

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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April 10, 2023

The Honorable Christopher A. Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, DC 20535

Dear Director Wray:

The Committee on the Judiciary is conducting oversight of the Federal Bureau of Investigation's (FBI) handling of domestic violent extremism investigations against Catholic Americans and its effect on protected First Amendment activity. Based on the limited information produced by the FBI to the Committee, we now know that the FBI relied on at least one undercover agent to produce its analysis, and that the FBI proposed that its agents engage in outreach to Catholic parishes to develop sources among the clergy and church leadership to inform on Americans practicing their faith. This shocking information reinforces our need for all responsive documents, and the Committee is issuing a subpoena to you to compel your full cooperation.

We have repeatedly sought information from the FBI relating to a January 23, 2023 document generated by the Richmond Field Office entitled "Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities" ("FBI's Richmond document").<sup>1</sup> In this document, the FBI purported to categorize Catholic Americans based on theological distinctions and relied on the Southern Poverty Law Center to suggest that certain kinds of Catholic Americans may be domestic terrorists.<sup>2</sup> On February 16, 2023, we first wrote to you requesting documents and information to inform our oversight.<sup>3</sup> After receiving no response, we reiterated our outstanding requests in a subsequent letter dated March 20, 2023.<sup>4</sup> On March 23, 2023, we received a

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<sup>1</sup> Fed. Bureau of Investigation, U.S. Dep't of Justice, Domain Perspective, Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities (Jan. 23, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *See*, Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Feb. 16, 2023).

<sup>4</sup> *See*, Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Mar. 20, 2023).

substandard and partial response consisting of only 18 pages—many with significant redactions of “personally identifiable information” or “specific non-public information about [FBI] investigations, sources, and methods” that prevents the Committee from fully assessing the content and context of the documents and obtaining information requested from the Bureau.<sup>5</sup>

The limited information that was provided to the Committee makes clear that we must possess all responsive material without redactions. From this selective production, we know that the FBI, relying on information derived from at least one undercover employee, sought to use local religious organizations as “new avenues for tripwire and source development.”<sup>6</sup> For example, in a section of the document entitled “Opportunities,” the FBI wrote:

In addition to [redaction], engage in outreach to the leadership of other [Society of Saint Pius X] chapels in the FBI Richmond [area of responsibility] to sensitize these congregations to the warning signs of radicalization and **to enlist their assistance to serve as suspicious activity tripwires.**<sup>7</sup>

The FBI similarly noted two other opportunities to engage in outreach with religious institutions in the Richmond area, citing a desire “to sensitize the congregation to the warning signs of radicalization and enlist their assistance to serve as suspicious activity tripwires.”<sup>8</sup> This outreach plan even included contacting so-called “mainline Catholic parishes” and the local “diocesan leadership[.]”<sup>9</sup> The FBI also expressed an interest in “leverag[ing] existing sources and/or initiat[ing] Type 5 Assessments to develop new sources with the placement and access” to report on suspicious activity.<sup>10</sup>

This information is outrageous and only reinforces the Committee’s need for all FBI material responsive to our request. The documents produced to date show how the FBI sought to enlist Catholic houses of worship as potential sources to monitor and report on their parishioners. Americans attend church to worship and congregate for their spiritual and personal betterment. They must be free to exercise their fundamental First Amendment rights without worrying that the FBI may have planted so-called “tripwire” sources or other informants in their houses of worship.

Although the FBI claims to have “numerous” and “rigorous” policies to protect First Amendment rights,<sup>11</sup> the FBI’s Richmond document plainly undercuts these assertions. The document itself shows that its contents, including its proposal to develop sources in Catholic churches, were reviewed and approved by two senior intelligence analysts and even the local

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<sup>5</sup> Letter from Christopher Dunham, Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 23, 2023).

<sup>6</sup> *Id.* (encl.).

<sup>7</sup> *Id.* (emphasis added).

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Dunham, *supra* note 5.

The Honorable Christopher A. Wray

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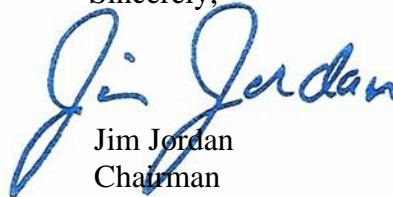
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Chief Division Counsel. We know from whistleblowers that the FBI distributed this document to field offices across the country. It is unclear, however, how many FBI employees explored “new avenues for tripwire and source development” in Catholic houses of worship across the country as a result of the FBI’s Richmond document.

The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”<sup>12</sup> Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of the Justice Department and FBI—including with respect to the agencies’ use of law-enforcement and counterterrorism resources and their policies to protect civil liberties—to inform potential legislative reforms.<sup>13</sup> These potential legislative reforms could include, among other proposals, legislation to prescribe how federal law-enforcement entities investigate constitutionally protected activity, legislation to educate federal law-enforcement personnel on civil liberty protections, or legislation to prevent the misuse of federal law-enforcement and counterterrorism resources in the future. The information we have requested about the FBI’s Richmond document is necessary to inform such potential legislation.

Accordingly, and in light of your disregard of our earlier voluntary requests, please find attached a subpoena for the requested documents and information.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure

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<sup>12</sup> See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

<sup>13</sup> Rules of the U.S. House of Representatives, R. X (2023).