

**OVERSIGHT OF THE FEDERAL BUREAU
OF INVESTIGATION**

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

WEDNESDAY, FEBRUARY 5, 2020

Serial No. 116-73

Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

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OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION

Wednesday, February 5, 2020

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 10:08 a.m., in Room 2141, Rayburn House Office Building, Hon. Jerrold Nadler [Chair of the Committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-Powell, Collins, Chabot, Gohmert, Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong, and Steube.

Staff Present: Aaron Hiller, Deputy Chief Counsel; Amy Rutkin, Chief of Staff; Arya Hariharan, Deputy Chief Oversight Counsel; David Greengrass, Senior Counsel; Madeline Strasser, Chief Clerk; Moh Sharma, Member Services and Outreach Adviser; Sarah Istel, Oversight Counsel; Kerry Tirrell, Oversight Counsel; Priyanka Mara, Professional Staff Member/Legislative Aide; Anthony Valdez, Staff Assistant; John Williams, Parliamentarian; Ben Hernandez, Counsel, Subcommittee on Crime; Ebise Bayisa, Counsel, Subcommittee on Crime; Brendan Belair, Minority Staff Director; Bobby Parmiter, Minority Staff Director/Chief Counsel; Jon Ferro, Minority Parliamentarian/General Counsel; Erica Barker, Minority Deputy Parliamentarian; and Ryan Breitenbach, Minority Chief Counsel, National Security.

Chair NADLER. The House Committee on the Judiciary will come to order.

Without objection, the Chair is authorized to declare recesses of the Committee at any time.

We welcome everyone to this morning's hearing on Oversight of the Federal Bureau of Investigation. I will now recognize myself for an opening statement.

Thank you, Director Wray, for being here. Although we have a great deal of ground to cover today, nearly every topic we discuss will be linked to two questions. How is the FBI working to address some of the most serious threats to our Nation? When it falls short,

how is the Bureau working to correct its course and live up to our ideals?

The FBI is filled with brave, devoted public servants who work hard to keep us safe from threats both domestic and foreign, but it is clear that more work needs to be done to shore up public confidence in the Bureau. The FBI's jurisdiction is broad. Among other critical matters, the FBI is responsible for election security, criminal and counterterrorism investigations, our fight against domestic terrorism, and oversight of our public servants. I would like to talk about each of these in a bit more detail.

First, we are heading toward the 2020 elections. There is nothing more important than ensuring that each and every American has confidence in the integrity of his or her vote. As you have warned us, foreign attacks on our elections continue to this day. You recently stated, "Russia represents the most significant threat to the election cycle itself."

Other nation-states, including China and Iran, may have interest in interfering in our next election, too. We must be unified in our fight against anyone who tries to undermine the very foundations of our democracy. Our priorities should be preventing and deterring any of our adversaries from attacking us ever again, and when attacks do happen, we must respond swiftly. Our democracy depends on it.

Now, some have tried to deflect the attention from the clear evidence of Russia's attack in 2016 because it does not suit them politically. In a recent interview, Director Wray, you confirmed that these alternative theories have no evidentiary support. For example, there is no evidence whatsoever to suggest that Ukraine, not Russia, hacked into the Democratic National Committee's computer networks.

We know the evidence. We know who our allies are and we know who our adversaries are. Now, we must work with our allies and come together as a Nation to protect our voting systems from our enemies. As you testify today, I will be listening to how the FBI plans to counter these threats and secure our elections.

I will also be listening for your plans to counter attempts to undermine the integrity of our elections from within. I am deeply concerned that every time the interagency team tasked with securing our elections takes a significant step forward, President Trump undercuts that progress with a statement or a tweet that spreads misinformation or directly invites our adversaries, other nations, to meddle in our elections.

You may not be able to control the content of the President's Twitter account, but our Government has an obligation to be unified in protecting every American's right to vote from anyone who threatens to undermine that right.

Second, the Foreign Intelligence Surveillance Act is a tool entrusted to the Government to protect our country. This Committee's job is to make certain that the use of that tool complies with the law and with our commitment to privacy and civil liberties.

On December 9th of last year, the Department of Justice Office of the Inspector General released a report entitled "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." The Inspector General found deep and sys-

temic problems with how the FBI has used the FISA Act to target United States citizens. I will remind you that this Committee expressed concerns along those lines for the last 3 or 4 years.

The report found “basic fundamental and serious errors in the process designed to ensure the factual accuracy of information presented to the court.” In so doing, the Bureau “fell short of what is rightfully expected from a premier law enforcement agency entrusted with such an intrusive surveillance tool.”

Simply put, the FBI failed in its responsibilities with respect to FISA, and that requires action. Congress must address these systemic failures if we are to leave such a powerful tool in the hands of the FBI.

I am encouraged, Director Wray, that you have volunteered to make dozens of important changes to address the findings of the Inspector General, but a recent submission by a court-appointed Amicus suggests that new procedures, new checklists, and new training modules may not be enough to address the problem.

The Committee has a responsibility to renew certain aspects of FISA in the coming weeks. Having read the report, I feel strongly that we must address these problems in that legislation without delay.

I want to thank the gentleman from Wisconsin, Mr. Sensenbrenner, among others, for encouraging us to wait until after the Inspector General released his report to take up this matter. Now, of course, some have suggested that the report provides evidence of a far-reaching conspiracy to remove the President. As you know, that is utter nonsense.

The Inspector General, and I am quoting, “did not find documentary or testimonial evidence that political bias or improper motivation influenced the decisions to open the individual investigations.” At bottom, the report documents important issues that affect the sacred liberties of American citizens. I hope that we can focus on those substantive issues where we are bound to find common ground and not derail our conversation with long-debunked conspiracy theories by the President or any of his minions.

Third, we must address the sad and frightening resurgence of White supremacy and other forms of nativist extremism that plagues our country. The FBI’s most recent hate crime statistics are a testament to the rise of antisemitic violence. The year 2018 marked the deadliest year of antisemitic attacks in American history. Hate crimes attacks against LGBT individuals and Latinos were also markedly up in 2018. These grave statistics demand a swift and immediate response, starting with the FBI’s making concerted efforts to improve hate crime statistics reporting.

Recent State and Federal prosecutions have shown that White supremacist groups are increasingly coordinating their messaging beyond our borders. Through social media, White supremacists are spreading their hate, their message of hate, inspiring attacks both at home and abroad.

This growing problem hits close to home. The Anti-Defamation League’s “Audit of Anti-Semitic Incidents” reported more than 1,800 acts in 2018, one of the highest totals since it began tracking such incidents 40 years ago. In New York City alone, the NYPD—the New York Police Department reported more anti-Jewish,

antisemitic incidents in 2019 than all other hate crimes put together.

So, as you testify today, Director Wray, I will be listening for how the FBI is working to address this threat, and, in particular, whether the Bureau has properly prioritized White supremacy and similar forms of domestic terrorism over other threats that pose far less immediate risk to our Nation. Concrete steps are needed now to address the rising tide of hate.

Finally, the FBI's investigations are meant to be independent from political influence. That is critical, especially as it relates to your investigations of public servants. To that end, Director Wray, I expect that you will take a moment to provide the American public with an explanation of the Bureau's role in Justice Kavanaugh's confirmation to the Supreme Court last year.

To be clear, I have no intention of relitigating the confirmation process here, but there remains a great deal of mistrust and uncertainty around the FBI's supplemental background check of Justice Kavanaugh during the last few days of that confirmation. The country needs a better understanding of that process.

For example, I hope to hear what it means for the Bureau to take direction from a client agency—in this case, the White House—when it conducts a background check of this nature. If that process is as strictly curtailed as I believe it to be, then the country can, at the very least, approach the next high-profile confirmation with its eyes open.

As you are about to see, Director Wray, many of our Members on both sides of the aisle feel quite passionately about these and other issues. My hope is that we will enter these discussions with the same goals, fulfilling our mandate, fulfilling our duty to uphold our country's values, providing oversight of this agency, ensuring increased transparency for the American people, and working toward solutions that are best for all of us as a nation.

We have great respect for the manner in which you have led the FBI these past years and even greater respect for the men and women of the Bureau. I look forward to your testimony.

I now recognize the Ranking Member of the Judiciary Committee, the gentleman from Georgia, Mr. Collins, for his opening statement.

Mr. COLLINS. Thank you, Mr. Chair. I appreciate it. It is good to be back in this room. It has been a while.

It is also good to see a Former Chair here. Mr. Goodlatte is here with us, who has actually been a part of many of these investigations before, and it is good to see him.

It does appear, though, we have a new year. We have the first time back in this room, but it seems things have never changed in this committee. One of the things that I have noticed here is it is interesting that we like to talk about the Inspector General's report, but my Chair could have actually called the Inspector General to sit where you are, Mr. Wray, but we chose not to. We would rather talk about that process. We would rather talk about his report.

It is interesting to me, though, the one thing the Chair didn't say was, is the Inspector General said no one should feel vindicated by this report. I think it is interesting that we, again, like to gloss

over problems and discuss that without actually bringing witnesses here to do that. As our Committee showed in December, we are not about Witnesses. We are about rubberstamps. That is exactly what happened here.

So, the problem I have is, so we are not going to relitigate issues. I love what was said here in this issue of that we are not going to relitigate the hearings of the Supreme Court Justice. It is okay to not relitigate it by actually talking about it, but actually to take a shot at it in the opening statement seems to be okay. Again, we have not changed a whole lot here.

It is also interesting that we will bring up voting systems and election stuff, which we have talked about a little bit in this Committee, but when it comes to the foreign side of it, we have ignored that. We have talked about moving more toward a federalizing of our elections. This is what we have done in this hearing. This is what we have done here.

That is just from the opening statement. I will get to you now, Mr. Wray, and I appreciate it, for you being here.

You have led the FBI during turbulent times, unparalleled really by any other Director. You have stepped in at a time probably as difficult as has been a part.

Your agency is respected for its tireless efforts to keep Americans safe from all manners of threats. As you know, I have a great deal of affection for the men and women of law enforcement.

As outlined in the Inspector General's report, which, again, as I shared with you earlier, it would have been nice to have had him here. This is the first opportunity to discuss that. So, it will be a lot of this discussion today.

The Bureau engaged in some of the most shocking surveillance abuse in history. Specifically, the FBI improperly surveilled a U.S. citizen who had been affiliated with then presidential candidate Trump. The basis for this electronic surveillance, which is among the most intrusive investigations the FBI employs, was predicated on opposition research paid for by Hillary Clinton and the Democratic National Committee and procured by foreign—former foreign intelligence officer using Russian sources as his basis for reporting.

To make matters worse, Republicans investigating events surrounding the 2016 election learned an FBI attorney falsified evidence to renew a surveillance against Carter Page, a law-abiding U.S. citizen and Naval Academy graduate. This was confirmed by the Horowitz report.

In fact, I had hoped we would have had him here before you. We did not. We wrote to the Chair to have this happen. It never happened.

Mr. Director, I understand perfectly well that this abuse did not occur on your watch, and I want to make that fully clear to every question that is made today. However, I think you would agree that it is on your shoulders to take responsibility and address it vigorously.

The flaws in this surveillance are too voluminous to break down in one opening statement, but the bottom line is that the FBI failed as an institution to adequately protect the American civil liberties, and the system itself exhibited glaring deficiencies that must be corrected to regain confidence of the American people.

I want to argue an even larger point, though. Whether one supports or does not support this President, it is undeniable that an unfair, unfounded cloud was cast upon President Trump's Administration for the past 3 years, largely stemming from the abuses committed in some of the intelligence community. Sadly, we have seen this before.

In the 1970s, the Church and Pike Committees were formed to safeguard American citizens against the overwhelming powers of the Government. For example, Robert Kennedy spying on Martin Luther King Jr. and the unconstitutional surveillance of anti-war and other political protesters. These actions sparked the advent of a law intended to protect U.S. citizens, the Foreign Intelligence Surveillance Act, as well as the creation of the special court to oversee implementation of the new legal restrictions on surveillance.

We have lived with this surveillance regime since the 1970s, and it has undoubtedly prevented attacks on the homeland. I am confident it has saved American lives. However, recent events show that there are also substantial holes in the law that need patching or possibly wholesale change.

Prior to March 15th, our Committee and this Congress must take critical decisions about reauthorization of specific provisions of FISA. This is a matter of vital importance because this law is primarily about fighting terrorists, but it is also a tall order.

Make no mistake. While I believe that we must reauthorize several provisions, such as collection of business records, roving wiretaps, lone wolf authority, the reauthorization of these specific provisions in no way addresses the abuses. In the matter of the 2016 election, the FBI fell short of what is expected and demanded from our law enforcement and intelligence institutions. Plainly, the improper spying of an American citizen can never happen again.

That is the great irony. This law was passed to address abuses and protect American civil liberties and was abused for political purpose, for those violations of those liberties.

Director Wray, you have proposed solutions, and I am glad to see that. I am proud of the work that you have done, though I worry about some of those are going to fall short. That is why we are here today.

In substance, you have hit on necessary reforms to training and documentation, but there also must be a change, a corresponding change to cultural attitude and the threat of swift and certain disciplinary measures. I am concerned words like "omission" and "misstatements" downplay the intentional conduct and bias exhibited by central players involved in the Carter Page surveillance and the conduct of the investigative measures taken against others affiliated with President Trump.

From my vantage point, this is not a time to parse words or attempt to sugarcoat the fact that public servants abused their positions in our intelligence agencies for political purpose. Of course, the FBI keeps us safe, and you have personally and admirably served the American people for many years in law enforcement. I appreciate your Georgia connection and Georgia family roots. You have served us well in my district of the Northern District of Georgia as a prosecutor, and the men and women of the FBI have dedi-

cated their lives to protecting the American people from external and internal threats.

As the son of a trooper and one who also serves, I have grown to respect the institutions and been a part of those whose goal is protecting our common defense. Your leadership over the FBI is a hefty responsibility. These times call for leadership which reignites the discipline required to operate fairly and effectively. I hope you bring that to the forefront of your mind as you consider the efforts to prevent future abuses by our intelligence community.

Now, there are a lot of things I would love to talk about today, and I think both sides would. Unfortunately, we are going to be clouded by the fact that you are the first real oversight of the Department of Justice that we have had under this majority. We have not had the Horowitz report here. We have not had other things here because the majority chose not to.

When we look at this, though, the men and women of the FBI are some of the most valuable assets we have, and their dedication should never be questioned. There are some bad actors, and bad actors need to be called out. Bad actors need to be removed. Those vast majority of good actors need to be applauded, and their families need to be thanked for what they do.

I want to thank you, Director Wray, for this. I look forward to this hearing, as we continue to do our proper job of oversight as we move forward with this. I thank you for being here and look forward to talking to you more.

I yield back.

Chair NADLER. I thank the gentleman.

Before we continue, I want to note the presence of the former Chair of this Committee, my good friend Bob Goodlatte. It is good to see you in this room again.

I just want to remind the Ranking Member that this is not our first attempt at oversight of the Justice Department. In fact, we invited the Attorney General, Mr. Barr, here last year. He refused to come. We subpoenaed him. He refused to obey our subpoena.

So, we have gone to considerable lengths for oversight of the Justice Department. I am glad Mr. Wray is here today.

I will now introduce today's witness. Christopher Wray became the eighth Director of the FBI in August 2017. Before becoming Director, Mr. Wray served in various roles at the Department of Justice, including Assistant U.S. Attorney for the Northern District of Georgia and Principal Associate Deputy Attorney General. In 2003, Mr. Wray was nominated by President George Bush to be the Assistant Attorney General for the Department of Justice's Criminal Division.

Before working in law enforcement, Mr. Wray clerked for Judge Michael Luttig of the U.S. Court of Appeals for the Fourth Circuit and worked at the international law firm of King & Spalding.

Mr. Wray received his B.A. from Yale University and his J.D. from Yale Law School. We thank Director Wray for participating in today's hearing.

Will you please rise? I will begin by swearing you in.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

[Response.]

Chair NADLER. Thank you. Let the record show the witness has answered in the affirmative.

Please note that your written testimony will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in 5 minutes. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you have 1 minute to conclude your testimony. When the light turns red, it signals your 5 minutes have expired.

Director Wray, you may begin.

TESTIMONY OF THE HON. CHRISTOPHER A. WRAY

Mr. WRAY. Thank you, Mr. Chair, Ranking Member Collins, and the Members of the Committee. I appreciate the opportunity to be here today to discuss how the men and women of the FBI are keeping us all safe from an ever-growing array of threats.

In the 2 years since I became the FBI Director, I've visited all 56 of our field offices around the country and met with State and local law enforcement, partners from all 50 States, every State represented by this committee. I have met with all of our headquarters' divisions, with scores of our foreign law enforcement partners and intelligence community partners, leaders of small businesses, big businesses, community leaders, prosecutors, judges, and with crime victims and their families. I know up close that the threats are real and challenging and that the 37,000 men and women of the FBI are working around the clock to combat them.

As this Committee is well aware, we face a diverse and increasingly dangerous terrorism threat. We continue to worry about international terrorism by groups like al-Qaeda and ISIS, but now the threat from lone actors already here in the U.S. and inspired by those groups, the homegrown violent extremists, that threat is even more acute. At the same time, we are particularly focused on domestic terrorism, especially racially or ethnically motivated violent extremists.

Not only is the terror threat diverse, but it is also unrelenting. In the last several months alone, just to name a few important examples, our joint terrorism task forces have foiled synagogue bombings in Colorado and Nevada, arrested eight Members of the violent extremist group called the Base across four different States, arrested a guy down in Miami for planning ISIS-associated acts of violence. I could go on.

We are also facing the growing and increasingly blended threats of cyber intrusions and state-sponsored economic espionage, and we're worried about the threat of malign foreign influence, including the security of our elections, a topic, of course, on everyone's mind this year. We know that our adversaries are actively trying to influence national policy, public opinion, and our elections. So, together with our close partners in the intelligence community, at DHS, State governments, and elsewhere, the FBI remains laser focused on protecting our democracy as we move through this election year.

As if that weren't enough, we face ruthless gangs threatening our neighborhoods and our schools, the scourges of opioid trafficking and abuse, human trafficking, crimes against children. The list of

threats that we face is not getting any shorter, and each of those threats is evolving in scale, in impact, in complexity and agility.

What's more, hanging over all them are broader challenges, like maintaining lawful access to increasingly encrypted electronic evidence that we actually need to find, stop, and prosecute criminals. To tackle these threats, we're relying on our deep well of expertise, intelligence, and partnerships. At the same time, we're making some important changes to the way we operate at the FBI.

As both you, Mr. Chair, and Ranking Member Collins have noted, in December the Inspector General's office released its report on the 2016 Crossfire Hurricane investigation on certain related FISA applications. The failures highlighted in that report are unacceptable, period. They don't reflect who the FBI is as an institution, and they cannot be repeated.

The FBI has embraced every last one of the Inspector General's recommendations, but we're also making a number of improvements above and beyond those recommended by the Inspector General. I've already ordered more than 40 corrective actions, including significant modifications to our FISA policies and procedures.

We're training every employee with FISA responsibilities on those new processes, and I will tell this Committee that I see every day how indispensable our FISA authorities are to protecting the American people.

I also recognize that these tools are powerful and intrusive. So, it is our responsibility as public servants to honor our duty of candor to the FISA court when seeking to use our authorities and to exercise those powers, when approved by the court, in trust, carefully and responsibly.

Since taking on the leadership of the FBI in August 2017, I have spoken to every FBI field office and every headquarters component in the Bureau about the importance of getting our processes right, about operating at all times by the book. I've installed a new leadership team, helping me drive home that insistence on doing the right thing the right way every time, and the need to hold ourselves accountable when we fall short of that mark. That's what I think the American people expect. That's what I think the American people deserve.

Now, I may not have been in this job during the problems described in the IG's report, but I'm here now, and my leadership team and I are fiercely focused on preventing these kinds of failures from happening again. At the end of the day, while this kind of scrutiny can be difficult and even painful, I am confident that the FBI will emerge an even better and stronger organization.

