

Congress of the United States
Washington, DC 20515

June 14, 2023

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

Dear Director Wray:

On June 7, 2023, the Committee on the Judiciary conducted a transcribed interview of Steven D’Antuono, the former Assistant Director in Charge of the Federal Bureau of Investigation’s (FBI) Washington Field Office (WFO). In that role, Mr. D’Antuono oversaw the WFO’s investigations into the events at the Capitol on January 6, 2021, including the placement of pipe bombs near the headquarters of the Democratic National Committee (DNC) and Republican National Committee (RNC) on January 5, 2021. Mr. D’Antuono’s testimony provided new information about the FBI’s investigation into the pipe bombs and reinforces our concerns about the FBI’s handling of this matter.¹

In his transcribed interview, Mr. D’Antuono suggested that the FBI could not even determine whether the placement of the pipe bombs was a “diversionary” tactic for the events of January 6.² He indicated that the FBI was not certain about the gender of the subject, although he was confident the FBI obtained video surveillance of the subject.³ He testified:

Mr. Massie. Are you familiar with the diversion thesis, that these were set up to be a diversion?

A. Yeah, I’ve heard people say that, but if you watch – I’ve done a lot of media reports. I was trying to get the information out there, tips and stuff like that, right. I will not speculate. I’m not going to speculate on that. I think that’s speculation, at best, when people say that it’s a diversionary tactic.

¹ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir. Fed. Bureau of Investigation (Mar. 9, 2022); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir. Fed. Bureau of Investigation (Jan. 17, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir. Fed. Bureau of Investigation (May 24, 2023).

² See Transcribed Interview of Mr. Steven D’Antuono at 34-35 (June 7, 2023) [hereinafter “D’Antuono Interview”].

³ *Id.* at 35.

We'll never know until we find the person that actually did – or persons that actually did it. So I can't speculate on that. Could it have been? Yes, that's one theory. Obviously, it's one theory. But is it the only theory? I don't – I really don't know.

Mr. Massie. It looks like the head Capitol Police [*sic*] believes it was a diversion.

A. So Steve Sund, chief of police, yes. I believe he wrote that in his book. Again, it's pure speculation. There's no intelligence – look, I ran the investigation for 2 years until I stepped out. We don't know. We don't even know the gender at this point as to – we could speculate, and there's a lot of people that are speculating as to the gender.

Mr. Massie. How confident are you that the individual depicted in the surveillance footage on January 5th set both of those pipe bombs in place?

A. So the video that we saw, I feel confident that by the video that we have, that that person planted those.⁴

In addition, Mr. D'Antuono provided testimony about the viability of the pipe bombs, which, according to reporting, were deemed to be “inoperable.”⁵ While Mr. D'Antuono referenced a report from the FBI laboratory in Quantico, Virginia that the pipe bombs were viable, and “they could explode, and they could cause harm or death,” Mr. D'Antuono also acknowledged that the timer used on the pipe bomb could not have detonated the pipe bomb given the time already elapsed between placement and discovery.⁶ He testified:

Mr. Massie. Well, let me ask you this: Do you think it was technically possible for a kitchen timer . . . that has [a] 1-hour duration . . . to detonate a bomb 17 hours later?

A. No, I don't. And I saw the same kitchen timer as you. I agree. I don't know when they were supposed to go off. Maybe they weren't supposed to go off. We

⁴ *Id.* at 35

⁵ Kerry Pickett, *Jan. 6 pipe bombs at RNC, DNC were inoperable, says ex-agent who contradicts FBI's official story*, WASH. TIMES (May 12, 2023).

⁶ D'Antuono Interview, *supra* note 2, at 33-34.

can't—we don't know. We honestly don't know, and that's some of the pain . . .⁷

Mr. D'Antuono's testimony provided additional details about the FBI's use of geofencing technology to identify the pipe bomb suspect. He testified:

So the – there's a lot of phone data that came in. Yes, I've seen the same video. I've watched the same video. We put out the same video. It looks like a phone. Was it a real phone, a not a real phone, was it a ruse? Was it a – you know, I picked up my phone several times at meetings going, oh, yeah, I got to take this call, and walk out, right. The phone's not on, right. So was the person just sitting there trying to pretend like they're on a bench taking a phone call? We don't know until we find the person, right, and ask them those questions.

