

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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May 6, 2022

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

Dear Director Wray:

We have been alerted that the Federal Bureau of Investigation appears to be attempting to terminate the employment of FBI employees who were engaged in protected First Amendment activity on January 6, 2021. The Department of Justice Office of Inspector General is now examining whether the FBI's actions violate federal civil service laws.¹ While FBI employees may not participate in partisan political campaigns,² FBI employees do not give up their rights to engage in political speech activity. We have serious concerns that the FBI appears to be retaliating against employees for engaging in political speech disfavored by FBI leadership.

According to several whistleblowers, the FBI is suspending the security clearances of FBI employees for their participation in protected First Amendment activity on January 6, 2021. Among the justifications for the suspensions, the FBI cited "Adjudicative Guideline A — Allegiance to the United States," implying that the FBI believes the employees who attended protests on January 6 are no longer loyal to the United States. Because a security clearance is required for FBI positions, the suspension of the security clearance means the FBI has suspended these employees from work indefinitely. Such a suspension is likely to be the first step in terminating employment.

One such targeted employee is [REDACTED] working in the FBI's [REDACTED] who also honorably served in the United States military for over 20 years. [REDACTED] has been working for the FBI for more than a decade. According to whistleblowers, while on leave, these FBI employees attended public events in Washington, D.C., with their spouses. We have been told that [REDACTED] and the other FBI employees did not enter the United States Capitol, have not been charged with any crime, and have not been contacted by law enforcement about their actions.

¹ See letter from Michael E. Horowitz, Inspector Gen., Dep't of Justice, to Jim Jordan, Ranking Member, H. Comm. on the Judic. (May 4, 2022).

² 5 U.S.C. § 7323.

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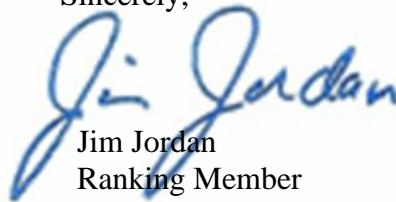
Page 2

Given these facts, it is extremely concerning that the FBI would seek to suspend the security clearances of these employees and begin the process to potentially terminate their employment altogether. Even more insulting is that the FBI would openly question the patriotism of long-time FBI employees, including at least one veteran, because they exercised their First Amendment rights on their personal time without breaking any laws. The totality of the FBI's actions as relayed to us present the appearance that the FBI may be retaliating against these employees for disfavored political speech. This perception is buttressed by documented examples of political bias ingrained the FBI's leadership culture—for example, when a senior FBI official wrote derisively to a colleague that he “could SMELL the Trump support” at a Walmart in southern Virginia,³ or when an FBI attorney altered evidence in support of the FBI's warrantless surveillance of a Trump campaign associate.⁴

We are conducting oversight to ensure the FBI is not retaliating against FBI employees for exercising their First Amendment rights. We ask for your personal assurance that the FBI will cooperate fully with the Inspector General's examination. In addition, because we continue to see repeated abuses by the FBI under your leadership—including most recently the FBI's misuse of counterterrorism resources to target concerned parents and its rampant abuse of FISA authorities to spy on Americans—we ask that you arrange a staff-level briefing concerning the FBI's personnel actions against employees involved in First Amendment protected activity on January 6. Please schedule this briefing as soon as possible, but no later than 5:00 p.m. on May 20, 2022.

Finally, we remind you that whistleblower disclosures to Congress are protected by law and that we will not tolerate any effort to retaliate against whistleblowers for their disclosures. We look forward to receiving your prompt cooperation with this inquiry.

Sincerely,



Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

³ Text message from Peter Strzok (Aug. 26, 2016). During congressional testimony, Inspector General Horowitz explained that he did not rule out political bias as a basis for the FBI's misconduct. See *“Examining the Inspector General's Report on Alleged Abuses of the Foreign Intelligence Surveillance Act”*: Hearing before the S. Comm. on the Judic., 116th Cong. (2019).

⁴ See Press Release, Dep't of Justice, FBI Attorney Admits Altering Email Used for FISA Application During “Crossfire Hurricane” Investigation (Aug. 19, 2020).