I also want to note, as Ranking Member Collins pointed out, that our crucial USA FREEDOM Act authorities are expiring in March, including in particular I would call out the roving wiretap, business records, and lone wolf provisions. None of those authorities were in any way at issue in the IG's report, and I would urge Congress to permanently reauthorize them. They are vital to our relentless efforts to keep something like 325 million American people safe.

The American people can be confident that the FBI will never stop working to safeguard our country against a wider than ever range of criminal and national security threats and confident that we're going to be doing the right thing in the right way.

So, I want to thank this Committee for your continued support of the Bureau. I'm happy to take your questions.
[The statement of Mr. Wray follows:]



Department of Justice

STATEMENT OF
CHRISTOPHER WRAY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED
"FBI OVERSIGHT"

PRESENTED
FEBRUARY 5, 2020

STATEMENT OF
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“FBI OVERSIGHT”

PRESENTED
FEBRUARY 5, 2020

Good morning Chairman Nadler, Ranking Member Collins, and Members of the Committee. Thank you for inviting me to appear before you today. I am honored to be here, representing the men and women of the FBI. Our people — nearly 37,000 of them — are the heart of the Bureau. I am proud of their service and their commitment to our mission. Every day, they tackle their jobs with perseverance, professionalism, and integrity.

In the past few years, I have had the chance to visit all 56 field offices. I have visited the home States of every member of this committee, talking with State and local law enforcement partners and people in your communities about the issues that matter most to them. I am grateful for their support and insights as we work together to keep 325 million American people safe and to help make our communities stronger.

Today’s FBI is a national security and law enforcement organization that uses, collects, and shares intelligence in everything we do. Each FBI employee understands that, to defeat the key threats facing our nation, we must constantly strive to be more efficient and more effective. Just as our adversaries evolve, so, too, must the FBI. We live in a time of acute and persistent terrorist and criminal threats to our national security, our economy, and indeed our communities. These diverse threats underscore the complexity and breadth of the FBI’s mission: to protect the American people and uphold the Constitution of the United States.

Counterterrorism

Preventing terrorist attacks remains the FBI’s top priority. However, the threat posed by terrorism — whether here or abroad — has evolved significantly since 9/11.

The most persistent threats to the Nation and to U.S. interests abroad are homegrown violent extremists (“HVEs”), domestic violent extremists, and foreign terrorist organizations (“FTOs”). The international terrorism (“IT”) threat to the U.S. has expanded from sophisticated,

externally directed FTO plots to include individual attacks carried out by HVEs who are inspired by designated terrorist organizations. We remain concerned that groups such as the Islamic State of Iraq and al-Sham ("ISIS") and al Qaeda have the intent to carry out large-scale attacks in the U.S.

In recent years, prolific use of the Internet and social media by FTOs has greatly enhanced their ability to disseminate terrorist propaganda and training materials to attract and influence individuals in the U.S. to their cause. Through the use of online recruitment, indoctrination, and instruction, FTOs are no longer dependent on getting terrorist operatives into the United States to recruit and carry out acts of terrorism.

Despite their territorial defeat in Iraq and Syria, ISIS remains relentless and ruthless in its campaign of violence against the West and has aggressively promoted its hateful message, in order to attract like-minded violent extremists. The message is not tailored solely to those who overtly express signs of radicalization. It is seen by many who use messaging apps and participate in social networks. Ultimately, many of the individuals drawn to ISIS seek a sense of belonging. Echoing other terrorist groups, ISIS has advocated for lone offender attacks in Western countries. Recent ISIS videos and propaganda have specifically advocated for attacks against soldiers, law enforcement, and intelligence community personnel.

Through the Internet, terrorists anywhere overseas now have direct access to our local communities to target and recruit our citizens and spread their message faster than was imagined just a few years ago. Many FTOs use various digital communication platforms to reach individuals they believe may be susceptible and sympathetic to violent terrorist messages. However, no group has been as successful at drawing people into its perverse ideology as ISIS. ISIS uses traditional media platforms as well as widespread social media campaigns to propagate its ideology. With the broad distribution of social media, terrorists can use these platforms further in an effort to spot, assess, recruit, and radicalize vulnerable persons in the U.S. either to travel abroad or to conduct an attack on the homeland.

The threats posed by foreign fighters, including those recruited from the U.S., are very dynamic. We will continue working to identify individuals who seek to join ISIS or other groups abroad, those foreign fighters who may attempt to return to the United States, and HVEs who may aspire to attack the United States from within.

ISIS is not the only terrorist group of concern. Al Qaeda maintains its desire for large-scale, spectacular attacks. Continued counterterrorism pressure has degraded the group's Afghanistan-Pakistan senior leadership, so in the near term, al Qaeda is more likely to focus on building its international affiliates and supporting small-scale, readily achievable attacks in key regions such as East and West Africa. Simultaneously, over the last year, propaganda from al Qaeda leaders seeks to inspire individuals to conduct their own attacks in the U.S. and the West.

Iran also continues to support Hizballah and other terrorist groups. Hizballah has sent operatives to build terrorist infrastructures worldwide. The arrests of individuals in the United

States allegedly linked to Hizballah's main overseas terrorist arm, and their intelligence collection and procurement efforts, demonstrate Hizballah's continued interest in long-term contingency planning activities here in the Homeland. Hizballah Secretary-General Hasan Nasrallah has threatened retaliation for the death of IRGC-QF Commander Soleimani.

In addition to FTOs, domestic violent extremists collectively pose a steady threat of violence and economic harm to the United States. Trends may shift, but the underlying drivers for domestic violent extremism — such as perceptions of government or law enforcement overreach, socio-political conditions, racism, anti-Semitism, Islamophobia, and reactions to legislative actions — remain constant. The FBI is most concerned about lone offender attacks, primarily shootings, as they have served as the dominant lethal mode for domestic violent extremist attacks. More deaths were caused by domestic violent extremists than international terrorists in recent years.

The top threat we face from domestic violent extremists stems from those we now identify as Racially/Ethnically Motivated Violent Extremists ("RMVE"). RMVEs were the primary source of ideologically-motivated lethal incidents and violence in 2018 and 2019, and have been considered the most lethal of all domestic extremism movements since 2001.

The spate of attacks we saw in 2019 underscore the continued threat posed by domestic violent extremists and perpetrators of hate crimes. Such crimes are not limited to the United States and, with the aid of Internet like-minded hate groups, can reach across borders. To combat the threat at home, the FBI established the Domestic Terrorism-Hate Crimes Fusion Cell, in the spring of 2019. Composed of subject matter experts from both the Criminal Investigative and Counterterrorism Divisions, the fusion cell offers program coordination from FBI Headquarters, helps ensure seamless information sharing across divisions, and augments investigative resources.

We recognize the FBI also must be aware of threats and violence perpetrated by individuals in the context of otherwise peaceful First Amendment-protected activities. In the past, we have seen a small segment of the population respond to a peaceful movement — from a different violent extremist — with violence. The FBI is only concerned when responses cross from ideas and constitutionally protected protests to violence. Regardless of the specific ideology involved, the FBI requires that all domestic terrorism investigations be predicated based on activity intended to further a political or social goal, wholly or in part involving force, coercion, or violence, in violation of federal law.

The FBI regularly reviews intelligence to ensure we are appropriately mitigating threats and the possible violent responses and actions. We remain sensitive to First Amendment-protected activities during investigative and intelligence efforts so as to ensure our investigative actions remain aligned to and do not exceed the scope of our authorities and are conducted with the appropriate protections in place for privacy and civil liberties.

As the threat to harm the United States and U.S. interests evolves, we must adapt and confront these challenges, relying heavily on the strength of our federal, State, local, tribal, private sector, and international partnerships. The FBI uses all lawful investigative techniques and methods to combat these terrorist threats to the United States. Along with our domestic and foreign partners, we are collecting and analyzing intelligence concerning the ongoing threat posed by foreign terrorist organizations and homegrown violent extremists. We continue to encourage information sharing, which is evidenced through our partnerships with many federal, State, local, and tribal agencies assigned to Joint Terrorism Task Forces around the country. Be assured, the FBI continues to strive to work and share information more efficiently, and to pursue a variety of lawful methods to help stay ahead of these threats.

Counterintelligence

The Nation faces a continuing threat, both traditional and asymmetric, from hostile foreign intelligence agencies. Traditional espionage, often characterized by career foreign intelligence officers acting as diplomats or ordinary citizens, and asymmetric espionage, typically carried out by students, researchers, or businesspeople operating front companies, is prevalent. Foreign intelligence services not only seek our nation's state and military secrets, but they also target commercial trade secrets, research and development, and intellectual property, as well as insider information from the Federal Government, U.S. corporations, and American universities. Foreign intelligence services continue to employ more creative and more sophisticated methods to steal innovative technology, critical research and development data, and intellectual property in an effort to erode America's economic leading edge. These illicit activities pose a significant threat to national security and continue to be a priority and focus of the FBI.

Foreign influence operations — which may include covert actions by foreign governments to influence U.S. policy decisions, political sentiment or public discourse — are not a new problem. But the interconnectedness of the modern world, combined with the anonymity of the Internet, have changed the nature of the threat and how the FBI and its partners must address it. The goal of these foreign influence operations directed against the United States is to spread disinformation, sow discord, push foreign nations' policy agendas, and ultimately undermine confidence in our democratic institutions and values. Foreign influence operations have taken many forms and used many tactics over the years. Most widely reported these days are attempts by adversaries — hoping to reach a wide swath of Americans covertly from outside the United States — to use false personas and fabricated stories on social media platforms to discredit U.S. individuals and institutions. However, other influence operations may include targeting U.S. officials and other U.S. persons through traditional tradecraft; criminal efforts to suppress voting and provide illegal campaign financing; concealing efforts to influence U.S. government activities, cyber attacks against election infrastructure, along with computer intrusions targeting government officials and others; and a whole slew of other kinds of influence, like both overtly and covertly manipulating news stories, spreading disinformation, leveraging economic resources, and escalating divisive issues.

Almost two years ago, I established the Foreign Influence Task Force (“FITF”) to identify and counteract malign foreign influence operations targeting the United States. The FITF is uniquely positioned to combat this threat. The task force now brings together the FBI’s expertise across the waterfront — counterintelligence, cyber, criminal, and even counterterrorism — to root out and respond to foreign influence operations. Task force personnel work closely with other U.S. government agencies and international partners concerned about foreign influence efforts aimed at their countries, using three key pillars.

Currently there are open investigations with a foreign influence nexus spanning FBI field offices across the country. Second, we are focused on information and intelligence-sharing. The FBI is working closely with partners in the Intelligence Community and in the federal government, as well as with State and local partners, to establish a common operating picture. The FITF is also working with international partners to exchange intelligence and strategies for combating what is a shared threat. The third pillar of our approach is based on strong relationships with the private sector. Technology companies have a front-line responsibility to secure their own networks, products, and platforms. But the FBI is doing its part by providing actionable intelligence to better enable the private sector to address abuse of their platforms by foreign actors. For example, over the last year, the FBI has met with top social media and technology companies several times, provided them with classified briefings, and shared specific threat indicators and account information, so they can better monitor their own platforms.

This is not just an election-cycle threat. Our adversaries are continuously trying to undermine our country, whether it is election season or not. As a result, the FBI must remain vigilant.

In addition to the threat posed by foreign influence, the FBI is also concerned about foreign investment by hostile nation states. Over the course of the last seven years, foreign investment in the U.S. has more than doubled. Concurrent with this growth, foreign direct investment (“FDI”) in the U.S. has increasingly become a national security concern, as hostile nations leverage FDI to buy U.S. assets that will advance their intelligence, military, technology, and economic goals at the expense of U.S. national security. The Committee on Foreign Investment in the U.S. (“CFIUS”), an Executive Branch committee chaired by the Department of the Treasury, was statutorily created to address potential risks to U.S. national security resulting from foreign acquisitions or mergers with U.S. companies. As part of this process, the FBI provides input and analysis to the National Intelligence Council within eight days of a CFIUS filing and a risk assessment to the Department of Justice within 30 days of a CFIUS filing. As a result of the Foreign Investment Risk Review Modernization Act, which was enacted last year, the FBI anticipates its workload to increase dramatically.

Cyber Threats

Virtually every national security threat and crime problem the FBI faces is cyber-based or facilitated. We face threats from state-sponsored hackers, hackers for hire, organized cyber syndicates, and terrorists. On a daily basis, these actors seek to steal our state secrets, our trade

secrets, our technology, and the most intimate data about our citizens — things of incredible value to all of us and of great importance to the conduct of our government business and our national security. They seek to hold our critical infrastructure at risk, to harm our economy and to constrain our free speech.

As the Committee is well aware, the frequency and severity of malicious cyber activity on our Nation's private sector and government networks have increased dramatically in the past decade when measured by the amount of corporate data stolen or deleted, the volume of personally identifiable information compromised, or the remediation costs incurred by U.S. victims. We expect this trend to continue. Within the FBI, we are focused on the most dangerous malicious cyber activity: high-level intrusions by state-sponsored hackers, global organized crime syndicates, and other technically sophisticated and dangerous actors. FBI agents, analysts, and computer scientists are using technical capabilities and traditional investigative techniques — such as sources, court-authorized electronic surveillance, physical surveillance, and forensics — to counter these threats. We continue to actively coordinate with our private and public sector partners to pierce the veil of anonymity surrounding cyber based crimes.

Botnets used by cyber criminals have been responsible for billions of dollars in damages over the past several years. The widespread availability of malicious software (malware) that can create botnets allows individuals to leverage the combined bandwidth of thousands, if not millions, of compromised computers, servers, or network-ready devices to disrupt the day-to-day activities of governments, businesses, and individual Americans. Cyber threat actors have also increasingly conducted ransomware attacks against U.S. systems, encrypting data and rendering systems unusable — thereby victimizing individuals, businesses, and even emergency service and public health providers.

Cyber threats are not only increasing in size and scope, but are also becoming increasingly difficult and resource-intensive to investigate. Cyber criminals often operate through online forums, selling illicit goods and services, including tools that lower the barrier to entry for aspiring criminals and that can be used to facilitate malicious cyber activity. These criminals have also increased the sophistication of their schemes, which are more difficult to detect and more resilient to disruption than ever. In addition, whether located at home or abroad, many cyber actors are obfuscating their identities and obscuring their activity by using combinations of leased and compromised infrastructure in domestic and foreign jurisdictions. Such tactics make coordination with all of our partners, including international law enforcement partners, essential.

The FBI, in close cooperation with its federal partners, is engaged in a myriad of efforts to combat cyber threats, from improving threat identification and information sharing inside and outside of the government to developing and retaining new talent, to examining the way we operate to disrupt and defeat these threats. We take all potential threats to public and private sector systems seriously and will continue to investigate and hold accountable those who pose a threat in cyberspace.

Criminal Threats

We face many criminal threats, from complex white-collar fraud in the financial, health care, and housing sectors to transnational and regional organized criminal enterprises to violent crime and public corruption. Criminal organizations—domestic and international—and individual criminal activity represent a significant threat to our security and safety in communities across the nation. A key tenet of protecting the nation from those who wish to do us harm is the National Instant Criminal Background Check System, or NICS. The goal of NICS is to ensure that guns do not fall into the wrong hands, and also to ensure the timely transfer of firearms to eligible gun buyers. Mandated by the Brady Handgun Violence Prevention Act of 1993 and launched by the FBI on November 30, 1998, NICS is used by Federal Firearms Licensees (“FFLs”) to instantly determine whether a prospective buyer is eligible to purchase firearms. NICS receives information from tens of thousands of FFLs and checks to ensure that applicants do not have a criminal record or are not otherwise prohibited and therefore ineligible to purchase a firearm. In the first complete month of operation in 1998, a total of 892,840 firearm background checks were processed; in 2019, over 2 million checks were processed per month.

While most checks are completed by electronic searches of the NICS database within minutes, a small number of checks require examiners to review records and resolve missing or incomplete information before an application can be approved or rejected. Ensuring the timely processing of these inquiries is important to ensure law-abiding citizens can exercise their right to purchase a firearm and to protect communities from prohibited and therefore ineligible individuals attempting to acquire a firearm. The FBI is currently processing a record number of checks; over 26 million were processed in 2019.

Violent Crime

Violent crimes and gang activities exact a high toll on individuals and communities. Many of today’s gangs are sophisticated and well organized and use violence to control neighborhoods, and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings. These gangs do not limit their illegal activities to single jurisdictions or communities. The FBI is able to work across such lines, which is vital to the fight against violent crime in big cities and small towns across the nation. Every day, FBI special agents work in partnership with federal, State, local, and tribal officers and deputies on joint task forces and individual investigations.

FBI joint task forces — Violent Crime Safe Streets, Violent Gang Safe Streets, and Safe Trails — focus on identifying and targeting major groups operating as criminal enterprises. Much of the FBI criminal intelligence is derived from our State, local, and tribal law enforcement partners, who know their communities inside and out. Joint task forces benefit from FBI surveillance assets, and our sources track these gangs to identify emerging trends. Through these multi-subject and multi-jurisdictional investigations, the FBI concentrates its efforts on high-level groups engaged in patterns of racketeering. This investigative model enables us to target senior gang leadership and to develop enterprise-based prosecutions.

By way of example, the FBI has dedicated tremendous resources to combat the threat of violence posed by MS-13. The atypical nature of this gang has required a multi-pronged approach—we work through our task forces here in the U.S. while simultaneously gathering intelligence and aiding our international law enforcement partners. We do this through the FBI's Transnational Anti-Gang Task Forces ("TAGs"). Established in El Salvador in 2007 through the FBI's National Gang Task Force, Legal Attaché ("Legat") San Salvador, and the United States Department of State, each TAG is a fully operational unit responsible for the investigation of MS-13 operating in the northern triangle of Central America and threatening the United States. This program combines the expertise, resources, and jurisdiction of participating agencies involved in investigating and countering transnational criminal gang activity in the United States and Central America. There are now TAGs in El Salvador, Guatemala, and Honduras. Through these combined efforts, the FBI has achieved substantial success in countering the MS-13 threat across the United States and Central America.

We are committed to working with our federal, State, local, and tribal partners in a coordinated effort to reduce violent crime in the United States.

Transnational Organized Crime and Opioids

More than a decade ago, organized crime was characterized by hierarchical organizations, or families, that exerted influence over criminal activities in neighborhoods, cities, or States. But organized crime has changed dramatically. Today, international criminal enterprises run multi-national, multi-billion-dollar schemes from start to finish. Modern-day criminal enterprises are flat, fluid networks with global reach. While still engaged in many of the "traditional" organized crime activities of loan-sharking, extortion, and murder, modern criminal enterprises are targeting stock market fraud and manipulation, cyber-facilitated bank fraud and embezzlement, drug trafficking, identity theft, human trafficking, money laundering, alien smuggling, public corruption, weapons trafficking, extortion, kidnapping, and other illegal activities. TOC networks exploit legitimate institutions for critical financial and business services that enable the storage or transfer of illicit proceeds. Preventing and combating transnational organized crime demands a concentrated effort by the FBI and federal, State, local, tribal, and international partners.

While the FBI continues to share intelligence about criminal groups with our partners and combines resources and expertise to gain a full understanding of each group, the threat of transnational crime remains a significant and growing threat to national and international security with implications for public safety, public health, democratic institutions, and economic stability across the globe.

Illicit drug trafficking continues to be a growing threat. Large amounts of high-quality, low cost heroin and illicit fentanyl are contributing to record numbers of overdose deaths and life-threatening addictions nationwide. The accessibility and convenience of the drug trade online contributes to the opioid epidemic in the United States. Transnational criminal

organizations (“TCOs”) are introducing synthetic opioids to the U.S. market, including fentanyl and fentanyl analogues. To address this evolving threat, we are taking a multi-faceted approach and establishing many initiatives and units across our criminal program.

