

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 11, 2024

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

Dear Director Wray:

The Committee on the Judiciary is conducting oversight of how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech.¹ In furtherance of this oversight, on July 17, 2023, the Committee conducted a transcribed interview of Laura Dehmlow, the Section Chief of the Federal Bureau of Investigation's Foreign Influence Task Force (FITF). Multiple times during her interview, Ms. Dehmlow refused to answer questions at the direction of agency counsel.² Accordingly, the Committee sought this information directly from the FBI.

On July 20, 2023, three days after Ms. Dehmlow's interview, the Committee wrote to you to request the specific information that Ms. Dehmlow knew but refused to disclose during her transcribed interview.³ Since then, the Committee has repeatedly sought to obtain this information.⁴ This information is also directly responsive to the subpoena the Committee issued to you on August 17, 2023—which had a return deadline of September 18, 2023.⁵ To date, the FBI has failed to provide this information.⁶ We write to notify you that if the FBI does not

¹ See Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023).

² See, e.g., House Judiciary Committee's Transcribed Interview of Laura Dehmlow (July 17, 2023), at 29-30, 33-34, 36, 39, 42-43, 45-47, 169-170, 173-174.

³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 20, 2023).

⁴ See, e.g., Teleconference between FBI personnel and Committee staff (Aug. 8, 2023, 1:30 PM); Teleconference between FBI personnel and Committee staff (Feb. 26, 2024, 4:00 PM); see also Email from Committee Staff to FBI and DOJ personnel (Nov. 7, 2023, 12:22 PM).

⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 17, 2023) (attaching subpoena).

⁶ Recent reporting alleging a major media outlet's "unprecedented" efforts to fire and seize the confidential materials of a reporter investigating the Hunter Biden laptop scandal underscores the significance of this investigation and raises concerns about the FBI's continued refusal to provide the requested information. See

produce this information promptly, the Committee may be forced to consider the use of one or more enforcement mechanisms.

I. Background on the Outstanding Requests from Ms. Dehmlow's Interview

During her transcribed interview, Ms. Dehmlow revealed that the same FBI personnel who were warning social media companies about a potential Russian “hack and leak” operation in the lead-up to the 2020 election knew that the laptop belonging to Hunter Biden was not Russian disinformation.⁷ After the *New York Post* published a story based on the contents of the laptop about Biden family influence peddling,⁸ the FBI made the institutional decision to refuse to answer direct questions from social media companies about the laptop’s authenticity—despite months of constant information sharing up to that time.⁹ The FBI’s decision, coupled with months of advanced warnings to be on the lookout for reporting that “fit the pattern” of the news article, prompted the companies to erroneously suppress the *New York Post* story on the basis that it was Russian disinformation, preventing millions of Americans from hearing it prior to the election.¹⁰

According to information available to the Committee, the FBI confirmed the authenticity of Hunter Biden’s laptop in November 2019 and gained possession of the laptop in December 2019.¹¹ In the nine months leading up to the 2020 election, the FBI met over 30 times with social media platforms—all while in possession of Hunter Biden’s laptop.¹² In one meeting on October 7, 2020—just one week before the *New York Post* article on the Hunter Biden laptop was published—the agenda explicitly listed “Hack/Leak Concerns” as an item of discussion.¹³ Dehmlow also testified that the FBI could—and did—share information with companies regarding foreign malign influence operations, like hack-and-leak operations, including those conducted by Russia-aligned actors.¹⁴

Alexandra Stiegrad, *CBS seizes confidential files of fired reporter pursuing Hunter Biden laptop story in ‘unprecedented’ move: sources*, N.Y. POST (Feb. 23, 2024).

⁷ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 29-30, 37 (on file with the Comm.); see also Brief for Jim Jordan, et. al, as Amicus Curiae, *Murthy v. Missouri*, No. 23-411 (filed Feb. 15, 2024); Rep. Jim Jordan (@Jim_Jordan) X (Aug. 7, 2023, 10:11 AM), https://twitter.com/Jim_Jordan/status/1688553347517730816.

⁸ See Emma-Jo Morris and Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020).

⁹ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 17-20, 32-34, 36, 86-87, 166 (on file with the Comm.); see also Brief for Jim Jordan, et. al, as Amicus Curiae, *Murthy v. Missouri*, No. 23-411 (filed Feb. 15, 2024).

