

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

February 2, 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 continuing to investigate allegations of politicization and bias at the Federal Bureau of Investigation (FBI). Just last week, with the indictment of former senior FBI official Charles McGonigal, the American people were reminded yet again about the seemingly pervasive problems within the FBI.¹ We write to request material and information about McGonigal's misconduct.

On January 23, 2023, the Justice Department unsealed an indictment charging McGonigal, a former Special Agent in Charge (SAC) of the New York FBI Counterintelligence Division, for working on behalf of and taking money from Oleg V. Deripaska, a Russian oligarch with ties to Russian President Vladimir Putin.² McGonigal allegedly violated sanctions imposed by the United States and the International Emergency Economic Powers Act by "agree[ing] to . . . investigate a rival oligarch of Deripaska in return for concealed payment from Deripaska."³ McGonigal also allegedly laundered money for and conspired to aid Deripaska.⁴

McGonigal allegedly took these actions after previously supervising investigations into Deripaska and his Russian rivals. According to the indictment, in his role as SAC of the Counterintelligence Division, McGonigal "supervised and participated in investigations of Russian oligarchs, including Deripaska."⁵ McGonigal also "received and reviewed a then-classified list of Russian oligarchs with close ties to the Kremlin who would be considered for

¹ Press Release, U.S. Dep't of Justice, Former Special Agent In Charge of The New York FBI Counterintelligence Division Charged With Violating U.S. Sanctions On Russia (Jan. 23, 2023); see Ashley Oliver, *House Judiciary Republicans Release 1,000-Page Report Laying Out FBI 'Politicization'*, BREITBART (Nov. 4, 2022).

² U.S. Dep't of Justice, *supra* note 1; Benjamin Weiser & William K. Rashbaum, *Former Senior F.B.I. Official in New York Charged With Aiding Oligarch*, N.Y. TIMES (Jan. 23, 2023).

³ U.S. Dep't of Justice, *supra* note 1.

⁴ *Id.*; see Weiser & Rashbaum, *supra* note 2.

⁵ Sealed Indictment, *United States v. McGonigal & Shestakov*, 23 Cr. 016 (S.D.N.Y. 2023).

sanctions to be imposed as a result of Russia's 2014 conflict with Ukraine."⁶ This misconduct further erodes public confidence in the FBI's conduct and law-enforcement actions.

McGonigal's indictment also raises new questions about the FBI's counterintelligence efforts during his employment with the FBI. According to reports, McGonigal previously played an instrumental role "in the decision to launch the Crossfire Hurricane investigation" against then-candidate Donald Trump.⁷ In fact, the same Russian oligarch who paid McGonigal was working with Christopher Steele, whose widely discredited information and sources played an "'essential' role in the FBI's effort to obtain wiretap orders against Trump campaign associate Carter Page"⁸ Soon after the FBI launched Crossfire Hurricane, then-FBI Director James Comey promoted McGonigal to be the SAC of New York's Counterintelligence Division, where McGonigal "stayed engaged in aspects of the investigation, with his 'team' questioning Carter Page in March of 2017."⁹ During the Crossfire Hurricane investigation, the FBI abused its authority and altered evidence to support the illegal surveillance of Page.

To assist the Committee in conducting our oversight, please provide the following information:

1. All personnel records regarding Charles McGonigal, including but not limited to his work history, evaluation forms, security clearance evaluations, and related documents;
2. All documents and communications referring or relating to the FBI's process for assessing and responding to the investigation(s) concerning Charles McGonigal; and
3. All documents and communications referring or relating to the actions taken or plan to be taken by the FBI to mitigate the national security risks posed by Charles McGonigal's actions.

Please provide this information as soon as possible but not later than 5:00 p.m. on February 16, 2023. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover.

In addition, we ask that you arrange a Member-level briefing to discuss the FBI's investigation of Charles McGonigal; its review of pertinent FBI procedures and protocols; and the FBI's assessment of the national security risks posed by McGonigal's collusion with Deripaska. This briefing should include, but will not be limited to, the following questions:

- What process is the FBI using to review decisions made by McGonigal to open, close, or resource counterintelligence matters during his tenure with the FBI?

⁶ *Id.*

⁷ Margot Cleveland, *Ex-FBI Official Who Helped Launch Crossfire Hurricane Charged With Laundry List Of Crimes*, THE FEDERALIST (Jan. 24, 2023).

⁸ Jerry Dunleavy, *Putin-allied oligarch who employed Christopher Steele indicted by DOJ for sanctions evasion*, WASH. EXAMINER (Sept. 29, 2022); Jerry Dunleavy, *Christopher Steele holds firm on defending discredited dossier*, WASH. EXAMINER (Mar. 16, 2022).

⁹ Cleveland, *supra* note 7.

The Honorable Christopher A. Wray

February 2, 2023

Page 3

- What review, if any, is the FBI undertaking to ascertain how the Russian Federation, and its oligarchs, such as Oleg Deripaska, “turn” FBI senior officials?
- What process is the FBI using to review ongoing matters that may have been improperly influenced by foreign actors who had improper influence over FBI officials such as McGonigal?
- What process is the FBI using to review closed matters that may have been improperly influenced by foreign influence over FBI officials such as McGonigal?
- What screening and ongoing monitoring does the FBI utilize to ensure that its senior officials do not end up working on behalf of malign foreign actors?

Please arrange for this briefing to occur as soon as possible, but no later than February 16, 2023.

The Committee on the Judiciary has oversight jurisdiction over the Department of Justice and the FBI pursuant to Rule X of the Rules of the House of Representatives.¹⁰ If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Matt Gaetz
Member of Congress

cc: The Honorable Jerrold Nadler, Ranking Member

¹⁰ Rules of the U.S. House of Representatives, R. X (2023).