In January 2018, the Office of the Deputy Attorney General directed the FBI and other federal law enforcement partners to develop a strategic plan to disrupt and dismantle the Darknet illicit marketplaces facilitating the distribution of fentanyl and other opioids. As a result, the FBI established the Joint Criminal Opioid Darknet Enforcement (“J-CODE”) Initiative, which brings together agents, analysts, and professional staff with expertise in drugs, gangs, health care fraud, and more, with federal, State, and local law enforcement partners from across the U.S. government. The J-CODE team has developed a comprehensive, multi-pronged criminal enterprise strategy to target the trafficking of fentanyl and other opioids on the Darknet and Clearnet. This strategy focuses on identifying and infiltrating the marketplace administrative team, analyzing financial information, locating and exploiting marketplace infrastructure, targeting vendors and buyers, and enabling field office success in the investigation and prosecution of these marketplaces. As a result, numerous investigations and operations have been initiated and several online vendors who are facilitating the trafficking of opioids via the Internet, to include fentanyl, have been disrupted.

The FBI is also addressing this threat through the Prescription Drug Initiative (“PDI”). The PDI was established in 2016 in response to the substantial and increasing threat associated with prescription drug diversion, and in particular, the staggering national increase in opioid-related deaths. The objective of the PDI is to identify and target criminal enterprises and other groups engaged in prescription drug schemes; identify and prosecute, where appropriate, organizations with improper corporate policies related to prescription drugs; and identify and prosecute, where appropriate, organizations with improper prescribing and dispensing practices. The PDI prioritizes investigations which target “gatekeeper” positions, to include medical professionals and pharmacies that divert opioids outside the scope of their medical practice and/or distribute these medications with no legitimate medical purpose. Since its inception, the PDI has resulted in the conviction of numerous medical professionals and secured significant federal prison sentences, to include life terms for physicians who cause harm or death to the patients entrusted to their care.

Beyond these two programs, the FBI has dedicated additional resources to address this expansive threat. We have more than doubled the number of Transnational Organized Crime Task Forces, expanded the Organized Crime Drug Enforcement Task Force (“OCDEF”) Airport Initiative to focus on insider threats partnering with TCO actors, and created and led the Fentanyl Safety Working Group at FBI Headquarters, which has led to a new program to protect field agents and support employees with personal protective equipment and opioid antagonists (i.e., naloxone) from the threat of fentanyl exposure. The FBI participated, along with other federal partners, in the creation of the Heroin Availability Reduction Plan (“HARP”), takes part in monthly HARP implementation meetings hosted by the Office of National Drug Control Policy, and continues to provide training to our international law enforcement partners on successful identification, seizure, and neutralization of clandestine heroin/fentanyl laboratories.

Crimes Against Children and Human Trafficking

It is unthinkable, but every year, thousands of children become victims of crimes—whether it is through kidnappings, violent attacks, sexual abuse, human trafficking, or online predators. The FBI is uniquely positioned to provide a rapid, proactive, and comprehensive response; identify, locate, and recover child victims; and strengthen relationships between the FBI and federal, State, local, tribal, and international law enforcement partners to identify, prioritize, investigate, and deter individuals and criminal networks from exploiting children.

But the FBI's ability to learn about and investigate child sexual exploitation is being threatened by the spread of lawless spaces online. For example, currently, there are at least 30 child pornography sites operating openly and notoriously on the Darknet, including the Tor network. Some of these child pornography sites are exclusively dedicated to the sexual abuse of infants and toddlers. The sites often expand rapidly, with one site obtaining 200,000 new members within its first four weeks of operation.

As was highlighted at a summit held at the Department of Justice on October 4 that focused on warrant-proof encryption and its impact on child exploitation cases, law enforcement stands to lose millions of leads a year due to the adoption of end-to-end encryption. This move will stop technology and social media companies from being able to detect and report child sexual abuse material being traded on their platforms. The spread of end-to-end encryption will not just dry up the leads. It will prevent companies from providing content to law enforcement in response to legal process — the content we need to actually find who and where a victim is. Unfettered online spaces beyond the protection of law allows dangerous criminals to abuse and exploit an untold number of children. By enabling dangerous criminals to cloak their communications and activities behind an essentially impenetrable digital shield, the deployment of warrant-proof encryption is already imposing huge costs on society. It is not just the reprehensible behavior of sexual predation on children, but myriad additional forms of serious crime enabled by end-to-end encryption. This technology is quickly extinguishing our ability to detect and prevent a wide range of criminal activity — from terrorism, to large-scale drug trafficking, to financial fraud, to human trafficking, to transnational gang activity. We realize this is a difficult and complex challenge. However, while we continue to embrace the use of strong encryption within our most critical sectors and infrastructure, we must seek a solution that allows us to protect our nations' most vulnerable while at the same time addressing the equities of the larger national security community.

The FBI has several programs in place to arrest child predators and to recover missing and endangered children. To this end, the FBI funds or participates in a variety of endeavors, including our Innocence Lost National Initiative, Innocent Images National Initiative, Operation Independence Day, Child Abduction Rapid Deployment Teams, Victim Services, 80 Child Exploitation Task Forces, 53 International Violent Crimes Against Children Task Force Officers, as well as numerous community outreach programs to educate parents and children about safety measures they can follow.

The FBI combats this pernicious crime problem through investigations such as Operation Pacifier, which targeted the administrators and users of a highly sophisticated, Tor-based global enterprise dedicated to the sexual exploitation of children. This multi-year operation has led to the arrest of over 348 individuals based in the United States, the prosecution of 25 American child pornography producers and 51 American hands-on abusers, the rescue or identification of 55 American children, the arrest of 548 international individuals, and the identification or rescue of 296 children abroad.

Child Abduction Rapid Deployment Teams are ready response teams stationed across the country to quickly respond to abductions. Investigators bring to this issue the full array of forensic tools such as DNA analysis, trace evidence, impression evidence, and digital forensics. Through improved communications, law enforcement also has the ability to quickly share information with partners throughout the world, and these outreach programs play an integral role in prevention.

In addition to programs to combat child exploitation, the FBI also focuses efforts to stop human trafficking—a modern form of slavery. The majority of human trafficking victims recovered during FBI investigations are United States citizens, but traffickers are opportunists who will exploit any victim with a vulnerability. Victims of human trafficking are subjected to forced labor or sex trafficking, and the FBI is working hard with its partners to combat both forms.

The FBI works collaboratively with law enforcement partners to investigate and arrest human traffickers through Human Trafficking Task Forces nationwide. We take a victim-centered, trauma-informed approach to investigating these cases and strive to ensure the needs of victims are fully addressed at all stages. To accomplish this, the FBI works in conjunction with other law enforcement agencies and victim specialists on the local, State, tribal, and federal levels, as well as with a variety of vetted non-governmental organizations. Even after the arrest and conviction of human traffickers, the FBI often continues to work with partner agencies and organizations to assist victims in moving beyond their exploitation.

Earlier this year, the FBI announced the results of Operation Independence Day, which relied on more than 400 law enforcement agencies working on FBI Child Exploitation and Human Trafficking Task Forces in each of the Bureau's 56 field offices. Agents and analysts at FBI Headquarters and in the field worked closely with the National Center for Missing & Exploited Children ("NCMEC") to identify young runaways, missing kids, and juveniles who may have been subjected to human trafficking. The sweep included undercover operations and has led to the opening of 60 new federal criminal investigations. In all, 103 juveniles were identified or recovered and 67 suspected traffickers were arrested.

The FBI commends the Committee's dedication to these efforts and appreciates the resources provided to combat these horrific acts.

Elder Fraud

As you may already be aware, the FBI participates in a number of working groups and task forces dedicated to combating significant frauds to include phone scams against our nation's citizens. From health care fraud task forces to interagency groups, many of those resources are focused on preventing, detecting, and combating those frauds which harm senior citizens. Unfortunately, though, frauds are limited only to the imagination of those who commit such egregious crimes.

Since the Elder Abuse Prevention and Prosecution Act (EAPPA) was signed into law, the FBI and Department of Justice have participated in hundreds of enforcement actions in criminal and civil cases that targeted or disproportionately affected seniors. The Justice Department has likewise conducted hundreds of trainings and outreach sessions across the country since the passage of the Act. Just last year, the FBI, the Department and our partners conducted the largest coordinated sweep of elder fraud cases in history. The cases during this sweep involved more than 260 defendants from around the globe who victimized more than two million Americans, most of them elderly. The Department took action in every federal district across the country, through the filing of criminal or civil cases or through consumer education efforts. In each case, offenders allegedly engaged in financial schemes that targeted or largely affected seniors. In total, the charged elder fraud schemes caused alleged losses of millions of more dollars than last year, putting the total alleged losses at this year's sweep at over three fourths of one billion dollars.

Conclusion

Finally, the strength of any organization is its people. The threats we face as a nation have never been greater or more diverse and the expectations placed on the Bureau have never been higher. Our fellow citizens look to the FBI to protect the United States from all of those threats, and the men and women of the FBI continue to meet and exceed those expectations, every day. I want to thank them for their dedicated service.

Chairman Nadler, Ranking Member Collins, and Members of the Committee, thank you again for this opportunity to discuss the FBI's efforts to combat the myriad of threats it faces. I appreciate your continued support and look forward to answering any questions you might have.

Chair NADLER. Thank you. I will now begin the questions by recognizing myself.

Director, you referred to the IG report—and Mr. Collins and I both referred to it—and that report found considerable mistakes and considerable bad practices in the incident reviewed in those FISA warrant applications. Correct?

Mr. WRAY. Correct.

Chair NADLER. Okay. You understand that, and you are going to do everything you can to correct that. I think we all know that.

Is it correct that the report also found that there was no evidence whatsoever that the mistakes that the FBI made or that the people in the FBI made had any political motive against the President or anyone else?

Mr. WRAY. Well, Mr. Chair, I would just refer you to the report itself. Obviously, the Inspector General put a lot of hard work into that investigation. I think a million-something documents, 170 interviews, very thorough, very independent 500-pages report.

Chair NADLER. Isn't it correct?

Mr. WRAY. So, I would prefer to rely on his description of what he found. He made some very specific findings on that, both about what he found and, Mr. Chair, as to what he did not find.

Chair NADLER. Okay. Now, recent reporting suggests that the President plans to seek payback against those individuals he believes crossed him during the impeachment proceedings. I am sorry to have to ask. Has the President, the Attorney General, or any other Administration official asked the FBI to open an investigation into Joe Biden, Hunter Biden, John Bolton, or any Member of Congress?

Mr. WRAY. Mr. Chair, I have assured the Congress and I can assure the Congress today that the FBI will only open investigations based on the facts, law, and proper predication.

Chair NADLER. I understand that, and I assume that it is correct that neither the President, the Attorney General, or any other Administration official has asked the FBI to open improper political investigations?

Mr. WRAY. No one has asked me to open an investigation based on anything other than the facts, law, and proper predication.

Chair NADLER. Thank you. What reporting mechanisms are available for FBI officials and employees to report concerns if they believe the agency or they are being asked to pursue politically motivated investigations?

Mr. WRAY. Well, there are a number of avenues that an employee who is troubled by any number of things. There are whistleblower provisions. They have the ability to go up to their supervisory chain. We have a number of mechanisms independent of the supervisory chain inside the organization, and under certain circumstances, there are, of course, reporting mechanisms I think even to Congress.

Chair NADLER. Okay. Of course, there are provisions designed to protect the anonymity of whistleblowers so that they can't be retaliated against?

Mr. WRAY. Again, it depends on the specific vehicle, but there are a number of provisions that deal with protecting whistleblowers, which I think is important.

Chair NADLER. Now, to switch topics. The FBI's position on encryption is well known. For example, last October when speaking on Facebook's plans to encrypt its messaging services, you said this would be a "dream come true for predators and child pornographers."

That is if they were able to totally encrypt without a backdoor, this would be a terrible thing. That is what you said.

Mr. WRAY. We don't think we're asking for a backdoor.

Chair NADLER. No, no.

Mr. WRAY. The first part of what you said is correct, yes.

Chair NADLER. Okay, fine. Now, there are a lot of people in the Federal Government who share these views and argue that encryption represents a risk to public safety. An October 15, 2019, letter from the Department of Defense highlights DOD's reliance on encryption. The letter goes on to state, "It is imperative that innovative security techniques, such as advanced encryption algorithms, are constantly maintained and improved to protect DOD information and resources. The Department believes maintaining a domestic climate for state-of-the-art security and encryption is critical to the protection of our national security."

I am curious to understand how the FBI squares its position on encryption and the need to make sure that there are means that will arguably weaken encrypted systems everywhere, how they square that with the effect it will have beyond the Bureau's investigations. In this case, an apparent impact on the Pentagon's ability to protect our national security.

In other words, it seems from the various statements we have seen that the FBI is taking one position, and the Department of Defense totally opposite position. Could you comment?

Mr. WRAY. Well, first off, I would say that I don't think the Department of Defense, having read the specific report you're talking about, is taking a position on what Facebook should be doing about its messaging platform. I would tell this Committee that the FBI believes strongly in encryption. We, after all, have a cybersecurity mission, which is one of our top priorities.

I think we also have to have mechanisms that allow lawful access to protect flesh and blood Americans. Right now, even as we speak, NCMEC, the National Center for Missing and Exploited Children, gets about 18 million tips—and I think it's important for Americans to understand this—get about 18 million tips a year related to child exploitation, 18 million. Some vast swath of those come from Facebook.

Now, if Facebook moved forward with the plans that they have at the moment, we will be blinded. They will blind themselves and law enforcement. No matter what lawful process this Committee ever comes up with to allow us access to that content, those children and those predators will still be out there. That will not have changed. What will have changed is that no matter what lawful authority we've been given, that will disappear.

I don't think that's a decision that one company—in that instance, Facebook, but it could be any number of other companies—should be making on behalf of the American people.

Chair NADLER. That is a very well-stated summary of the FBI's well-known position, but the DOD seems to have exactly the oppo-

site position. You may not know the DOD, but I am asking if you do know. These positions seem completely at odds with each other, and the DOD is not commenting only on Facebook, and you are not commenting only on Facebook.

So, if you know, if you are familiar with the contradiction here, would you comment on it?

Mr. WRAY. Well, I don't think there's a contradiction between the steps we take to protect the country's most sensitive national security and defense information and having individual manufacturers design their systems in a way knowingly to blind law enforcement all over this country from content.

Chair NADLER. I have one more topic. There has been a lot of confusion in the public about the Bureau's role in conducting background checks for Senate-confirmed appointments, including judicial nominees. My understanding is that when conducting these background checks, the FBI is restricted to the scope and subject matter requested by the client agency.

In the case of Justice Kavanaugh's appointment, I understand that the client agency was the White House, specifically the White House counsel's office. So, yes or no, if the White House had directed the FBI to interview some witnesses, but not others, or if they had told you to complete the process by a certain date, would the FBI have followed that request?

Mr. WRAY. The process that exists for background investigations, including supplemental updates to background investigations, is very different from a criminal investigation or a national security investigation. As you've noted, Mr. Chair, by longstanding practice and process under background investigations, the FBI is what's called the investigative service provider, or the ISP. We do whatever we do in a background investigation, much less an update to that background investigation, only at the direction or request of the adjudicating agency which, in this case, would be the White House.

Chair NADLER. That is what I am.

Mr. WRAY. They set the scope for what we investigate.

Chair NADLER. That is what I am seeking to get at. They set the scope. In other words, if the White House or the Senate or whoever is requesting the investigation says tell us everything you know about this fellow, you would do that, and if they say only look at this or that, you will only look at this or that?

Mr. WRAY. Right. We follow the request of the adjudicating agency. I would say that it is not unique to the Justice Kavanaugh situation or anything else. That's longstanding process, and I've consulted with our background investigation specialist, as I did back at the time, to ensure that this process, as it was in that instance, was done by the book.

Now, the book for background investigations is different.

Chair NADLER. So, I understand that. So, if there is criticism, if there is criticism of the limited scope of the FBI investigation, the criticism would be properly directed not at the FBI, but at whoever issued the instructions delineating the scope of the investigation?

Mr. WRAY. Well, I can't speak to whether there should be criticism, but as I said, yeah.

Chair NADLER. I didn't say whether there should be. I said if there is to be criticism, the criticism would be directed, validly or invalidly, at whoever gave you the instructions as to the scope of the investigation, not at the FBI.

Mr. WRAY. I think if the Senate or the Congress wants the scope to be broader, then they should direct that request to the adjudicating agency.

Chair NADLER. Very good. Thank you very much.

I now recognize the Ranking Member Mr. Collins, for his questioning.

Mr. COLLINS. I appreciate it, Mr. Chair, and are we, I am assuming, operating under—this is going to be a long hearing if we are operating under basically a 10-minute question time. It is an interesting timeframe here for today, but it is also interesting to me is that we have come back now to something that I have been waiting for a while because I heard this and I am before my question time, and I am going to have plenty of time.

So, I had heard this before we actually started this majority's Chairmanship that we were going to reinvestigate the Kavanaugh hearing. It took almost 12 months, 13 months to get there, but we have started that process this morning. It is interesting that the Chair couldn't let it go. Don't want to have a hearing about it, but he will get it in right now. Again, just the drive-bys of this Committee still just amaze me.

Let us go back to something that is actually here for you to discuss. Under the criminal wiretap statute, an agent must exhaust other feasible options before seeking a wiretap on a subject. Meaning the agent must attempt to seek evidence in a less intrusive manner first, assuming it is safe to do so. FISA also requires, albeit not as stringently, that the information sought cannot be obtained through normal investigative techniques.

Are you aware whether agents sought to interview Carter Page before seeking a FISA on him?

Mr. WRAY. Congressman, I would just—as to the facts of the Inspector General's report, I would refer to the report itself. I'm very sensitive about not trying to characterize or summarize his findings, just like I don't like it when people do it to my investigations.

Mr. COLLINS. I appreciate it. Let us take it from just a step away from the investigation itself. Should they have tried any other means before seeking a FISA against Carter Page? This would be—or Joe Smith, whatever you want to call it. Proper procedure here should be that they have to go through less intrusive means other than going straight to a FISA issue. Would that not be proper procedure?

Mr. WRAY. I think every investigative decision, including the decision about when to seek a FISA wiretap, has to follow specific procedures and safeguards, and its fact dependent and fact specific, based on a whole slew of circumstances. So, it's hard for me to answer one hypothetical in that regard.

Mr. COLLINS. So, fact dependent is also—the facts in different cases also don't give you a carte blanche to just bypass rules that are set in place for specific stuff like that?

Mr. WRAY. Absolutely right. I do not think anyone has carte blanche to bypass rules, and I intend to make it painfully clear that that would not be acceptable in the FBI today.

Mr. COLLINS. I appreciate that, and I think that is one of the things that in discussing this, I do believe that you have set forth and attempted to find ways to reassume trust in the agencies involved here. I appreciate that.

In fact, I spoke about it in my opening statement. I talked about how we come to this part. Most people forget the reason that we have a FISA court now was because of the abuses when left uncontrolled outside of FISA.

I understand on my side, and possibly on the Democratic side as well, there is a lot of concern about the FISA process, the FISA court. There is a lot of us who have concerns about it, in the secretness of it and the way it goes about. We also must remember where it came from to start with. It came out of a time in which these agencies had problems. They came together with this, the Pike and Church Committees, to actually find a solution because left unregulated, we also see what happens there as well.

The problem is now that we have found it at least to be abused or had problems under a regulated system. So, the question is, is not necessarily could we do a new Committee to say, okay, let us look at this from a wholesale perspective, but more specific questions from your perspective. If you are looking at changing FISA, not the issues that you have talked about and I have agreed upon that need to be reupped, but in macro level, how can we restore—and you and I have talked about this—how do we macro-level restore trust in the American people in the agencies and in the intelligence agencies?

Are there things that you—should we believe top-level officials in the intelligence community can now be trusted to self-police?

Mr. WRAY. I believe the American people can have confidence in the intelligence community, as I sit here today. I think there are a number of things that the Inspector General's report identified that should be changed and can be changed and need to be improved, and we've accepted and agreed with every single one of those.

I've gone above and beyond. So, I can't go through my entire list of 40 corrective—40-plus corrective actions here, but they're all designed to improve the process, to improve accountability internally, improve the rigor, the discipline, the safeguards that exist for that very, very important tool that we rely on every day to keep people all over this country safe.