¹⁰ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 29-30, 37 (on file with the Comm.); see also Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 20, 2023); Thomas Barrabi, *Mark Zuckerberg tells Joe Rogan Facebook was wrong to ban The Post’s Hunter Biden laptop story*, N.Y. POST (Aug. 25, 2022).

¹¹ House Ways and Means Committee’s Transcribed Interview of Gary A. Shapley, Jr., at 12.

¹² See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 20, 2023).

¹³ See email from Facebook employee to Matthew Masterson and Brian Scully (Sept. 29, 2020, 11:41 AM) (on file with the Comm.)

¹⁴ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 173-74.

During the Committee's interview of Ms. Dehmlow, there were six categories of information that she refused to provide and which the Committee requested from you in our July 20 letter.

1. The Name of the FBI Official Who Stated that the Laptop Is Real During the Twitter-FITF Meeting

The *New York Post* published its story early in the morning on October 14.¹⁵ That same day, representatives from the FITF attended a previously scheduled meeting with Twitter, during which a Twitter employee asked the FITF about the authenticity of the laptop.¹⁶ According to Section Chief Dehmlow's testimony, an analyst in the FBI's Criminal Investigative Division embedded in the FITF began to respond that the laptop was real, when an FBI lawyer interrupted to say that the FBI had "no further comment," regarding the laptop's provenance.¹⁷

Later in her transcribed interview, Ms. Dehmlow testified that she knew the name of the FBI official who responded to Twitter that the laptop was real, but FBI counsel instructed her to not disclose the official's name or additional details (apart from the official's division) when asked.¹⁸ Despite FBI counsel's assurance that a response would be forthcoming, to date, the FBI has failed to provide the name of this FBI official to the Committee.¹⁹

2. The Name of the FBI Official Who Stated "No Further Comment" During the Twitter-FITF Meeting

Ms. Dehmlow also testified that she knew the name of the FBI lawyer who "jumped in," cutting off the first FBI official who said the laptop was real, and stated "no further comment."²⁰ As with the name of the official from the FBI's Criminal Investigative Division, FBI counsel instructed Ms. Dehmlow to not provide the name of this FBI official as well.²¹ To date, the FBI has failed to provide the name of this FBI official to the Committee.

3. The Names of FBI Employees who Participated in Internal Deliberations Following the Twitter-FITF Meeting

According to Ms. Dehmlow's testimony, following the meeting with Twitter, FBI personnel immediately deliberated internally about what information the FBI would reveal to social media companies when asked about the laptop in upcoming meetings.²² However, FBI and

¹⁵ See Emma-Jo Morris and Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020).

¹⁶ House Judiciary Committee's Transcribed Interview of Laura Dehmlow (July 17, 2023), at 29 (on file with the Comm.)

¹⁷ *Id.*

¹⁸ *Id.* at 29-30.

¹⁹ *Id.*

²⁰ See *id.* at 29.

²¹ *Id.* at 31.

²² *Id.* at 31-32.

DOJ counsel both instructed Ms. Dehmlow to not provide information regarding these internal deliberations following the Twitter-FITF meeting.²³

To date, the FBI has failed to provide the names of the FBI personnel who participated in these internal deliberations or any documents or communications related to the discussions, such as those taking place via the FBI’s “chat function.” These documents and communications are directly responsive to the Committee’s August 17, 2023 subpoena.²⁴

4. The Names of FBI Employees Who Knew the Laptop Was Real Before the *New York Post* Published its Article on Hunter Biden’s Laptop

In her transcribed interview, Ms. Dehmlow testified that, by October 14, 2020—the day the *New York Post* published its story on the contents of Hunter Biden’s laptop—the individual then-serving as FITF Section Chief, as well as individuals assigned to FITF’s Russia Unit, knew that Hunter Biden’s laptop was real.²⁵

According to Ms. Dehmlow’s testimony, the FITF then met with Facebook.²⁶ During the FITF-Facebook meeting, Ms. Dehmlow testified that she responded to a similar question from a Facebook employee about Hunter Biden’s laptop by stating that the FBI, again, had “no comment.”²⁷ The FBI made this decision despite being in possession of the laptop and having confirmed its authenticity.²⁸ Ms. Dehmlow testified that multiple personnel on the FITF knew that the laptop was real, despite efforts from agency counsel to coach the witness to provide a different answer.²⁹

Despite Ms. Dehmlow’s acknowledgement that multiple FBI personnel were aware that the laptop was real, agency counsel instructed Ms. Dehmlow to not provide any information regarding internal deliberations that may have occurred.³⁰ To date, the FBI has failed to provide the names of the FBI personnel who knew the laptop was not Russian disinformation.