We did a complete geofence. We have complete data. Not complete, because there's some data that was corrupted by one of the providers, not purposely by them, right. It just – unusual circumstance that we have corrupt data from one of the providers. I'm not sure – I can't remember right now which one. But for that day, which is awful because we don't have that information to search. So could it have been that provider? Yeah, with our luck, you know, with this investigation it probably was, right. So maybe if we did have that – that data wasn't corrupted – and it wasn't purposely corrupted. I don't want any conspiracy theories, right. To my knowledge, it wasn't corrupted, you know, but that could have been good information that we don't have, right. So that is painful for us to not to have that. So we looked at everything.⁸

Mr. D'Antuono also testified that he did not definitively know if the FBI had interviewed the individual who discovered the pipe bomb at the DNC. He testified:

Q. So just to . . . put a fine point on it, you do not know whether they interviewed the person that discovered . . . the [bomb] at the DNC?

A. I don't know.⁹

⁷ *Id.* at 35-36.

⁸ *Id.* at 41.

⁹ *Id.* at 42

Mr. D'Antuono conceded that it would be "investigation 101" to interview the individuals who discovered the bombs, yet he was unable to confirm whether the FBI had taken this basic investigative step.¹⁰ He explained:

Mr. Massie. So – but the person who found – you either haven't identified the person who found the second pipe bomb, or did you?

A. I – honestly, sir, I don't know the granularity of everything my agents and analysts did in that matter. It's just – it's a whole host of stuff that's going on. As the [Assistant Director in Charge], as like any senior leader, I'm getting briefed on things, and that part never came up, so –¹¹

Mr. D'Antuono's testimony raises concerns about the FBI's handling of the pipe bomb investigation, more than 890 days following the placement of the pipe bombs, and despite your statements that you have "total confidence" the FBI will apprehend the subject.¹² To date, the FBI has failed to respond to the Committee's requests for a briefing regarding the investigation.

Accordingly, we reiterate our outstanding request for a full briefing for the Judiciary Committee and the House Administration Committee about the status of the pipe bomb investigation. In addition, to assist with our oversight of this matter, we request the following documents and information:

1. All FBI reports, analyses, or assessments conducted or prepared relating to the viability of the pipe bombs placed outside the Democratic National Committee and Republican National Committee on January 5, 2021;
2. The chain-of-custody logs for the video footage provided to the FBI from the Democratic National Committee, Republican National Committee, the Capitol Hill Club, or any surrounding residences;
3. All transcripts and memoranda, including but not limited to FD-302s and FD-1023s, of the FBI's interviews with the individuals who discovered each of the pipe bombs, potential witnesses to the placement of the pipe bombs, or any other individuals with knowledge about the matter;
4. All documents and communications referring or relating to the FBI's gathering of cell phone records relating to the placement of the pipe bombs; and

¹⁰ *Id.* at 42.

¹¹ *Id.* at 113-14.

¹² See Aleks Phillips, *FBI director dodges question on why Jan. 5 pipebomber has yet to caught*, Newsweek, Mar. 1, 2023.

5. All documents and communications referring or relating to video and other material concerning the identification of the individual who discovered the pipe bomb outside the Democratic National Committee.

Please produce this information as soon as possible but no later than 5:00 p.m. on June 28, 2023.

The Judiciary Committee is authorized to conduct oversight of the Federal Bureau of Investigation pursuant to the Rules of the House of Representatives.¹³ If you have any questions about this matter and to schedule the briefing, please ask your staff to contact Committee staff at (202) 225-6906.

Thank you for your attention to this important matter.

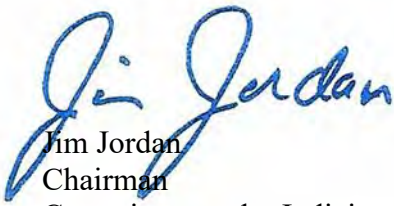
Sincerely,



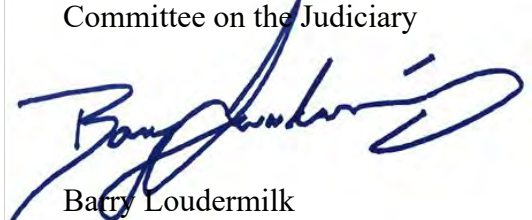
Thomas Massie
Chairman
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust
Committee on the Judiciary



Andy Biggs
Chairman
Subcommittee on Crime and
Federal Government Surveillance
Committee on the Judiciary



Jim Jordan
Chairman
Committee on the Judiciary



Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration

cc: The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

The Honorable Lou Correa, Ranking Member
Subcommittee on the Administrative State, Regulatory Reform, and Antitrust
Committee on the Judiciary

The Honorable Sheila Jackson Lee, Ranking Member
Subcommittee on Crime and Federal Government Surveillance
Committee on the Judiciary

¹³ Rules of the U.S. House of Representatives, R. X (2023).

The Honorable Christopher A. Wray

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The Honorable Norma Torres, Ranking Member
Subcommittee on Oversight
Committee on House Administration