Mr. COLLINS. I appreciate that, and I think sometimes that is missing in the rhetoric and the discussion here that you and the Attorney General both have taken corrective action. Now, some of us may not agree they went far enough. We don't believe that maybe some were not held accountable to a different standard, the euphemistic ways it was discussed in the Horowitz report of mistakes. I think most Americans don't understand that concept, especially when you are dealing with their civil liberties.

One of the issues that has been coming up in this is I am concerned that many of the FISC—and we will go to the FISA court here—Amicus Attorneys appear either conflicted or have taken ac-

tive positions hostile to, frankly, Republican positions. Why should we trust—again, there is some discussion here? Why should we trust Amicus Attorneys to impartially present a case to the court in favor of civil liberties interests while ignoring affiliations of the surveillance target, a political affiliation, or even the affiliation with the Administration seeking the warrant?

This is a question for you. Do you trust the Amicus Attorneys to fairly present cases to court? Because that is a big discussion here on is civil liberties actually being protected in a way now under the court system, in the FISA court?

Mr. WRAY. Well, the whole Amicus process is the purview of the FISA court itself, and I think it's a mechanism that can in the right circumstances be useful, as the law was changed, I think in 2010 to clarify, for novel issues of law. We do lots and lots of FISAs that don't raise any remotely controversial issues for any Member of this Committee all the time, and they're incredibly important. So, I would be very leery of entertaining any kind of change that would have all kinds of unintended consequences.

We do a lot with FISA to protect this country from the terrorist threat. As somebody who lived through 9/11 in the FBI building itself, and in my prior DOJ tenure worked very closely on the 9/11-related investigations, met with the families and everything else, I can assure the Members of this Committee that we need those FISA authorities. We need the agility to stay ahead of the threat, or we're all going to regret it.

Mr. COLLINS. I think you are right on that. The question comes in the bigger scope of what this Committee is having to deal with—and other parts of this Committee will have to deal with as well, because the priority of that court comes under this jurisdiction the perception is now that it become a problematic process.

You can have 100 very proper or 99 very proper, none as you said unique, but that one or two, especially when they have the emphasis that it has had in the last 3–4 years, does cause a perception issue. That perception issue, is it was a politically motivated end? There was a bias in the process. That no matter how euphemistically the Horowitz report wanted to describe it, there was a problem.

I do want to come back to something, though. Did the FBI conduct a Woods review on the Carter Page FISA application?

Mr. WRAY. Well, again, I would refer you to the Inspector General's report. I don't want to try to characterize exactly what he said about the Woods process in the Carter Page application.

Mr. COLLINS. In all due respect, from your agency, you would have seen and have access to these records. So, I'm asking as more of a direct question here. Did the FBI conduct a Woods review on the Carter Page FISA application? I'm not asking for the Horowitz report. I'm asking a specific question about this issue.

Mr. WRAY. We have done significant reviews of the materials underlying the Carter Page FISA applications, including a number of steps that we've taken lately to, in effect, claw back the information that was collected under those applications.

Mr. COLLINS. So, I am not to push it, but so is that a yes? Was a Woods review done on the Carter Page FISA application?

Mr. WRAY. We've reviewed the Woods file underlying the Carter Page applications.

Mr. COLLINS. Okay. So, there was a review of it. So, what are the findings that you can share?

Mr. WRAY. Again, I don't think there's any findings that I can share here today beyond the findings that are in the Inspector General's report.

Mr. COLLINS. Okay. So, we are past this. So, you have looked at this. You are now saying that you have looked at the Woods review process on this FISA application. Is there concerns that have brought out? What would be your concern as the Director of the FBI that this would not happen again, especially finding the issues that were found, or the lack of issues in the Woods review that goes before this FISA application under Carter Page?

This is becoming—so if you have looked at it, how is that compatible with what should have happened, and why more processes or changes not taken place?

Mr. WRAY. Well, I think a number of the 40-plus corrective actions that I've already directed go to ensuring the rigor and discipline of the Woods process.

Mr. COLLINS. Knowing exactly what you said there, let me ask you this directly—the final and direct question on two points here. Number one, knowing what you know because you have looked over the Woods reviews process for the Carter Page, do you think that it was a properly done investigation, especially given the Woods review of this application to the FISA court? This is you. I am not talking about the Horowitz report.

Mr. WRAY. I think the report describes conduct that is unacceptable and unrepresentative of the FBI as an institution, and that includes in a number of respects ways in which those particular applications were handled.

Mr. COLLINS. So, you are saying that you agree on that. One last question. Have there been any determinations who leaked the Page FISA to the press?

Mr. WRAY. I'm sorry. I couldn't hear that.

Mr. COLLINS. Has there been any determination, or have you determined who leaked the Page FISA to the press?

Mr. WRAY. I don't have anything I can share on that.

Mr. COLLINS. Could you share it in a classified setting?

Mr. WRAY. No, I don't think so.

Mr. COLLINS. So, we have not determined it. Have we looked?

Mr. WRAY. Again, I can't speak to specific leak investigations or anything of that sort, Bureau or otherwise.

Mr. COLLINS. So, are we saying there is an ongoing investigation into that?

Mr. WRAY. No, I'm not saying that.

Mr. COLLINS. I yield back. Thank you. Thank you for being here, and I appreciate it.

Mr. CHABOT. Point of order, Mr. Chair.

Chair NADLER. The gentleman will state his point of order.

Mr. CHABOT. Mr. Chair, since the Chair and the Ranking Member have each consumed about 10 minutes, is it safe to assume we are going back to the 5-minute Rule for everybody else?

Chair NADLER. We are always under the 5-minute rule, subject to my lenient interpretation of it.

Mr. CHABOT. How lenient will the Chair be with all the rest of the Members?

Chair NADLER. I try to be as lenient as possible.

Mr. CHABOT. I don't know that we necessarily want leniency because we have got a 5-minute Rule for a good reason, and I think we ought to stick to it.

I yield back.

Chair NADLER. Ms. Jackson Lee?

Ms. JACKSON LEE. Director Wray, I would like leniency, but let me welcome you and thank you for your service, and as well make a point on the record that the IG report did point to unsavory behavior, but it did not condemn the entire agency of men and women who have served. The G-men stereotype, I hope, has expired, and these are men and women who serve the Nation. Is that correct?

Mr. WRAY. I think the Inspector General's report, as you're saying, describes conduct that is, in my view, unacceptable and unrepresentative of who the FBI is today. I don't think it is a referendum on the 37,000 men and women of the FBI and the thousands and thousands of investigations they do all the time to keep Americans safe.

Ms. JACKSON LEE. I would like to take that for the record. Thank you so very much.

Let me acknowledge, of course, our Former Chair, Chair Goodlatte. Let me also associate myself with Chair Nadler that we attempted many times to have oversight with Attorney General Barr, and as well we did oversight with the Mueller report and a number of individuals who had relevancy to that. So, we have been doing our job. We have had a difficult time. So, we are glad that you are here.

Let me state on the record as well that I would like a letter directed to me about the individual ASACs, Special Agent-in-Charge, and their ability to participate in nonpolitical events dealing with gun violence or human trafficking. I want an actual letter on the procedures because when one has requested it, you get a yes, and then someone says, "I have got to call Washington."

I have said this to you over and over again, and I just don't want to have this. So, I need a letter directed to me on that policy.

I want to ask a question, I have to ask very quickly on hate crimes. There is a rage of hate crimes by White nationalists and White racists. You have indicated a number of cases, but specifically, by one sentence or two, can you give me what the FBI is doing proactively to deal with the rise in the hate crimes against religious groups and certainly against racial groups, minorities, and immigrants?

Mr. WRAY. Thank you for the question.

We have domestic terrorism and hate crimes, as a close cousin of domestic terrorism, at the top of the priority list. There are a few things that I've done recently to further intensify our efforts.

One, I created a few months ago a domestic terrorism and hate crimes fusion cell in the FBI to bring together the expertise of both our domestic terrorism folks and our hate crimes folks so that

they're working together to not just focus on the threats that have already happened, but to look ahead around the corner and anticipate where else we need to be.

We have also ensured that all our 200-plus joint terrorism task forces have domestic terrorism squarely in their sights as another example. Last, but not least, I would add that I have elevated racially motivated violent extremism as a national threat priority for fiscal year 2020, which puts it on the same footing as ISIS and our homegrown violent extremists.

Ms. JACKSON LEE. I would like to be able to have a briefing on that, whether classified or appropriately in a briefing. I would like to understand better what they do, and I would like to make sure that it is broad based. I would also like a classified briefing on the FISA and the response going forward.

In the IG's report, it specifically talked about discrimination against women. I would add to that discrimination against African Americans, in particular. In terms of the hierarchy of the FBI, what are you doing about that? Again, I am going to officially ask for a letter detailing what you are doing because I have just a short period of time, and I have two more questions.

So, if you can just give me just a moment of what you are doing so I can ask my other questions, please.

Mr. WRAY. On the issue of diversity, that's very important to us. It's one of our core values, and I've made significant efforts to energize our diversity agent recruiting, including speaking at some of those events myself around the country.

Ms. JACKSON LEE. Do you have any Directors, African Americans, in that top leadership?

Mr. WRAY. Well, I've appointed a number of African Americans to lead some of our biggest field offices, for example, and I just recently—

Ms. JACKSON LEE. I know you made progress, Director, but let me—my apologies for cutting you off. I, too, want an official letter of where they are placed and other minorities and what you are specifically doing regarding women and gender discrimination.

Let me move quickly. I hope that the Iowa Democrats will ask for an FBI investigation on the app. I believe that Russia has been engaged in interfering with a number of our elections dealing with the '21 elections—I am sorry, the 2016 election. Would you answer these two questions about voter suppression and about your work to end racial profiling?

I have introduced legislation on that, and there is extensive racial profiling, specifically in groups that may be considered Black identity groups that are really nonviolent, the New Black Panther Party and other groups that may be on labels. I am going to end so that you can answer those two questions, voter suppression and the as it relates to Russian involvement and the work on end racial profiling at the Federal level.

I thank the Director for his service. You can answer those two questions.

Mr. WRAY. Maybe it'd be better for me to answer both of those with a follow-up communication to you because neither of them is a short answer.

Ms. JACKSON LEE. If you can give just a brief and then an answer, I would appreciate it. Then a letter, rather, I would appreciate it. On the record, thank you.

Mr. WRAY. Well, certainly we are also concerned about potential Russian interference with our elections, and that's why I created the Foreign Influence Task Force, which is acutely focused on that topic, among other nations—states that are attempting to influence our elections.

On the question of the so-called Black identity extremists—

Ms. JACKSON LEE. The end racial profiling, yes. Thank you.

Mr. WRAY. Well, racial profiling, that would be a longer answer than I can try to address here in this setting. On the Black identity extremism issue, as you may know, we no longer use that term, and I've taken to heart a lot of the feedback that I got from a number of people, have met, worked very closely with NOBLE, for example, among others. So, I think we're moving in the right direction on those topics.

We don't investigate ideology or rhetoric or anything of that sort, no matter whether it's in that context or anything else. We investigate when there are three things—credible evidence of a criminal violation, credible evidence of violence or threat of violence, all in support of some ideology. If we don't have those three things, we don't investigate in the domestic context.

Ms. JACKSON LEE. Thank you. I yield back.

Chair NADLER. The lady yields back.

Mr. Chabot?

Mr. CHABOT. Thank you, Mr. Chair. Thank you for being here today.

Director Wray, we appreciate you testifying before this Committee again. You have, of course, already referred to the review of a so-called Crossfire Hurricane investigation by Inspector General Michael Horowitz.

As you know, the Inspector General reported serious flaws and overreach by the FBI in the application process to surveil Carter Page who, at the time, was a foreign policy advisor to the Trump campaign.

While the review did not conclude that your predecessor or any of his agents were politically motivated, the way that they went about obtaining these FISA warrants was, at the time, and continues to be deeply concerning to many people.

Given that there is an election less than a year away, it seems to me that significant changes need to occur to address past FISA application abuses by the FBI, and you have referred to them to some degree already.

What are some of the changes that you are implementing that will help to ensure that politically motivated agencies and attorneys are unable to pursue FISA applications with unverified, uncorroborated, or even downright false information?

Mr. WRAY. Well, Congressman, thank you for the question.

I, too, was deeply concerned by what I read in the Inspector General's report and, as I have said, I consider it to have described conduct that I consider unacceptable and unrepresentative of the FBI that I know.

Now, there are a number of things that I think go to addressing those concerns, and I will just name a few of them here. I will say it starts with the one at the top.

I have been communicating unambiguously in field office after field office, headquarters division after headquarters division, that how we do what we do matters—that the American people expect the FBI not just to get to the right result but to go about it in the right way.

So, I have been pounding process, process, process everywhere I go, and I have put in place a whole new leadership team that is helping me amplify that message.

Second, we have put in place a whole number of—and they get kind of technical, but a whole number of process and policy changes that go both to our use of FISA, but also to our use of things like confidential human sources and those kind of things and how those get incorporated into the FISA process.

We have put in place new training. I put in place last summer, actually, over 18 months ago, a training that did not exist before, all focused on not just avoiding bias but avoiding even the appearance of bias, and I started—this is important—I started by requiring all the top people—it is not the way government usually works.

I started by requiring everybody at the top of the house, all 200-plus SES folks in the Bureau to come into Quantico for a full day to get coached on that by judges, the Inspector General, and others, trying to set, again, the tone—the idea that it starts at the top.

I put in place training that didn't exist before, policies that didn't exist before, processes that didn't exist before, oversight that didn't exist before, and where there are people who are still left, most of whom are effectively at the line level or at least were at the time of the Inspector General report, they have been referred to our Office of Professional Responsibility, which is our disciplinary arm.

Mr. CHABOT. Thank you, Mr. Director. I would like to get one more question in and, hopefully, get you time to answer it.

Mr. Director, the President signed into law the Fix NICS Act—and I think you mentioned that earlier—in March 2018 to help close reporting gaps in the National Instant Criminal Background Check System, commonly referred to as NICS.

Having access to accurate records is critical to ensure that missing records or access to those records doesn't put the lives of innocent men, women, and children at risk.

Just a few months ago in November the Attorney General released a report detailing improvements in the NICS system since the enactment of this important legislation based on preliminary data.

Instead of highlighting and building upon the improvements detailed in that report, unfortunately, this Committee spent a considerable amount of time trying to impeach the President.

In light of the reported results, what can Congress do to help build upon those efforts to keep individuals who should not possess firearms from obtaining them?

Mr. WRAY. Well, I think the Fix NICS Act was a very important step forward and, at the end of the day, we all share the goal of trying to keep guns out of the hands of those prohibited by law

from possessing them, and that is what our NICS examiners do every day.

We have thousands and thousands of NICS checks that we have to do all the time, and making sure that we have accurate and complete records in the NICS system is critical to making that happen and that is why I think the statute was such a step in the right direction.

So, we continue to march forward on that effort. Obviously, resources to our folks out at the NICS shop would be very much appreciated.

I have actually gone out there myself and put on the headset and listened so that I can actually experience firsthand what those calls look like so that I can actually feel and experience it and not just observe it from some conference room in DC.

So, they do very, very important work and, again, I thank the Congress for the Fix NICS Act.

Mr. CHABOT. Thank you very much.

Mr. Chair, my time has expired.

Chair NADLER. The gentleman's time has expired.

Mr. Cohen?

Mr. COHEN. Thank you, Mr. Chair, and thank you, Director, for your service. You have brought distinction to the FBI and to the State of Georgia. Congressman Johnson hasn't done that as well, but you have certainly done it in a spectacular fashion.

Hate crimes is something that concerns me, as it does the Chair, and collecting data on hate crimes is important and that is something the FBI does.

Eighty-five local law enforcement agencies with populations of 100,000 and more either did not report to the FBI or affirmatively reported zero incidents.

That is hard to fathom. What can we do to improve participation in collecting that hate crimes data? Should there be a link to funding for agencies and communities to report?

Should the FBI field offices, which there are in 26 of those cities, have some effort to see that there is information sent in? Do you have any suggestions on how we can get better reporting?

Mr. WRAY. Well, Congressman, I would say that I share your desire to make sure that we have as complete and accurate information reported about hate crimes as possible. We know that hate crimes are historically underreported.

We also know that hate crimes reporting has increased significantly over the years and part of that is through outreach efforts that we have made with our State and local partners to encourage them to collect and report that information.

The point that I always try to make to departments everywhere is that it is far better to have these issues evaluated based on the facts and the actual data rather than based on rumors or conventional wisdom or potentially inaccurate news reporting.

So, they should all share the same goal that we have of making sure that it is the facts and the facts will speak for themselves.

So, anything that can be done appropriately to encourage more of that is something that I think we are always interested in.

Mr. COHEN. Well, if you could—whatever you can do to see that they are reported. Hate crimes have risen in this country and it

has been the Klan, which used to use Stone Mountain as a place to assemble, and neo-Nazis, which we all saw in Charlottesville and we knew there were not fine people on both sides.

That has been really harmful to a lot of people in this country who saw that and have seen the harm that the communists and the Nazis and Klan have done over the years to Jews, African Americans, and others.

So, things like that go on forever and people are reminded of them. One of my early memories from my childhood going to Atlanta, driving through, was knowing about the bombing of the temple there in about 1960 and that is an image that is hard to forget. So, we need to work on that.

Emmett Till is one that the country suffers from, and I know there is still an investigation going on and I believe the Department of Justice has reopened that investigation.

Can you tell me anything about that and where that investigation stands?

Mr. WRAY. I am sorry. I couldn't quite hear the question.

Mr. COHEN. The Emmett Till investigation. Has the FBI opened, or the Department of Justice reopened and investigation into that?

Mr. WRAY. I can't comment or discuss any investigation in this setting.

Mr. COHEN. Are you conducting some old hate crimes and civil rights violation laws or civil rights violations? Are you going to civil cold cases?

Mr. WRAY. We are doing a lot of investigations in the hate crimes arena, both racially motivated and religiously motivated. It is one of the more active areas that we have right now.

Mr. COHEN. In cold cases as well to try and open them up?

Mr. WRAY. In some instances there are cold cases that are being looked at as well.

Mr. COHEN. Let me ask you just a general question. What we do is legislation, do you have any suggestions of legislation you would like to see us consider to help the FBI in its mission?

Mr. WRAY. I don't have any legislative proposals for the Committee as I sit here right now.

Mr. COHEN. Okay. You have made clear that Mr. Trump himself was not under investigation by the FBI prior to his election and taking office, is that correct?

Mr. WRAY. Well, I was minding my own business in private practice when all of that happened. So, I didn't advise the President of anything related to—

Mr. COHEN. In your historical reflections on it and looking at what the FBI did, the FBI did—I don't want to get you in any more trouble than you are already in.

[Laughter.]

Mr. COHEN. Let me pass on that and withdraw that question for you and just say that you should have considered all those histories in your family of going to Vanderbilt.

Yale is an okay school, but Vanderbilt is an even better school, and I saw Taylor Malone in your bio and I knew the Malone family and helping get Malone & Hyde started, which was a great company in Memphis, and thank you for that.

I yield back the balance of my time.

Mr. WRAY. Thank you.
 Chair NADLER. Mr. Gohmert?
 Mr. GOHMERT. Thank you.

Director Wray, thank you for being here. I wish I had enough time to address some of the things that the Chair said that needed correcting. Questioning you is too important.

First, have you ever signed an application for a warrant or an affidavit in support of an application for a warrant yourself?

Mr. WRAY. I have signed—right now as FBI director I sign the certifications for FISA applications for FISA warrants, if that is what you are talking about. I am not sure if that is—

Mr. GOHMERT. Do you ever read them before you sign them?

Mr. WRAY. Of course.

Mr. GOHMERT. All right. Well, Mr. Rosenstein would not admit ever reading any of the things he signed, especially with regard to a FISA application. So that concerned me greatly. I am glad to hear you do.

Now, there is a report that Mr. Clinesmith did that altered information that was supplied to the FISA court—that he was allowed to resign. Is that accurate?

