern Poverty Law Center to target Catholics, and if so, is the FBI still relying on the SPLC as an investigative source?
8. Has the FBI directed all field offices to stop relying on any information from the SPLC in its analytical products? If not, why not? Please provide all records of all other work product where the SPLC has been relied upon for analysis, and advise whether the work has been redacted or withdrawn, or is still in use.
9. Please provide all records that you have provided to the House of Representatives and all records responsive to open Senate information requests.

Sincerely,



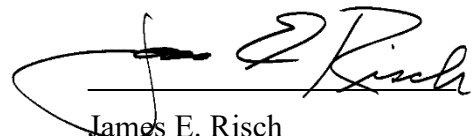
Charles E. Grassley
Ranking Member
Committee on the Budget



Lindsey O. Graham
Ranking Member
Committee on the Judiciary



James Lankford
United States Senator



James E. Risch
United States Senator



John Hoeven
United States Senator



Mike Lee
United States Senator



Ted Cruz
United States Senator



Deb Fischer
United States Senator



Todd Young
United States Senator



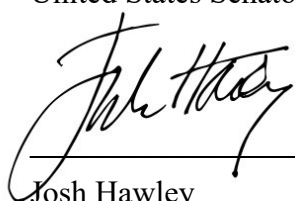
Marsha Blackburn
United States Senator



Kevin Cramer
United States Senator



Mike Braun
United States Senator



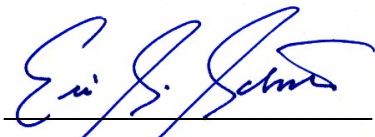
Josh Hawley
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Rick Scott
United States Senator



Roger Marshall, M.D.
United States Senator



Eric Schmitt
United States Senator

Cc: The Honorable Merrick Garland
Attorney General
Department of Justice