5. The Name of the FBI Official Who Decided that the FBI Would Say “No Comment” Going Forward

According to Ms. Dehmlow, during these internal deliberations a decision was made that the FITF would say “no comment” going forward.³¹ When Committee staff asked who made that

²³ *Id.* at 34.

²⁴ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 17, 2023) (attaching subpoena); *see id.* 1(a) of Schedule A.

²⁵ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 37 (on file with the Comm.)

²⁶ *Id.* at 33.

²⁷ *Id.*

²⁸ House Ways and Means Committee’s Transcribed Interview of Gary A. Shapley, Jr., at 12; Press Release, House Judiciary Committee, Testimony Reveals FBI Employees Who Warned Social Media Companies about Hack and Leak Operation Knew Hunter Biden Laptop Wasn’t Russian Disinformation (July 20, 2023).

²⁹ House Judiciary Committee’s Transcribed Interview of Laura Dehmlow (July 17, 2023), at 37.

³⁰ *Id.* at 39.

³¹ *Id.* at 38.

decision, agency counsel interjected and instructed Ms. Dehmlow to not answer.³² Ms. Dehmlow was permitted to testify only that she was not the decision-maker.³³ To date, the FBI has failed to provide the name of the FBI official who made the “final call” to respond with “no comment.”

6. FITF Meeting Notes and Related Documents and Communications, Prioritizing October and November 2020

Ms. Dehmlow also testified about the existence of FITF meeting notes and related communications, including on the FBI’s case management system, Sentinel.³⁴ Ms. Dehmlow testified that “everything was recorded in Sentinel” and that the FBI is required to preserve messages “so we would have an ongoing record.”³⁵

To date, the FBI has failed to produce many of the documents identified as priorities by the Committee in response to the August 17, 2023 subpoena, and the documents produced remain heavily redacted. The Committee has repeatedly requested that the FBI produce documents unredacted as required by the subpoena.³⁶ As an extraordinary accommodation, on November 28, 2023, the Committee offered the FBI a list of priority documents to produce unredacted.³⁷ Three months later, the FBI produced less-redacted versions of only a subset of the priority documents requested by the Committee and continued to apply redactions to the substance of responsive emails.³⁸

II. The FBI is Compelled to Produce This Information

On August 17, 2023, the Committee issued a subpoena to you for documents relating to the Committee’s oversight of how and the extent to which the Executive Branch coerced and colluded with companies and other intermediaries to censor speech.³⁹ The six categories of information are included in and responsive to the material subpoenaed on August 17. Following the Committee’s issuance of the subpoena, the FBI has made limited productions with heavy redactions, as discussed above. Even after the Committee provided the FBI with a list of priority documents, the FBI still has not substantially complied with the Committee’s subpoena.

The Committee’s subpoena imposes a legal obligation on the FBI to produce any responsive material. Although the subpoena is broader than the six categories of documents in

³² *Id.* at 33-34.

³³ *Id.* at 33-34, 36.

³⁴ *Id.* at 117-118.

³⁵ *Id.* at 120-121.

³⁶ *See, e.g.*, Email from Committee Staff to FBI and DOJ personnel (Nov. 7, 2023, 12:22 PM); Email from Committee Staff to FBI and DOJ personnel (Nov. 28, 2023, 3:52 PM); Email from Committee Staff to FBI and DOJ personnel (Dec. 12, 2023, 12:04 PM); *see also* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 17, 2023) (attaching subpoena).

³⁷ *See* Email from Committee Staff to FBI and DOJ personnel (Nov. 28, 2023, 3:52 PM); Email from Committee Staff to FBI and DOJ personnel (Dec. 12, 2023, 12:04 PM).

³⁸ *See* Email from DOJ Office of Legislative Affairs to Committee Staff (Feb. 27, 2024, 4:27 PM) (providing cover letter and access to document production).

³⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 17, 2023) (attaching subpoena).

The Honorable Christopher A. Wray

March 11, 2024

Page 6

our June 20 letter, we have prioritized the production of this material as an accommodation. The FBI's failure to produce this material months after the return date is unacceptable. Accordingly, the Committee expects the FBI to substantially improve its compliance with the six categories of information outlined in this letter by no later than 5:00 p.m. on March 25, 2024. If the FBI fails to do so, the Committee may consider the use of all available enforcement mechanisms.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style with a large initial "J".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member