Mr. WRAY. Well, Mr. Clinesmith is no longer with the FBI, and I don't think I can comment on a specific personnel matter beyond that.

Mr. GOHMERT. Okay. Well, let me tell you—

Mr. WRAY. —as we sit here right now.

Mr. GOHMERT. —when you have an FBI agent, and you don't need to defend the 37,000 employees. They are not being questioned here. I can tell you as a former Felony Judge I had FBI agents come to me.

They would never have dreamed of lying in an affidavit or changing information to misrepresent the facts to me or any other judge.

There are people across the country whose reputations have been sullied by the improper or, I believe you said, unacceptable and unrepresentative actions at the FBI here in Washington, DC.

They are not under attack. The reputation of the FBI has been so sullied, and we all hoped that when you became director you were going to help fix that.

I can tell you, I know that you wouldn't be in this position if you didn't believe that there was deterrent effect in punishment. That is what law enforcement is engaged in, at least part of the job.

So, when you have somebody that violates Americans' civil rights and commits a fraud upon the FISA court and the court doesn't do anything but appoint somebody that is friendly to the position of the fraud as an Amicus, then we continue to have questions not only about what needs to be done to fix FISA, but if we ought to go back to the way it was before the '70s.

So, this is serious. So, when you have an FBI agent and, surely, you are aware, to commit a fraud upon a FISA court or any court or to misrepresent facts in something that is sworn, those can involve crimes and this guy is not even fired and there is no indication he is going to be prosecuted.

I know you are saying it is a personnel matter, so I can't get into it. I am telling you, the FBI reputation here in Washington cannot be cleaned up until there are people that are held to account for

the unacceptable actions here in Washington and letting somebody resign sends a message to anybody else that wants to get politically active and use their job at the FBI to further a political will.

The message to them is, well, if I get caught, I will be asked to go take a better paying job somewhere else. Great punishment. No deterrence, and business goes on as usual.

We needed an FBI director that would clean this mess up so America could feel good about it, and I can tell you when you come in and say it is a personnel matter—I can't really deal with it or talk about it, you are not helping improve the reputation.

I want to bring up another matter. You know about 302s. The FBI is about the last law enforcement agency or department in the country that doesn't video or audiotape statements that are made and that is—they have been allowed to do that because they have such a great reputation or did.

Now that we have seen 302s get changed, different opinions, what did he say, what did he not say, especially with General Flynn, many of us are wondering if it isn't time if not bringing the FBI into the 21st century at least into the last half of the 20th century and start having FBI agents record statements by people that are being questioned by FBI agents to help the FBI get their reputation back.

I mean, some justices of the peace will look for that. Would you consider supporting the recording of statement to FBI agents rather than just a written summary that can be changed later by an FBI agent?

Mr. WRAY. Well, Congressman, there are certain circumstances under which statements are currently recorded already at the FBI and that is a change.

I think this is a subject that requires longer discussion. I would be happy to have my staff follow back up with you.

As to the question of the FBI's reputation and candor to the court, I don't want to let this time expire without telling you how strongly I feel about candor to the court.

I have been a prosecutor. I have been a Defense Attorney. I have been an Assistant Attorney General. I have been an FBI Director.

To me, candor to the court is sacrosanct, and I don't think there is anybody in the FBI that is belaboring under the misimpression that I think it is okay to mislead a court.

Now, the vast majority of the senior people involved in the investigation at issue here are gone from the FBI. Of those who are left—

Mr. GOHMERT. The vast majority.

Mr. WRAY. And the—

Mr. GOHMERT. There are people there still.

Chair NADLER. The time of the gentleman has expired.

Mr. WRAY. If I could just finish my answer.

Mr. GOHMERT. No, we are now up to 9 minutes—

Mr. WRAY. None in the National—

Mr. GOHMERT. At least let him answer the question.

Mr. WRAY. None in the National Security Branch.

Chair NADLER. The witness may answer the question.

Mr. WRAY. Thank you, Mr. Chair.

The people who are left were, largely, line-level people at the time of the matter in question. Those people have all been referred to our disciplinary arm.

The reason I am not engaging with you on a specific personnel matter is because my commitment to ensuring proper accountability ensures that even that is done by the book, and by the book, to me, does not include discussing a pending personnel issue in this hearing.

So, I respect the reason for your question. I share your passion both about the reputation of the FBI and about the importance of candor to the court.

Chair NADLER. Mr. Johnson?

Mr. JOHNSON of Georgia. Thank you, Mr. Chair.

I want to commend the FBI director. You came out of a very lucrative private practice of law. You were at the pinnacle of your career as a lawyer after having served in government for a number of years at a very high level.

So, after 10 years of being out in the practice of law, both as a defense lawyer and handling other matters, you were called upon to return to government service and you accepted the call at a considerable financial disadvantage. You still accepted the call to come back and head up the FBI.

In your confirmation proceeding you were asked a question in the Senate if you believed that the investigation into the Russian 2016 election interference was a witch hunt and under what many would have felt would be pressure to equivocate in some way, you came right out and you said that no, you did not believe that it was a witch hunt.

Ever since then, you have conducted yourself as FBI Director in that same honest and forthright way and that is a refreshing conduct that you have exemplified in the midst of an anti-institutionalist Trump Administration which has applied pressure to you to conform just like most others have conformed to its anti-institutionalism.

You have protected the FBI, and isn't it a fact that there was no finding in the IG report that the FBI committed a fraud upon the FISA court? Isn't that true?

Mr. WRAY. Well, Congressman, as I want to be consistent in the way I am answering everyone's questions.

As to the Inspector General's report he put an enormous amount of work—over a million documents, 170 interviews—and I just really don't want to be characterizing his findings.

He made very specific findings both about what he found and about what he did not find in that report.

Mr. JOHNSON of Georgia. He say that it was a fraud. He said that the FBI committed a fraud on the FISA court and I just don't read the report to say that.

Now, he did identify some deficiencies in the warrant reauthorization application process, and I think you will probably find those kinds of shortcomings in every law enforcement agency in America. If you look carefully enough you will find some of that going on.

I am convinced that you have made it clear that no cutting of corners, no taking the easy way out, do it the hard way, and I expect that from the FBI.

So, I want to thank you for your conduct in protecting the FBI as an institution. It is not a rogue agency out there hurting people.

I will say this about encryption. When it comes to domestic terrorism and hate crimes and right-wing extremists, nationalist groups, antisemitic groups out here, using encryption to organize, to plan, and then to conduct operations that actually result in people being killed and injured and our government being destabilized and you are doing it in a way that you cannot be surveilled, you cannot be held to account in any way after the fact for what you did, I think that is a danger to our society.

On the other hand, when it comes to the government of, by, and for the people, to provide for the common defense and promote the general welfare, if we can't rely on our government to have the ability to protect its own secrets while at the same time getting at wrongdoing that wrongdoers try to keep secret, then we are in dangerous territory.

So, I think we need to honestly take a look at these things. Now, I had some questions I wanted to ask. I am running out of time and I am going to abide by the five-minute period.

Once again, I will say thanks. Last, I will say I look forward to the day when I can look at the front row of folks behind the FBI director who comes to present with staff and I look forward to the day when I can look forward to the day when I can see some diversity on that row.

I look forward to the day when I can see somebody who looks like me on that row. I know that there is a lot of young Black kids out here who aspire to go into law enforcement and, as far as I am concerned, the FBI is the pinnacle of law enforcement and I want them to feel like they have a chance to reach the top.

So, I thank you for your service to the nation.

Chair NADLER. The gentleman yields back.

Mr. Jordan?

Mr. JORDAN. Thank you, Mr. Chair.

Director, thank you for being here. Thank you for your leadership of those 37,000 people you talked about who are busting their tail every day to help protect all of us in this country.

We do appreciate that, and I appreciate your comments about Mr. Horowitz's report, saying it was unacceptable. I am a little concerned because it didn't seem to me that you had quite the same outrage in your response letter to Inspector General Horowitz.

December 6th, 2019, you wrote a letter. It is the last few pages of Mr. Horowitz's report. In the third sentence of that letter, you said this, "The report's findings and recommendations represent constructive criticism that will make us stronger as an organization." Constructive criticism that will make us stronger.

Director, you know what we all know. On July 31st, 2016, the FBI opened an investigation, spied on four American citizens associated with the Presidential campaign.

The FBI went to the FISA court and lied to the court 17 times. The FBI took the dossier, the now-famous dossier, to the FISA court and didn't tell the court—you just talked about candor to the court—they didn't tell the court the guy who wrote it was desperate, had communicated to the Justice Department that he was desperate to stop Trump.

Didn't tell the guy who wrote it, Mr. Steele, was paid by the Clinton campaign to put the document together. when all that is pointed out to you in a 400-page report, you say, thanks for the constructive criticism.

Four-hundred-page report that says there were 51 assertions that top people at the FBI made to the court that weren't backed up, that weren't supported at all, and it is called constructive criticism.

Constructive criticism is when your grade-school teacher tells you to study more for the spelling test. Constructive criticism is one of my colleagues says, hey, Jim, you should have asked your questions different last week in a hearing. That is constructive criticism.

Here is what Mr. Horowitz said. Here is what the Inspector General said. So, many basic and fundamental errors were made by three separate handpicked teams on one of the most sensitive FBI investigations that was briefed to the highest levels in the FBI.

Maybe more importantly, here is what—here is what Judge Collyer wrote. She said this in her public order, "The frequency with which representations made by FBI personnel turned out to be unsupported or contradicted by information in their possession and with which they withheld information detrimental to their case calls into question whether information contained in other FBI applications is reliable."

Put that in plain English that is they gave so much wrong information here how are we supposed to trust any other representations made to the court.

Even Jim Comey, on December 17th, said something I never thought I would hear Jim Comey say. He said, "I was wrong. We were overconfident."

So, I am a little concerned. I appreciate what you are saying today but this is unacceptable. I appreciate what you said just to Mr. Gohmert's questions about candor to the court.

That is not how—that is not what took place in this report, is way past constructive criticism.

This was a major royal screw up. This is way past constructive criticism.

Mr. WRAY. I am sorry. Is there a question?

Mr. JORDAN. There is.

Mr. WRAY. What is the question?

Mr. JORDAN. I am concerned you are not taking this serious enough. Are you taking it seriously enough, Director Wray?

Mr. WRAY. I think I have demonstrated unambiguously that I take this very seriously. At the same time that the letter that you read occurred, I communicated in no uncertain terms to my leadership team and to the entire FBI workforce that I consider the Inspector General's report to have described conduct that I consider unacceptable.

Mr. JORDAN. So, it was more than—

Mr. WRAY. Unacceptable and unrepresentative of who we are as an institution.

Mr. JORDAN. Why didn't write that in the initial—this is the first—it is the last 10 pages of this report.

Mr. WRAY. I addressed the letter because I think—

Mr. JORDAN. Let me just—

Mr. WRAY. The letter, I think, to me, describes the—

Mr. JORDAN. Let me point out one—

Mr. WRAY. I am sorry. Go ahead.

Mr. JORDAN. Let me just point out one of the things you said. One of the recommendations that Mr. Horowitz says is if you are going to do a headquarters special—if you are going to pull this from the field offices, run an investigation out of the headquarters on a sensitive investigative matter, he said you should have some proper protocols in place and some checks and balances.

You said, we accept this recommendation. We got to be careful about doing these headquarters specials, which is what the mid-year exam was, what Crossfire Hurricane was. It was run by the top people at the FBI.

As you rightly say, they are all gone. Well, one of the recommendations that you say you are going to do to deal with this concern, you said we are going to require FBI Deputy Director approval prior to opening any FBI headquarters sensitive investigative matter.

Well, shazam, you know what that means? That means Andy McCabe had to sign off on it. Well, isn't that how we got here to begin with?

Andy McCabe has to sign off on it, so now, the Deputy Director has to sign off if you are going to run an investigation out of headquarters and pull it from the field office. Is that really going to solve this problem?

Mr. WRAY. That is not the complete recommendation for corrective action.

Mr. JORDAN. I am reading it right here.

Mr. WRAY. No. No. Let me—if I may—sorry, go ahead.

Mr. JORDAN. I am reading it. I am just reading what you wrote. Requiring the FBI Deputy Director approval prior to opening any FBI headquarters sensitive investigative matter.

Mr. WRAY. The corrective action that we put in place on that particular issue involved a number of things.

One, to communicate to the field that only in the rarest of circumstances, which was not communicated before, should any investigation—sensitive investigation be conducted out of headquarters.

Two, that, in addition, to requiring the Deputy Director sign-off for those rare circumstances where that strong presumption would be rebutted that it not only required sign-off by the Deputy Director, but also by the affected field offices and that is a difference.

That is what is different. So, you couldn't have some small group of people at headquarters making the determination that this is an exception.

Now, the field offices that would otherwise be the presumptive offices to run those investigations, their leadership have to be involved in the discussion, so that people can make sure that any decision to do this—

Mr. JORDAN. Who makes the call? Who makes the final—

Chair NADLER. Gentleman's time has expired.

Mr. Deutch?

Mr. DEUTCH. Thank you, Mr. Chair.

Director, first, I want to add my voice to those who thank you and the 37,000 men and women of the FBI who work every day to keep us safe.

I also want to thank the FBI for its work in trying to bring Bob Levinson home. As you know, Bob's the longest-held American hostage in history.

He went missing off around Kish Island in March of 2007 as he served in the FBI for 25 years and the Levinson family, its community of Coral Springs, all of Florida and America, are desperate for him to return.

As one of the Bureau's own, I, again, ask that you prioritize his case in the Bureau and in your interactions with your interagency counterparts.

I want to talk a bit about gun violence, and I want to start just by making an observation, and I mean this not as a slight against the Ranking Member.

Every time there is a reference to actions by this Committee as drive-bys a number of us cringe. I just want to point out that over the past 24 hours there were drive-by shootings in Connecticut, Texas, Michigan, Illinois, Washington, Nebraska, Florida, and Wisconsin.

We are very sensitive. I am glad you are here to be able to talk about the issue of gun violence. In your testimony, you said the FBI is most concerned about lone offender attacks, primarily shootings, as they have served as the dominant lethal mode for domestic violent extremist attacks.

You spoke earlier in your exchange with Mr. Chabot about the role that Fix NICS has played in helping to keep guns out of the hands of dangerous people.

So, I would ask you whether you believe that Congress should strengthen gun laws to further prevent the types of attacks that you reference.

Mr. WRAY. Well, the FBI won't be taking positions on specific pieces of legislation but would be happy to provide operational input in the way we normally do on any specific proposal.

I will say that we all share the goal of keeping guns out of the hands of those who are prohibited from having them and things that take steps in that direction, and I think are things we should encourage.

We share deeply the concerns about violence committed with guns around this country and I think we have demonstrated that through our investigations, through our NICS examiners, and through a variety of other means.

Mr. DEUTCH. Director, I would just like to follow up on a question that Senator Blumenthal asked you at your confirmation hearing.

He asked about support—whether you would support strengthening gun laws and specifically mentioned background checks.

You said at the time, and I quote, "I would want to take a look at any specific legislative proposal and get back to you once I had evaluated a specific piece of legislation. But, I do support efforts to deal with gun violence aggressively and effectively and I think my record both as a line prosecutor and in leadership with the department is consistent with that," closed quote.

Director Wray, it has been 343 days since the House passed H.R. 8 and H.R. 1112. The first, as you know, requires background checks on private sales.

The second would increase the minimum waiting period from three to 10 business days if an initial check is inconclusive, and if an additional 10 days lapsed without confirmation of eligibility, then the dealer could sell the firearm to that buyer.

Have you had the opportunity over these past 343 days to review those specific proposals?

Mr. WRAY. I have not.

Mr. DEUTCH. I will be honest. That is the answer I expected and, yet it is shocking. I understand that the role of the FBI is not to advocate.

I also know that for those 37,000 men and women who are out there every day trying to keep us safe that we share the same commitment to do everything we can to keep them safe while they are doing their job.

You told Senator Blumenthal that you just needed an opportunity to review before making a determination about whether it could help.

You talked today with my colleague, Mr. Chabot, about how Fix NICS does the job to help keep guns out of the hands of dangerous people.

There is a piece of legislation that the House passed that would help to do exactly that, and you sit there, Director Wray, and tell us that you haven't really had a chance in 343 days to even consider whether this is the type of thing that can help protect the lives of the public and the lives of those 37,000 men and women who put themselves out there every day to keep us safe.

It is beyond discouraging. We need to work together on this. We can't be silent on this. I hope that when the Senate ultimately is forced to take up a piece of legislation that 90 percent of the American people believe is the right thing to do, that will help keep us safe and your agents safe, that we will be able to celebrate that together.

Until then, I hope that you will have the opportunity to dig in to understand that what we did here will help to save the lives of the men and women who work for you.

I yield back.

Chair NADLER. The gentleman yields back.

Mr. Buck?

Mr. BUCK. Thank you, Mr. Chair.

Director Wray, for 25 years I was a prosecutor. I worked closely with FBI agents. They are bright, hardworking, dedicated professionals and it was an honor to work with them.

I am deeply concerned about revelations concerning corruption in the past leadership of the FBI. I am particularly troubled with the FBI's treatment of investigative journalists like Sharyl Attkisson.

When the FBI spies on journalists, it undermines the integrity of our government, and it tarnishes the badge. In early 2011, Sharyl Attkisson began reporting on Fast and Furious, where the Obama ATF recklessly allowed illegal gun sales and watched as straw purchasers walked guns across the Mexican border straight into the hands of drug cartels.

Attkisson exposed the scandal and the fact that the illegal guns were found at several crime scenes, including where U.S. Border Patrol Agent Brian Terry was murdered.

For her work on *Fast and Furious*, Attkisson received an Edward R. Murrow award, an Emmy award, and an investigative reporting award.

Another Attkisson story involves Solyndra, a solar company involving an Obama donor. Obama Energy Secretary Chu approved more than half a billion dollars in taxpayer loans to Solyndra.

Chu ignored Treasury's legal guidance and put the rights of private investors above taxpayer interests. When Solyndra went bankrupt, taxpayers lost \$528 million. The Administration sought to delay Solyndra's layoff announcement until after the 2010 election.

Ms. Attkisson also covered Obama's Benghazi cover-up. Thanks to her, we know Secretary of State Hillary Clinton ignored the warning signs. As allies were withdrawing from Libya, we did not.

We know four Americans died waiting in vain for our government to send help. We know Susan Rice, Hillary Clinton, and Ben Rhodes then lied, blaming the attack on a video.

Attkisson was nominated for an Emmy for her Benghazi reporting.

Director Wray, you and I are public officials. Media criticism comes with the job. Some criticism may be unfair. In fact, much of the criticism may be unfair.

A free press is indispensable to our republic. America is better because of Sharyl Attkisson and investigative journalists. The American people deserve to know the truth about their government, including with respect to *Fast and Furious*, Solyndra, and Benghazi.

So, did the Obama Administration thank Sharyl Attkisson for her work? Did the White House recognize her for keeping the public informed and holding government accountable?

Did President Obama present her with a Presidential Medal of Freedom?

No. Using a highly politicized FBI, the Administration spied on her, and that is what small-minded people do. Government emails show the Obama White House plotted to silence her stories.

After suspicious incidents involving her home Internet, computers, and phones, Attkisson hired a forensic computer expert who determined she was hacked by an IP address used by the FBI to conduct domestic surveillance, and that spyware, proprietary to the Federal government, and several classified files had been inserted on her computer.

CBS News, Ms. Attkisson's employer, undertook a second forensic exam confirming those conclusions. Former government officials, including one from the FBI, later admitted that they took part in this illegal surveillance.

When confronted with the facts, Attkisson did what a good investigative journalist does. She sought the truth. As a last resort, she sued DOJ and the FBI in search of justice.

Did the FBI come clean and admit what happened? No. They engaged in delay tactics, prompting Federal Judge James Wynn, an

Obama appointee, to write a scathing rebuke of the government's conduct.

I am short on time, so I will forward your office several written questions for a response. Basically, I am interested in knowing whether the FBI was ever directed to obtain information about investigative journalists by the Obama White House including for purposes of creating or maintaining an enemies list.

Has the FBI ever attempted to retrieve data from any electronic device used by Sharyl Attkisson, James Rosen, or any journalist with the Associated Press?

In each instance where that occurred, I would like it if the FBI would identify what legal authority such actions took place.

Director Wray, the FBI must put restrictions in place to prevent an Administration regardless of party from using the FBI for political purposes.

If you do not Act to expose past abuses by the FBI—expose—I believe it will be very difficult to receive congressional support for your priorities like FISA or preventing online platforms from blocking information from law enforcement.

I yield back.

Chair NADLER. The gentleman yields back.

Mr. Jeffries?

Mr. JEFFRIES. Thank you, Mr. Chair, and thank you, Director Wray, for your presence here today and for your continuing service to the country.

According to the FBI's website and your testimony earlier today, one of the highest priorities of the FBI is to deal with the impact that hate crimes have on the people of America. Is that right?

Mr. WRAY. Yes. Counterterrorism is the number-one priority of the FBI.

Mr. JEFFRIES. Within that counterterrorism priority, domestic terrorism, which leads to some of the hate crime incidents that we have seen, falls within that scope. Is that right?

Mr. WRAY. Yes.

Mr. JEFFRIES. I think each year the FBI releases a hate crime statistics report. Is that true?

Mr. WRAY. Yes.

Mr. JEFFRIES. In the context of that report, I think you identify single-bias incidents as an incident in which one or more criminal offenses are motivated by a particular bias. Is that right?

Mr. WRAY. Well, I haven't—I don't have the report in front of me. That sounds consistent with my recollection.

Mr. JEFFRIES. Is it fair to say that since 2017 there has been a significant increase in hate crime incidents here in America?

Mr. WRAY. Between 2016 and 2018 there was definitely an increase in hate crimes reported, and I think we have reflected that in our report.

Mr. JEFFRIES. So, a significant amount of those incidents are directed at individuals as a result of racial bias. Is that true?

Mr. WRAY. Yes.

Mr. JEFFRIES. So, we have seen an increase in hate crimes directed at communities of color, correct?

Mr. WRAY. Yes.

Mr. JEFFRIES. An increase in hate crimes directed at immigrant communities. Is that right?

Mr. WRAY. Less so of that, but yes.

Mr. JEFFRIES. Have we seen an increase in hate crimes directed at members of the Jewish faith as well?

Mr. WRAY. I don't know that we have reliable data on that. Certainly, we are deeply concerned about the antisemitic violence that we have been seeing in this country and there have been a number of attacks just over the last 18 months that we have observed.

So, I don't know that we have reliable data on that one. Certainly, there is plenty of reason to be deeply concerned.

Mr. JEFFRIES. I think based on your report—I believe this is the 2018 report—in 20 percent of the incidents that fall within the hate crime category are crimes directed at individuals as a result of racial bias. Is that right?

Mr. WRAY. I don't have the percentages in front of me.

Mr. JEFFRIES. Think in that category of antireligious hate approximately 55 percent of those antireligious hate incidents are actually directed at Members of the Jewish community. Is that fair to say?

Mr. WRAY. That sounds quite possible. Again, I don't have the report in front of me. As I said, we are extremely focused right now on antisemitic attacks, of which there have been an alarming number over the last 18 months alone.

Mr. JEFFRIES. In terms of this troubling increase that we have seen since 2017 directed at African Americans, Latinos, people of color, immigrants, certainly Members of the Jewish community, what are some of the steps that you are taking in this climate of hatred that has festered over the last few years to address this alarming rise?

Mr. WRAY. Well, we will not tolerate hate-fueled violence in our communities, and we are addressing them investigatively. I have mentioned a couple, but I will just recap a few and then add a few.

Number one, we are using every tool in the toolbox. We are trying to be creative. So that is not just traditional gun charges, explosives charges, things like that but, for example, rising out of the Charlottesville incident we used the federal rioting statute to charge some people there, which was a fairly novel statute to rely on.

I have created the Domestic Terrorism-Hate Crimes Fusion Cell, which didn't exist before, to bring together those two disciplines to ensure we are maximizing our effectiveness.

I have elevated racially-motivated violent extremists' threat on the same level as a national threat priority along with ISIS and homegrown violent extremists.

Mr. JEFFRIES. Mr. Wray, can I just stop you right there because I am running out of time, and I appreciate you articulating that.

Mr. WRAY. Yeah.

Mr. JEFFRIES. You mentioned Charlottesville, and one of the troubling things that came out of Charlottesville beyond the death of a young woman who was there, which is incredibly tragic, is that some of the White nationalists, the White supremacists, the neo-Nazis were heard to have chanted, "Jews will not replace us." Is that right?

Mr. WRAY. I believe I remember hearing that was said.

Mr. JEFFRIES. Is that connected to a theory amongst White nationalists called replacement theory where, apparently, there is this view that Jews are genetically programmed to undermine Christian civilization and seek to replace White Christians with a more ethnically diverse population. That is replacement theory. Is that right?

Mr. WRAY. Well, I am not an expert on the different strands of White supremacist ideology.

Mr. JEFFRIES. Why were they chanting “Jews will not replace us” in a context where there is all of this xenophobic activity, anti-immigrant activity, and then we see a rise in antisemitic incidents?

I mean, is the FBI actually looking into the connectivity between a theory that exists and the xenophobic attacks that have come from the highest office in the land, and then a troubling increase for a variety of reasons and we need to deal with all of those reasons—but a troubling increase in antisemitic incidents?

Mr. WRAY. We are investigating antisemitic violence. So, we don’t investigate ideology or rhetoric no matter how abhorrent it is.

What we do is investigate violence, and when it is violence that is fueled by some despicable ideology then that is part of the investigation.

Mr. JEFFRIES. Thank you. I yield back.

Ms. SCANLON. [Presiding.] Thank you.

The gentleman from Texas is recognized.

Mr. RATCLIFFE. Director Wray, good to see you. Thanks for being here.

I originally intended to talk to you about the encryption issue today. Given where this hearing started and where I think it is going as it relates to the issue of FISA abuse, I am going to ask you about this.

I want to give you an opportunity to hopefully answer these questions once and for all so that the rest of your testimony can be properly directed.

It seems like some of my Democratic colleagues, because this FISA process was initiated during the Obama Administration, that they want to focus on the fact that there was no abuse of the FISA process or that the abuse was not politically motivated.

It started with Chair Nadler. The very first question to you was trying to establish that the Inspector General found no evidence of political motive or bias against the President, and you responded that the Inspector General’s report speaks for itself.

So, does the Inspector General, and Inspector General Horowitz, on December 11th before the Senate Judiciary Committee, said this quote, “On the FISA side, we found, as you noted, a lack of documentary or testimonial evidence about intentionality. But, we also noted the lack of satisfactory explanations and, in fact, we have opened the possibility that for the reasons you indicated it is unclear what the motivations were. On the one hand, gross incompetence, negligence. On the other hand, intentionality and everywhere in between,” end quote.

Just because no FBI agent tells the Inspector General, I admit, I am biased and politically motivated against President Trump,

doesn't mean there isn't overwhelming evidence of bias and political motivation in the record.

To use just one example, an FBI lawyer involved intimately in this FISA process against a Trump campaign associate, Carter Page, sent a number of texts in and around the election of President Trump. Here are a few of them.

"The crazies finally won." Another one. "This is the Tea Party on steroids." Another one. "Pence is stupid." Another text that he sent, "I just can't imagine the systematic disassembly of the progress we have made over the last eight years." Finally, when asked whether he intended to keep working during the Trump Administration, he said, quote, "Viva la resistance."

Regardless of what that FBI lawyer admitted, do you see evidence of political bias or motivation against President Trump in those text messages?

Mr. WRAY. Well, I would just say, Congressman, as I have said before that I consider the report to have described conduct that I consider unacceptable and unrepresentative of who we are as an institution.

I am not going to comment on specific people's conduct for a variety of reasons. I will say that political bias has no place in today's FBI.

Mr. RATCLIFFE. Well, I appreciate that. I am going to ask you to comment on someone's specific conduct because that very same FBI agent is the one the Inspector General found in his report was the one that tampered with evidence by counterfeiting an email from an intelligence agency to illegally continue surveillance of a Trump campaign associate. That is what happened, right, Director?

Mr. WRAY. Again, I would just refer you to the report.

Mr. RATCLIFFE. Well, the report acknowledges that. So, does the Department of Justice and the FISA court. They acknowledge that this was illegal surveillance with respect to at least several of these FISA applications because there was not probable cause or proper predication, correct?

Mr. WRAY. Right.

Mr. RATCLIFFE. So, to the point of one of my Democratic colleagues that there was no fraud on the court, illegal surveillance, and changing evidence to conduct illegal surveillance is the very definition of fraud on the court, is it not?

Mr. WRAY. Well, I certainly think it describes conduct that is utterly unacceptable.

Mr. RATCLIFFE. It is what took place here.

Mr. WRAY. Well, again, I refer to the report. We have accepted, and I have been very clear about this—we have accepted every finding in the Inspector General's report, including some that are extremely painful to us as an institution.

Mr. RATCLIFFE. I appreciate it, Director Wray. I love the FBI. You know my background. I know what you are trying to do. I know the difficult position that you are in.

I think the record is clear. I remain convinced that the prior Administration weaponized the FBI for political motivation and purposes.

I just wonder whether or not you are going to be able to put the genie back in the bottle. I truly know that your motivations are to do that.

I wish you the best of luck.

I yield back.

Ms. SCANLON. Thank you.

The gentleman from California is recognized.

Mr. SWALWELL. Thank you, and thank you, Director, for appearing today and thank the agents that you oversee every day. Please extend to them our thanks for what they do for our country.

Mr. Deutch talked about our hope that the bipartisan background checks bill will receive a vote in the Senate. I hope that is the case, too.

I am the brother of two police officers, and while my brothers and I don't agree on every gun safety proposal that I have, I tell them every day they are all rooted in wanting to protect them and the people in our communities, including FBI agents.

I know here today are young people who are marching for our lives and even a father who was asked to leave the State of the Union last night because the passion he brings to this issue—Fred Guttenberg, who lost his daughter, Jamie, at Parkland, who does not seek to take anyone's weapons who possesses them legally but just wants to make sure we are all safer in our communities.

So, I look forward to working with the Bureau to make sure that we can keep our pistols, keep our rifles, keep our shotguns to protect ourselves, but also make sure the most dangerous weapons don't end up in the hands of the most dangerous people.

Shifting to election interference, Director, are the Russians interfering in our election right now?

Mr. WRAY. Well, I don't think we have seen any ongoing efforts to target election infrastructure like we did in 2016. We, certainly, are seeing and have never stopped seeing, really, since 2016 efforts to engage in malign foreign influence by the Russians.

So, that is the use of false personas, fake media accounts, social media stuff, the trolls, the bots—all that stuff that is described at great length both in the ICA and in some of the indictments that have been returned since then.

So, that kind of effort is still very much ongoing. That is not just an election cycle issue but, of course, now that we are in an election year it is an effort to influence our public in that regard.

Mr. SWALWELL. Does the FBI see the Russians amplifying content of certain campaigns in the 2020 election, meaning, creating accounts, trying to create discord, or not just in general political discord but does the Bureau see an effort to try and help or hurt any particular campaign through social media amplification?

Mr. WRAY. I would have to think about whether or not I could say anything in an open setting on that. Certainly, I would say in general that the efforts to sow divisiveness and discord on both sides of an issue and to generate controversy and to generate distrust in our democratic institutions and our electoral process, that is very much ongoing.

Mr. SWALWELL. Are other countries also capable of doing that or are doing that right now?

Mr. WRAY. I don't know that we have seen other countries trying to do exactly that. Certainly, other countries like China, for example, have very active malign foreign influence efforts in this country. Theirs is a little bit different than the efforts that I was just describing.

It is still very, very active and very serious. It is more geared—in their instance, it is more geared towards trying to shift our policy and our public opinion to be more pro-China on a variety of issues.

We do know that other adversaries besides Russia are looking very closely at what the Russians have done and taking note of it and giving active consideration as to whether that is a playbook they should adopt.

Mr. SWALWELL. Director, you are sitting in the same Chair that Director Mueller testified to this Committee from. He laid out a number of instances of obstruction of justice in his report, but also cited a DOJ policy that prevents a sitting President from being indicted, and it has raised the question for me and many on this Committee—and we have introduced legislation that would toll the statute of limitations for a sitting President to have them start running again once they leave office.

As far as the Bureau goes, as far as I know, the Bureau has procedures to open an investigation, and there is different phases of an investigation before presenting it to the Department of Justice for prosecution.

So, if the DOJ policy prevents a sitting President from being indicted, is the Bureau even able to investigate allegations of wrongdoing?

I just want to take this President out, and just any President in the future as long as that policy is in place. Are you able to even start an investigation or would you have to wait until the President left office?

Do you understand the question?

Mr. WRAY. I think I do, and I am not sure I have an answer sitting here right now about a specific hypothetical.

Obviously, the FBI investigates not just crimes but national security threats, and I think something that a lot of people don't understand is that we have counterintelligence investigations that often aren't geared towards crimes or charging anybody at all.

They are geared towards identifying and understanding national security threats and mitigating or neutralizing those threats.

So, there might be some difference there.

Mr. SWALWELL. If you had an allegation—if you had an allegation of wrongdoing, do you see that DOJ policy as limiting you from even conducting an investigation while the person is in office?

Mr. WRAY. I would have to give that more thought. I don't have an answer sitting here right now.

Mr. SWALWELL. Thank you. I yield back.

Ms. SCANLON. The gentleman from Florida is recognized.

Mr. GAETZ. Thank you, Madam Chair.

Director Wray, it is often the case that it is in a community's worst moment or toughest day that they interact with the FBI. That was certainly the case for my community in Pensacola following the terrorist attack at NAS Pensacola.

I wanted to begin by thanking the FBI and the very talented professionals who brought comfort and competence and a very thorough investigation into that fact pattern.

I am confident, based on the work of the FBI in concert with the Department of Defense and the Department of Homeland Security, that on a going forward basis will be able to work with our allies more closely so that there is ongoing robust review of communications and social media content.

I know that investigation is concluded with the press conference that Attorney General Barr had.

I wanted to give you the opportunity to reflect on any lessons learned and any strategies that we might use to ensure that our military communities are safe as we host some of our foreign partners.

Mr. WRAY. Thank you, Congressman. Thank you for the question and thank you also for the kind words about our folks who work very hard on that investigation, also with their military partners, especially NCIS, among others.

Certainly, that tragic event highlighted a number of things. One, the importance of making sure that we get adequate information from our foreign partners and that they do the diligence that often they are in the best position to do on the people before they come our way, and I think the kingdom has indicated an interest in being more engaged on that and I think that is a healthy and positive sign.

Another different lesson learned, though, from that investigation, which ties into a topic that has come up a few times already here this morning and, as the Attorney General commented, I think, very forcefully on, one of the things that the shooter in Pensacola did in the heat of the moment while people were coming at him and he was coming at them, took the time to shoot one of his own phones to destroy it so that, presumably, we, in law enforcement, wouldn't have access to what is in it.

Now, remarkably, the men and women of the FBI in our Office of Technology Division (OTD) were able to reconstruct that phone as an engineering matter so that we could have access to it for a technical perspective.

Because of the way the encryption is on the phone, we don't have meaningful access to the content of that phone. So, whatever it is he was trying to prevent us all from seeing, we don't know, and we are currently engaged with Apple hoping to try to see if we can get better help from them to try to get access to the contents of that phone.

It illustrates why this lawful access issue is such an important one. I appreciate the question.

Mr. GAETZ. Given the fact that recently al-Qaida Yemen has taken responsibility for the terrorist attack in my community, it would seem to elevate our need to have access to those communication devices and tools.

Apple responds that the government should not be forced to compel them to make a key for a lock that exists. Do you believe that there is meaningful legislation that the Congress should consider so that technology partners have a yellow brick road to work with the government to not put burdens on them that could be used by

our adversaries but that, in fact, could help the FBI with these important investigations that involve these complex issues of international criminal and terrorist organizations?

Mr. WRAY. Well, whether it is done by legislation or done by the companies doing it voluntarily, I think we have to find a solution. This problem is real. It is now. I hear about it from law enforcement from every State in the country all the time.

It affects every threat we are contending with. We believe strongly in encryption, as I said to the Chair earlier. We also believe that law enforcement has to have lawful access to the content of where the information is or we are not going to be able to protect people.

There are some countries that have already passed legislation of the sort that you are referring to—Australia, for example.

One way or another, we have got to figure out a way to solve this problem or we are all going to wake up one day and realize that law enforcement—the hardworking men and women of law enforcement in Pensacola and everywhere else are blind.

If you were a criminal and you had a choice between doing all your information and communications in a device that was utterly beyond reach of law enforcement and doing it in one where law enforcement with a warrant could have access, which one would you pick?

Of course, you would pick the first one. I think these are decisions that should be made by the American people through their elected representatives, not through one company making a business decision on behalf of all us.

Mr. GAETZ. Well, I hope as we unpack these difficult and complex questions that the FBI will work with my office because my community is deeply vested in these questions now, because we have seen the impact and as we see the involvement of international terrorist organizations claiming credit, we are even more interested to ensure that those who are killing and maiming my constituents are held accountable.

I thank the Chair and I yield back.

Ms. SCANLON. Thank you.

The gentleman from California is recognized.

Mr. LIEU. Thank you, Madam Vice-Chair.

Thank you, Director Wray, for your service. I would like to first ask about election security. There are various components of election security. I would like to focus on two.

The first is the actual hacking of voting machines and databases containing voter files—what steps are the FBI taking to make sure that it doesn't happen?

Mr. WRAY. So, on the cyber side, if you will—the hacking side—we are taking a three-prong approach. We have investigations, intelligence sharing, and engagement.

So, on the investigation side we have investigations that we will conduct into potential cyber intrusions into election infrastructure. A lot of times it is not clear when there is an intrusion who is behind it, right.

It could be somebody for a financial motive or just mischief, or it could ultimately trace back to a Nation State and foreign adversary, and that is one of the things we try to do on the cyber side.

On the intelligence-sharing side, we have tried to push out to State and local election officials and campaigns indicators to be on the lookout for so that they are more likely to, if they spot something, think, wait a minute—this might be something I should contact FBI or law enforcement about.

Then on the engagement side, we have tried to do things including we have created a protected voices website that puts out information to campaigns all over the country about cyber hygiene to better protect their not necessarily election infrastructure but the campaign infrastructure, if you will, from cyber-attacks.

Mr. LIEU. Thank you.

So, the second component, which I think could have even more of an influence on elections, is disinformation—spy op operations—and as you know, the Mueller investigation the special counsel indicted a Russian troll farm.

So, what steps are FBI doing to try to mitigate disinformation in the upcoming election?

Mr. WRAY. So, I think you are right, that in some ways that is an even more challenging area, not the least because it never stopped, right. It happened in 2016 and it has been continuing ever since then.

It may have uptick during an election cycle, but it is a 24/7 365 days a year threat.

Second reason it is challenging is that, unlike a cyber-attack on an election infrastructure, that kind of effort disinformation in a world where we have a First amendment and believe strongly in freedom of expression, the FBI is not going to be in the business of being the truth police and monitoring disinformation online.

So, it requires not just the investigations when we do get leads that we can pursue but also engagement with the social media companies in particular, and that is one of the places where there have been great strides since 2016 where we have made—and we saw it in the midterms with a lot better engagement with the social media companies where there are things that they can do as private companies voluntarily, based on their own terms of use or terms of service, where they can use the resources they have to find and shut down accounts and sort of nip some of these things in the bud.

So, I think this is going to require not just a government solution, but a sort of private industry solution as part of dealing with that threat.

Mr. LIEU. Thank you.

I would like to shift subjects to the Department of Justice bias training. As a Member of the Congressional Asian and Pacific American Caucus, I want to follow up on a question I submitted for the record the last time you had come in and testified regarding the DOJ's department wide implicit bias training.

Do you know what the status of that training is, and if you don't, could you submit us information of the status of the training?

Mr. WRAY. I would be happy to provide you more information as a follow-up.

Mr. LIEU. Okay. All right.

There is always an issue of folks in the United States who are engaging in spying. There are also folks who may be intimately

caught up in that. So, I think it is better if we had a classified briefing on this.

In terms of Asian Americans who are surveilled or targeted by the FBI or Asian nationals who are, would you be willing to give a briefing to the Members of the Congressional Asian and Pacific American Caucus in a classified setting what the scope of that program is and the status of it?

Mr. WRAY. We would be happy to arrange some kind of closed session briefing on the counterintelligence efforts in the space that you are talking about.

Exactly what would be in the briefing we would have to sort of think through. Certainly, I am sure there is helpful information we could share and it would probably be constructive.

Mr. LIEU. Thank you. I yield back.

Ms. SCANLON. The gentleman from Arizona is recognized.

Mr. BIGGS. Thank you, Madam Chair.

Thanks, Director Wray, for being here today. We have talked a bit about this order from Judge Collyer from December 17th of 2019, in particular, a couple of references she makes that FBI personnel provided information which was unsupported or contradicted by information in their possession and also several instances in which FBI personnel withheld from the National Security Division of DOJ information in their possession, which was detrimental to their case and their presentations to the FISA court.

In particular, she expands specifically on what some of those were. The fact that there were allegations that Carter Page had met with two different Russians in July in Russia—in July of 2016, even though Page said he had never met them.

That was never included—this kind of exculpatory information. Nor did they talk about the actual origins of the information that they were relying on.

You have said repeatedly today that the conduct was unacceptable, and I am trying to determine in my mind whether you find some distinction between unacceptable and whether there was any kind of criminal conduct on the part of these people who were giving sworn—effectively, sworn testimony by signing these sworn affidavits to the court, neither altering evidence or failing to disclose evidence that was exculpatory as required.

Do you find anything criminal in their conduct?

Mr. WRAY. Well, I think each case depends on the facts of the specific individual, right. So, when you start talking about criminal liability, there is always a question of the level of intent—the *mens rea*, right.

So, whether or not the particular individual knowingly misled somebody that might be different from somebody who made a mistake and omitted some information.

Either way, the reason I use the word unacceptable is not—I am not trying to sort of split hairs or engage in semantics. What I am saying is I hold the men and women of the FBI to a heck of a lot higher standard than not violating the criminal law.

I expect the men and women of the FBI to be the best of the best and to do everything by the book, which is why in speech after speech, in every field office and every headquarters division, the first topic I raise is the importance of not just getting to the right

result but, rather, letting the process be followed and ensure that the way we do what we do defines the FBI's brand way more than whether or not we are successful in a particular investigation.

I specifically have been raising, and this goes all the way back to my first few months as director, the importance of making sure that the judges who sign our warrants can trust our work.

That is not something that I started saying in response to this report. I have been hitting that theme since the outset because it is so important to me, having been not just a prosecutor but a defense attorney.

To me, it is at the very heart of who I am as a professional and what I expect of our people—the candor to the court.

Mr. BIGGS. I get that. So, what you are talking about is ethical actions regardless of what the criminal liability may—or exposure may be because of a culpable mental state.

I get that, and I think we could have a philosophical debate of whether criminal law is reflective of the morality of our culture and our society.

That is not why we are here today. What happened here was so systemic or systematic that the judge said it was so questionable I don't know if we can even rely on other FBI affidavits.

That indicates that there might have been some kind of imputation of some kind of criminal *mens rea* requirement. I don't want to get into that right now, because I want to ask another question.

I think that maybe you—I would hope that you have really considered whether there was criminal culpability on the part of these people who misled the court and spied—and resulted in spying on American citizens without, in my opinion, real probable cause to do so.

So, one of the things that you talked about as your reforms is to have the field office involved when you are bringing something into the home office to investigate.

The problem that I see with that is that you are asking, effectively, a subordinate to go to have input that might be counter to their superior, somebody who actually has, basically, some impact on their career even.

So, this becomes problematic. I would like you to address that in a second. I would just give you my example. I was a trial lawyer myself on both sides, prosecuting and defending.

I did international law for a while. When I went back to get a graduate degree, I could tell you this. Even with my experience, I was wary to cross the professor because I knew they had control over my grades. They had control over whether I would be able to finish my degree in the time I wanted to get my degree finished.

So, I would suggest to you that maybe that might not be a reform that actually is more than cosmetic in nature and I would like you to address that, please.

Mr. WRAY. So, I certainly understand the concern and the dynamic that you are describing. What I would say is this. The changes that I put in place there have a few different dimensions.

One, and this was not made clear before so this is something that we did, my leadership team and I, that differs from the past, we made it explicit that other than in the rarest of circumstances all investigations should be conducted in the field.

You might think that should be obvious. That wasn't articulated clearly. We articulate it clearly.

Second, we built in place the check and balance concept that I described in response to some of the earlier questions.

I get your point about subordinate/superior. I think what we were trying to do was ensure that in that case, the Deputy Director would have the input of the field office leadership.

What I did not want to do, since this would be a policy that would govern us, going forward in every possible situation is prevent ever under any circumstances whatsoever investigations being conducted out of headquarters.

I don't think something that absolute is wise for me to tie the FBI director's hands in that regard. I will give you an example.

One of the Black eyes of the FBI in the past was, of course, the Hanssen matter. Now, that kind of investigation was conducted out of headquarters. It was an unusual situation, incredibly important, incredibly delicate for reasons that I am sure you can imagine.

That was appropriate that it be conducted out of headquarters. In many ways the pipe bomb investigation—the 9/11-related investigation—that was, in many ways, run out of headquarters, and I had a front row seat to that as I was in the department's leadership under President Bush and Attorney General Ashcroft at the time.

So, there are rare, rare circumstances where it does make sense to have an investigation run out of headquarters. What needed to be clear was everybody needs to understand that had to be kind of the Black swan, the unusual situation.

The steps that we put in place and the corrective action that you are referring to be our effort to try to make sure that people understood it couldn't just become a practice—that you had to jump through those hoops, and hopefully we will accomplish that.

Mr. BIGGS. Director, I would hope that you would—

Ms. SCANLON. Thank you. The gentleman's time has expired.

Mr. BIGGS. I would hope that you would go on with regard to the reform—the superior/subordinate issue that we talked about.

Thanks, Director.

Ms. SCANLON. Okay. The time has expired.

The gentleman from Maryland is recognized.

Mr. RASKIN. Welcome, Director Wray. Thank you for your hard work.

Does the FBI publish the Uniform Crime Report?

Mr. WRAY. Yes.

Mr. RASKIN. So, the 2018 report found that there were 24 hate-related murders in our country that year. That didn't include 11 people who were murdered by a neo-Nazi White supremacist at the Tree of Life Synagogue in Pittsburgh.

Why were they not included?

Mr. WRAY. I don't—sitting here right now, I haven't drilled into the methodology behind the report. I will tell you that when it comes to the Tree of Life Synagogue that I not only have been personally monitoring it, but I actually went to the Tree of Life crime scene, walked through it with the team, *et cetera*.

Mr. RASKIN. So, you saw it. You knew that—

Mr. WRAY. So, I am deeply invested and got a full play-by-play as to the horror that occurred there.

Mr. RASKIN. You knew—

Mr. WRAY. I will say that one of the things that a lot of people don't realize is that, but for a few fluke coincidences—really completely fluke coincidences—there would have been a whole bunch of kids going to, in effect, class at the top floor of that synagogue and the death toll from that attack could have been exponentially worse, as horrifying and tragic as what actually happened was.

Mr. RASKIN. Yeah. So, it was the most violent antisemitic attack in the history of the United States, but it wasn't recorded in the 2018 hate crimes compilation that the FBI publishes, just as Heather Heyer's murder by a crazed White supremacist in Charlottesville was not recorded in the 2017 Uniform Crime Report.

Are you aware of this problem in the methodology that the FBI is using?

Mr. WRAY. I am not aware of the specific methodological problem.

Mr. RASKIN. Do you know why this is happening?

Mr. WRAY. I do not. I am happy to take a closer look at it.

Mr. RASKIN. Well, as I understand it, because I looked into this, the FBI relies on State and local governments to turn in statistics related to hate crimes. So, if they fail to do it, if they are overwhelmed, negligent, or whatever, it doesn't happen.

So, you were there at the Tree of Life scene of the massacre. You knew about it. It never appeared in the FBI's statistics.

The FBI reports an average of 7,500 hate crimes a year, if you look at 2013–2017. The Bureau of Justice Statistics National Crime Victimization Survey estimated an average of 200,000 hate crimes a year, right.

So, that is a pretty dramatic difference between what your larger department is saying exist in hate crimes and what the FBI is saying.

Do you think this is a problem in terms of us just getting a hold on what the problem of violent White supremacy is presenting to America today?

Mr. WRAY. Well, I don't think it is unique to White supremacy. I do think, and I think I may have said this in response to one of your colleagues, we do know that hate crimes are historically underreported.

Of course, the challenge of underreporting is you never know for sure just how badly underreported they are. We also know that reporting has increased significantly over the last couple of years.

That may be because the violence is on the rise, or it could be because more departments are doing what you are rightly suggesting we need them to do. We are trying to do a lot on our end to encourage State and local law enforcement to provide better reporting.

Mr. RASKIN. What are you doing?

Mr. WRAY. So, we do presentations on it. We do outreach about it. In speeches when I am meeting with law enforcement, I will talk about it. Things like that.

Mr. RASKIN. Let me shift to a related subject. Between 2009 and 2018, domestic extremists killed in our country 427 people, which

equates to about three-quarters of all the extremist murders. Most of them were conducted by White supremacists and other far right extremists.

Yet, we have had testimony—we have heard testimony that most of the Department of Justice's and FBI's resources are still channeled at Islamic or Islamist fundamentalist terror.

What have you done to try to reallocate resources towards what has been the major threat in terms of domestic terror since 2001?

Certainly, over the last decade it has been White extremist groups that have presented the biggest threat. So, what have you done to channel the resources in the right direction?

Mr. WRAY. Well, we have directed all our joint terrorism task forces to have domestic terrorism squarely within their sites.

We have created the Domestic Terrorism-Hate Crimes Fusion Cell to ensure that we are bringing not just the counterterrorism resources but on the criminal investigative division side our civil rights enforcement folks lashed up with the domestic terrorism folks.

I have elevated racially-motivated violent extremism to a national threat priority at the same band with homegrown violent extremism and ISIS.

We had about the same number of arrests in the last fiscal year on both fronts. In either case, I would say that for us, we assess that the greatest threat to the homeland as certain things that cross between both the jihadist-inspired and the racially-motivated violent extremist side, which is you have lone actors, typically, who are, largely, radicalized online and choose, sometimes very quickly go from despicable rhetoric to violence, choose easily accessible weapons—a car, knife, gun, and maybe an IED they can build crudely off of the Internet—and they choose soft targets. That threat, that is what we assess is the biggest threat to the homeland right now.

Mr. RASKIN. Thank you. I yield back.

Ms. SCANLON. Okay.

Before I recognize the gentleman from California, after your questions we will take a 10–15-minute break.

The gentleman from California is recognized.

Mr. MCCLINTOCK. Thank you, Madam Chair.

Mr. Wray, I am still not clear of your response to questions asked by both Mr. Nadler and Mr. Ratcliffe.

Is it your testimony that there was no political bias in the decisions and actions that affected the so-called Crossfire Hurricane investigation?

Mr. WRAY. My testimony is that the Inspector General made a number of very specific findings on the question of political bias both about what he found and what he didn't find, and we accept that in full.

Mr. MCCLINTOCK. I am not asking what the Inspector General found. I am asking after 2½ years heading the FBI what is your judgment? Was there political bias involved with this investigation?

Mr. WRAY. My judgment is the same as the Inspector General's.

Mr. MCCLINTOCK. Same answer to the mid-term exam investigation?

Mr. WRAY. Oh, about the prior investigation?

Mr. MCCLINTOCK. Yeah.

Mr. WRAY. I haven't gone back and rereviewed that one. So, but again, we accepted all the findings of the Inspector General, so yeah.

Mr. MCCLINTOCK. Let me ask you this question, Mr. Wray.

Gregg Jarrett, the journalist, wrote a book—actually, a series of books—on the Crossfire Hurricane investigation—and in his latest book he describes it as, “The story of ambitious and unscrupulous people in high positions of government who abused their authority.

They sought to subvert the Rule of law and undermine the democratic process. They weaponized their powers to influence the Presidential election, undo the result they did not like, and extrude the elected President from office.

Our intelligence community and the FBI were at the heart of this illicit and unprecedented scheme.”

As director of the FBI, what is your response to that observation?

Mr. WRAY. My response is that the conduct described in the Inspector General's report is unacceptable.

Mr. MCCLINTOCK. You say unacceptable—

Mr. WRAY. That it is unrepresentative of the FBI that I see every day working there, as Director.

Mr. MCCLINTOCK. Then let me ask you, who has been fired as a result of the Inspector General's report?

Mr. WRAY. Well, most of the people involved in the investigation that is featured in the Inspector General report—

Mr. MCCLINTOCK. Who has been fired?

Mr. WRAY. Well, there are a few people who are no longer with the FBI. Some of them have been terminated. Some of them left on their own. Some of them have sued me.

Mr. MCCLINTOCK. Let me ask you this. Who has been disciplined? Who has been disciplined?

Mr. WRAY. Like I said, there have been a number of people who have been terminated from the FBI. Some of them have sued me.

Mr. MCCLINTOCK. Terminated or allowed to resign?

Mr. WRAY. Well, in some cases, terminated.

Mr. MCCLINTOCK. You know, you use the word unacceptable. I would think you would find a stronger word for that over what has happened by the actions of people who sullied the reputations of every decent person at the FBI and disgraced the agency that you now head.

The FBI is entrusted with the most terrifying powers that we can give our government—the power to ruin people's lives, to invade their privacy, to launch pre-dawn raids on their homes, to bankrupt them with legal costs, to deprive them of their liberty.

We entrust you and your agency with these powers to protect our liberty and to protect our safety, and when those powers are abused in the manner that we saw in this whole Russian collusion hoax, that is a direct threat to our freedom and to the credibility of your agency.

I am terribly disappointed that you cannot summon the outrage to put it in stronger words than just this is unacceptable and doesn't represent the FBI.

Unfortunately, at the moment, it does represent the FBI or at least the leadership of the FBI that committed these abuses.

You were appointed to clean things up and I am just—after reading the IG's report and the Strzok and Page emails and the actions of Bruce and Nellie Orr, McCabe, and Comey, frankly, Mr. Director, I don't trust your agency anymore.

That is a profound thing for me to say because I was raised to revere the FBI. I sat glued to the television every week when Efrem Zimbalist, Jr., came on and exemplified everything that was great and holy about our government.

I think that you have lost the trust of an awful lot of Americans and that is a dangerous, dangerous thing for an agency that (a) is entrusted with these powers, (b) is entrusted with these powers to specifically protect our lives and liberty.

I don't see how you can restore public trust without a thorough and complete and public housecleaning and without at least a clear and unambiguous expression of moral outrage, unacceptable actions against those in our agency, or I should say, unmistakable actions against those in the agency that abuse these powers.

Let me just ask you one final question. Looking at the treatment of Michael Flynn by your agency, why would anyone in his right mind want to talk to an FBI agent knowing that there could be a hidden agenda to catch them up on a factual detail and then prosecute them for lying?

Mr. WRAY. Well, Mr. Flynn's case is the subject of ongoing litigation. So, I am not going to talk about his particular case.

I will tell you that I am sorry to hear the views that you express. I will also tell you that having been to—I have been to—

Mr. MCCLINTOCK. Those views have—include me.

Mr. WRAY. I am sorry. May I answer?

Mr. MCCLINTOCK. Yeah.

Mr. WRAY. May I answer?

Having been to every field office of the FBI, having talked to law enforcement in every State in the country, having engaged with every headquarters division, having engaged with partners, private sector, public sector, foreign, State, local, and intelligence community, I can tell you that the FBI that I see every day is the kind of FBI that you describe having reverence for and I hope that we can restore your confidence in that FBI.

I would say to you also that I am not somebody, as is quite clear by now to lots of people, who expresses himself with hyperbole and loud rhetoric.

I am somebody who reflects his views through action, and we have taken—I implemented the day the Inspector General's report came out over 40 deep corrective actions that deal with that series of failures and problems.

I have communicated over and over and over again my expectation of what the FBI employees should do and that, frankly, is what I do see from the FBI employees day in and day out, all over the country and, frankly, all over the world.

Now, where there are people who need to be held accountable, we have a disciplinary process for that, for the current employees.

The vast majority of the people involved in the conduct that you are describing are no longer with the FBI, so they are not subject to our disciplinary process in the first place.

There is, of course, as you know, the ongoing John Durham investigation, which we have been cooperating with fully, as the Attorney General himself has said.

So, I look forward to, hopefully, having another hearing with you at some point where we can have a very different kind of exchange about the FBI.

Mr. MCCLINTOCK. I would very much look forward to that.

Ms. SCANLON. The gentleman's time has expired.

The Committee will stand in recess until 12:45. We would ask that people stay seated until the director is able to make his way out of the room.

[Recess.]

Chair NADLER. The Committee will come to order.

Mr. Cicilline?

Mr. CICILLINE. Thank you, Mr. Chair.

Thank you, Director.

I have to say for me it is sad to see in an ongoing and desperate attempt to please the impeached President that some are continuing to malign the extraordinary men and women of the FBI who serve the American people with honor. So, I want to begin my comments by saying thank you for your extraordinary service to our country and to the brave men and women of the FBI.

On that score, the survival of our democracy is directly dependent on our ability to protect the integrity of our elections, particularly from foreign interference, and so that it's clear that the American people get to decide who will lead this country, not some foreign power. So, I hear from my constituents regularly about what is being done to secure the 2020 election.

You said, Director, back in December that Russia represents the most significant threat to the election cycle itself. My first question, is that still your assessment?

Mr. WRAY. Yes, it is.

Mr. CICILLINE. Would you just describe what steps the Bureau has taken to investigate, deter, and counter Russian and other foreign governments' attempts to interfere in our elections, and particularly what lessons we might have learned or the FBI might have learned from the 2016 and 2018 elections that hopefully give you confidence that we're in a better position to combat the Russian threat?

Mr. WRAY. Well, I appreciate the question. Needless to say, this is something that it's at the top of our list as a priority because it goes right to the heart of who we are as a country. One of the things that I did shortly after taking over as Director was to create the Foreign Influence Task Force in the FBI that brings together not just our counterintelligence resources, but our Cyber Division resources, our criminal investigative resources, and even our counterterrorism resources, which might sound a little counterintuitive at first.

One of the things that we know the Russians have attempted to do, in addition to some of the more publicized things, is to try to spin up some of the domestic terrorism-type activity that occurs in this country. So, there was value of bringing that discipline to it as well.

We have a three-prong strategy to deal with this effort—investigations, intelligence sharing, and engagement. The investigation side is pretty much what you would imagine. It's everything from public corruption investigations, voter suppression investigations, counterintelligence investigations, and cyber investigations.

There, of course, have been indictments, many of which you're familiar with—the IRA's Chief Accountant, the Russian intelligence officers coming out of the special counsel investigation, Maria Butina, *et cetera*.

On the intelligence sharing side, one of the things we've tried to do is really leverage the resources of State and local law enforcement because some of these efforts may get detected in the first instance by them. So, we've pushed out intelligence products pretty broadly for people to know what to be on the look-out for, which will help us get in front of it earlier.

Then the last, but really in some ways the most important part of it is the engagement piece. One of the lessons—you asked about lessons learned. One of the key lessons learned from 2016, which we put into action with the midterms and we're continuing to put into action every day, is the need to engage not just the State and local election officials, but with the social media companies because so much of the Russians' effort is driven through social media. Fake news, propaganda, all that stuff, that's not new. What's new is the social media vehicle to do it because it's scalable. It's cheap. It's a bullhorn.

So, one of the things we're doing a lot better—not just the FBI, but the whole Government—is working with Silicon Valley to try to leverage what they can bring to the fight as well, and we're going to continue to do more and more of that.

Mr. CICILLINE. Thank you.

Director, do you believe now that the Bureau has the tools in place and the resources necessary to effectively fight these types of foreign influence operations in our elections?

Mr. WRAY. We're well postured for the fight, but I will also tell you, you've probably never met an FBI Director who couldn't use more resources. Any resources that Congress would see fit to send our way, I can assure you they will be put to good use.

Mr. CICILLINE. Well, I'd ask you, Director, in writing if you could identify where you would best use additional resources, I promise you I will advocate for them.

My final question is, as you are aware, when someone goes in for a criminal background check to buy a gun, if the background check is not completed within 3 days, the gun seller is authorized to sell the gun. Then if the background check comes back 2 weeks later and the person is a disqualified purchaser, the ATF goes and tries to retrieve the gun, *et cetera*.

This has happened a significant number of times, and I have a piece of legislation that would require that if it comes back that the person is a disqualified purchaser, that the local law enforcement community as well as the field office of the FBI be notified. Because that means someone bought a gun who is not legally allowed to buy one.

Would that be useful for the FBI to know that?

Mr. WRAY. Well, I'd have to look at the specific legislation to be able to have a view on that. I will tell you that in the kinds of fact patterns that you're describing, certainly I see that happen anecdotally, but not infrequently. Certainly, it's important to us.

Mr. CICILLINE. So, I'll provide a copy of H.R. 3552 to your staff, and I would certainly like your support for it because I think it would make a real difference.

With that, I yield back.

Chair NADLER. The gentleman yields back.

Mr. Armstrong?

Mr. ARMSTRONG. Thank you, Mr. Chair.

Thank you for being here, Director.

I have had the opportunity over the years to work with lots of your agents doing Federal public defense on a lot of historical methamphetamine conspiracies. I think one thing that most people don't always recognize is when you do those types of cases, they oftentimes have no actual physical drugs involved.

What they end up having is co-conspirator testimony, other investigators doing years' long of investigations through interrogations, statements, affidavits, and sworn testimony. They are dealing with people who aren't necessarily predisposed to tell law enforcement the truth. They use various different things, such as knocking years off their sentence and obstruction of justice charges, perjury charges, and all of the tools that are available to them.

What I think comes down to and as somebody who has worked on these cases, there are two different ways you can lie to an agent. Neither one of them usually works out for the criminal defendant, and that is either by an affirmative lie or an omission lie. There are real serious consequences to that, whether it is an obstruction charge or perjury charge, or oftentimes, it is as simple as adding another 6 or 7 years on to your sentence. The FBI is very, very good at those things.

I have heard you talk today. I mean, we have read the Inspector General's report, and I think it is important to take both of those reports that were given, both the midterm report and the final report, and some of those things are concerning enough, like the gross negligence, incompetence, and the things that have been said. I am appreciative of the 40 corrective measures, and we have talked about improving the process, rigor, accountability, tone at the top.

You have said the conduct was unacceptable. How we do what we do matters. Process matters. Process and policy changes. I have a little—one of the things that I have a little concern with—actually, a significant concern with, is when you take all those institutional mistakes, or however you want to frame them in those two reports. Typically, when you have that kind of systemic breakdown or those types of issues, mistakes fall randomly across a process, and that didn't happen here.

You will be hard-pressed for you to point out a mistake that was made that wasn't either against President Trump or in some cases that benefits Candidate Clinton. Throughout the entire report, there is not a real randomization of those mistakes. That is what I am concerned about.

What I am concerned about is this wasn't just a failure of process. This was a failure of people. I am not going to ask you to go back because I would like to, but I know what my answers are going to be. So, when we are talking about these 40 corrective actions and the things that we are doing, moving forward, in any case as we continue to go forward, how are the penalties being imposed?

Because you can have 250 institutional safeguards, but if there isn't real consequences to those safeguards, then we don't have a real solution to the problem. I don't want to talk about political bias. I would prefer to have a hearing for 3 days on it. For the purposes of this question, I don't care what the motivations were. I just know that people, either by omission or by intention, lied to a court on a sworn document, that if that would happen to any other citizen, they would be charged with a crime.

While there are plenty of reasons to allow people to resign quietly, there are reasons to have people have internal disciplinary actions in their files. When you are dealing with a secret court and secret warrants in probably the most politically charged case that court has ever happened, it is important that those institutional safeguards exist. Important for a guy like me to think because if they didn't exist there, I don't know what is happening in the other cases as well.

So, I am glad you are putting these resources in place. I am glad you are putting all these procedural safeguards in place. I would like to have a conversation about what are the consequences for those not happening.

Mr. WRAY. So, we have a fairly robust disciplinary arm, our Office of Professional Responsibility, which I think in general is viewed within the Government, the broader U.S. Government, as one of the premier independent disciplinary arms in any Executive Agency. That is the arm through which we apply discipline in response to misconduct or, in some cases, for just poor job performance even.

The penalties range across—

Mr. ARMSTRONG. I want to stop there.

Mr. WRAY. Yes.

Mr. ARMSTRONG. Poor job performance, I am not getting into that. Quite frankly, I can't imagine managing 37,000 people. When I am talking about misconduct is that I just hope we are holding ourselves accountable to the same thing we are holding other people accountable for.

Mr. WRAY. Well, I can assure you, without getting into specific examples, that I can think of just during my time as Director, where I have seen conduct that our people have been disciplined for that no one else in the Government would have been disciplined for. So, I think we hold ourselves to an even higher standard, and there's no one who deplores falling short of that standard more than I do.

Mr. ARMSTRONG. I will just end with this quickly, and I hope that is the case. Because it sure seems like when we get into these situations, somebody looking at it from the other side, that we allow people to resign quietly or move into different areas, and

then we come to hearings, and we say we can't talk about internal disciplinary proceedings.

I think you are going to ask us a lot of things coming up. We have the FISA reauthor coming. We are going to continue to have conversations about facial recognition. We are talking about encryption as it goes. One of the things we have to do is not only know that we have the procedural safeguards, but that the people who are doing this will be held accountable, whether that is internally, externally, or even in a court of law.

Chair NADLER. The gentleman's time has expired.

Ms. Jayapal?

Ms. JAYAPAL. Thank you, Mr. Chair.

Thank you, Director Wray, for being here, for your service, and for your work. For being one of the few agency Directors that actually understands that Congress has at least a coequal—is at least a coequal branch of Government, and we do have accountability and oversight.

I wanted to talk about something that was actually just mentioned, and that is face recognition technology. This is an area that is actually bipartisan in terms of the concerns that some of us have and the way in which face recognition technology brings unprecedented power to the FBI that, in my opinion, runs a severe risk of infringing on civil liberties of Americans and employing technology that has been shown over and over again to be flawed, specifically in terms of identifying people of color.

The FBI now has the power to use this face recognition technology, often without the consent of Americans across this country, to match or request matches with 640 million photos of Americans, sometimes taken at the DMV as we are getting our driver's license, but with no idea that it is going to be used in other ways.

A December 2019 National Institute of Standards and Technology report found that false positives are up to 100 times more likely for Asian and Black faces, with Native Americans having the highest rates of being falsely identified. Is the FBI re-evaluating its use of face recognition technology in light of this report?

Mr. WRAY. So, I can't speak specifically to the report. What I can tell you is that—and I hope this is comforting to you, and a lot of people I find don't realize this. We, at the FBI, don't use facial recognition for anything other than lead value, right? So, in other words, there is no one under FBI policy who is arrested, much less convicted, based on facial recognition technology.

We use it to advance an investigation to then be used with other information, figure if we're going in the right place. So, let me start with that.

Second thing, we scrupulously train all the examiners under various constitutional protections, and then as to the DMV searches that you're talking about, again, we the FBI don't do those searches. The only way those searches can happen is under strict MOUs that have all kinds of constitutional backing. Even when we get the results, it then has to be reviewed carefully by a trained examiner.

The last point I would make to you or which, again, may be helpful to you is that you mentioned NIST.

Ms. JAYAPAL. Yes.

Mr. WRAY. We have changed our algorithms so that under NIST testing and NIST standards, we now have over 99 percent—that's not my judgment, that's NIST's standards—over 99 percent accuracy with what we do. Again, even there, even with over 99 percent accuracy, we don't use it for anything other than lead value.

Ms. JAYAPAL. So, that is really important to hear, and I appreciate the clarification. So, just to be clear, under current FBI policy, can face recognition technology be used without a warrant or probable cause in any circumstance?

Mr. WRAY. Yes.

Ms. JAYAPAL. Okay. So that, I mean that is a concern for me, continues to be a concern for me. The ACLU reports that between October 2017 and April 2019, the FBI ran over 152,000 facial recognition searches with its law enforcement database. However, the Syracuse TRAC database finds that there were 10,541 new convictions in fiscal year 2019. Can you explain the large gap between the number of face recognition searches and the number of convictions? Is it not a sign of overuse without evidence of the technology's effectiveness?

Mr. WRAY. Well, I try to be very careful only to opine or comment when I have the access to the underlying information. So, I'd have to look at the underlying reports to really have a view on that.

I will tell you that when you asked before about warrants and so forth, I'm quite confident that the way we use facial recognition technology is fully compliant with the Bill of Rights and the Constitution.

Ms. JAYAPAL. Okay. I would love to talk some more about that. I wanted to know if you know about in June of 2019, Axon, the largest domestic provider of police body cameras, announced that it would not be using face recognition technology on body cameras—this is the former taser folks—or on any technology and encouraged the Government to do the same.

It came after the company established an independent ethics review board to advise the company on ethical issues. Is that something that the FBI would consider doing, to establish some sort of an independent ethics review board on some of these technologies before they come out of the box, before they do damage, to kind of look at how these technologies affect the civil liberties and privacy of millions of Americans across the country?

Mr. WRAY. Well, again, we only use facial recognition for lead value. I'm not familiar with the specific report that you described. So, I would have to take a closer look at it to be able to answer that question, to have a view.

I think we take very seriously our need to have appropriate safeguards internally, and I'm pretty satisfied that the way we're doing it has those. Where there have been adjustments that were appropriate, we've made those adjustments. Which is why, for example, when I mentioned the algorithm, the algorithm that the FBI had before that was a significantly lower percentage accuracy than the one we now have. That was done in close consultation with the NIST standards and NIST testing.

Ms. JAYAPAL. Well, I appreciate that, Director, and I will send over some of these things I have mentioned and would love to continue the conversation.

Thank you, Mr. Chair. I yield back.
Chair NADLER. The gentlelady yields back.
Ms. Lesko?

Ms. LESKO. Thank you, Mr. Chair, and thank you, Director, for being here.

First, I am going to say a short statement, and then I am going to ask a question about leaks. I guess the statement is I remember watching the media and they were talking about the Deep State and everything. I thought, well, certainly they are exaggerating. People back in my district would talk about the Deep State. Again, I listened, but I thought, well, it must be a bit of an exaggeration.

Then I remember President Trump talking about how he thought he was being spied on, and a lot of the media was like, he is just full of it, basically, paraphrasing. Then we get this Inspector General report, and boy, I am starting to think some of these people are on to something. There was abuses, as you have said. It was inappropriate. You don't want that to happen.

I just want you to know that the people in my district, a lot of people just have totally lost confidence, unfortunately, in the process. They are afraid that they are going to be targeted or political people. When you combine that with the IRS going after Tea Party groups, people are really questioning this whole thing.

So, I hope that as you investigate what exactly happened or you discipline people if they had FISA court abuse cases, that maybe you make it public so people really believe that you are doing something about this.

Next, my question is about leaks. This place seems like a sieve. I mean leaks all the time. So, I wanted to know what role the FBI has in people leaking classified information and what you are doing about it?

Mr. WRAY. So, first, let me say I despise leaks, and I have a long list, which will use up all your time and mine to go through about why they're so harmful. What I will say is that some of the things that I've done since becoming Director are the following.

One, I put in place a new media policy for all our employees, and then everybody was required to be trained on it, which makes for anything that might come out of the FBI at least, to make it excruciatingly clear what people's obligations are and what the prohibitions are about engaging with the news media.

The reason that having that kind of strict, clear policy is so important is because then if somebody slips up or worse, there's no ambiguity about what the rules were. That's why we trained them on them.

Second, I created a dedicated leak investigation unit within the Counterintelligence Division because a lot of the leak investigations that are conducted Government-wide we do on behalf of the Government. So, if somebody leaks, and we've had a number of significant investigations that led to indictments of people in other agencies, where they specifically leaks of classified information. There are other violations that could occur. Grand jury information, title III information, things like that. When it comes to leaking classified information, for example, we really have to be aggressive with it, and we've tried to be.

Then, last but not least, where there have been provable leak violations by any of our own people, we've imposed discipline. There have been some people who have been terminated for violating the media policy.

Ms. LESKO. Thank you, and I yield back my time.

Oh, yes, I will yield to Mr. Jordan the balance of my time.

Mr. JORDAN. I thank the gentlelady.

Director, was the dossier Russian disinformation?

Mr. WRAY. I don't know that I would try to characterize the dossier sitting here right now. I would refer back to the Inspector General's report and the Special Counsel's report.

Mr. JORDAN. When Dr. Fiona Hill testified as part of the impeachment proceedings, she indicated that she thought Christopher Steele was played by the Russians.

Mr. WRAY. I haven't looked closely at the testimony you're describing.

Mr. JORDAN. It sort of raises an important issue. If that took place, which Dr. Hill at the NSC seemed to think did, then the FBI used Russian disinformation as a basis to get a warrant to then spy on American citizens. That is a big concern.

Mr. WRAY. Russian disinformation is a major concern for us 24/7.

Mr. JORDAN. That is why I brought it up. You brought that up earlier in the hearing.

Mr. WRAY. We investigated it aggressively.

Mr. JORDAN. Yes, but we talk about election interference, Russian disinformation. It may have been used in that way. That is the one thing that seems like a lot of people don't want to talk about it. Certainly, folks on the other side don't want to talk about it.

That may have been the biggest Russian disinformation used in the 2016 election was when Christopher Steele got played by the Russians, and the document he produced was taken to the court to get the warrant to spy on a person associated with the Presidential campaign.

Mr. WRAY. I understand your concerns. I'm just not going to add anything beyond what's in the Inspector General's report and the special counsel's report on the question of the dossier.

Chair NADLER. The gentleman's time has expired.

Ms. Demings?

Ms. DEMINGS. Thank you so much, Mr. Chair.

Director Wray, thank you so much for being with us today.

We have heard a lot of discussion suggesting that there is something wrong with the culture at the FBI. Well, I can tell you, I am not hearing that in my community and in my district and the many, many people that I speak with. Having served 27 years in law enforcement, I did not see that.

I want you to know that I really appreciate your leadership and the dedicated men and women who serve and go places that others would not dare to go. I also thank you for taking the steps. We have individuals that make mistakes, and I appreciate you taking the steps to address those mistakes as it pertains to the FISA warrant or application process.

I am also very glad to hear my colleagues on the other side express concern about civil liberties and civil rights. I have heard that more today, and I am glad to hear it because it lets me know that perhaps we can work together on some of those issues.

I prefer to talk to you, Director Wray, I heard your comments when you were asked questions specifically about legislation that might address gun violence. I would like to know, what do you believe the FBI could do to help, or to be more proactive in helping to address gun violence throughout the Nation, even as it may pertain to—I know you get thousands or maybe millions of phone calls that maybe should not go to the FBI. Maybe they should go to law enforcement, and you have to redirect those calls to the proper—I can imagine how burdensome that may be. Could you speak a little bit to that for me?

Mr. WRAY. Thank you, Congresswoman.

I think you've actually put your finger on it, in some ways I hesitate to list any challenge as the biggest challenge we have because, boy, we've got a lot of challenges. The question of tips and threats to life, in particular, about potential active shooter events, it's hard to overstate what a big phenomenon that it is in law enforcement.

We get thousands of tips a day at our national call operating center, which is up in West Virginia. Of those thousands of tips, something like 50 or 60 of those a day are threats to life. About 80 percent of those 50 or 60 a day don't have any Federal nexus whatsoever, but they're coming into the FBI. So, it's a challenge for us, when time could really be of the essence, to get that information to State and local law enforcement quickly enough for them to be able to act.

Happily, we've built on something called eGuardian, which we've had in place for a while, but we've taken it to a whole new level. We did a pilot program over the last year, which now dual tracks—and there's systems, IT systems dimensions to this. The dual tracks, when we get the tip, the lead not just to the local field office, say, in your home district, but also to the State fusion center at the same time. That enables quicker action by, say, local law enforcement.

We've had a number of success stories, including in your home State, where there have been tips that came into the call center and that were fed out and with very little information. You don't know who the person is. You don't know where they are. You just maybe know what State it is. You don't know whether it's just rhetoric, and yet there have been arrests where it turned out the person actually had guns and ammunition in their apartment and arrests that were made within hours of that tip coming in.

Now, I wish we were that successful all the time, but it tells me that I think we're on the right track. The volume is just overwhelming. We want people if they see something to say something, and boy, are they saying something. So, it's coming in like in droves.

I've been out there, just like I was saying before, with the NICS examiners who listen on their headset. I've actually gone to the Call Center. Twice now I've been out there and put on the headset with the operators and kind of listened to how it goes and seen how they handle the calls. These are very, very hard-working, dedicated

people who have just a hellishly difficult job to do with everything on the line.

For every tip that turns out to be real where there is a life saved as a result, there are thousands of tips that turn out to be nonsense, but we have to sift through them. So, we're doing everything we can, but I just want to make sure that the American people understand just how challenging this is.

Ms. DEMINGS. Thank you. I know one of the other challenges, if I could, Mr. Chair? Thank you. Are the violent homegrown extremists, and I know that is another major challenge for the FBI. What can you tell me about what you are doing to better address that challenge?

Mr. WRAY. So, we use the term "homegrown violent extremist" to refer to people already here in the United States, largely radicalized online by different parts of the global jihadist movement. So, these are people who are largely lone actors who will go from radicalization to mobilization and attack sometimes in weeks or days, and they'll choose as a method of attack something that's crude and readily available—a knife, gun, or car.

They'll choose to attack so-called "soft targets," which is just intelligence community speak for everyday people living their everyday lives, as opposed to like a Government facility. So, that's a restaurant, mall, or school.

Ms. DEMINGS. A nightclub in Orlando.

Mr. WRAY. A nightclub. Right, exactly. Which means everything is a target. So, the challenge for law enforcement—Federal, State, and local—is how are we going to act? The time, as the professionals say, between flash to bang is compressed, and the amount of information for a lone actor with that kind of attack is very, very, very limited.

So, it's a real challenge. It's different from the sort of sleeper cells of the immediate post-9/11 era. We have about 1,000, probably over 1,000 homegrown violent extremist investigations as I sit here today testifying before this Committee, and it's in all 50 States and in all 56 of our field offices. So, this threat is real, it's now, and it affects communities big and small.

Ms. DEMINGS. Thank you so much. Mr. Chair, I yield back.

Chair NADLER. The gentlelady yields back.

Ms. Scanlon?

Ms. SCANLON. Thank you. Thank you for your testimony here today. It has been really, really interesting and helpful.

As a representative from Pennsylvania, a State that was targeted by Russian efforts to subvert the 2016 election, I wanted to follow up some questions from my colleagues about the FBI's Foreign Influence Task Force and the threat by foreign governments to our elections. There has been extensive reporting by the Department of Justice that attempts to sow discord in the 2016 elections in Pennsylvania that included social media efforts, organizing rallies to support one candidate who happens to be President Trump, and weaponizing social media with what has been termed a sweeping and systematic attempt to undermine the election.

Before I get into that, Mr. Chair, I would ask unanimous consent that this article, "The Plot to Subvert an Election," which reports

on efforts by Russia to undermine our election, be placed in the record.

Chair NADLER. Without objection.
[The information follows.]

MS. SCANLON FOR THE RECORD

The New York Times
<https://nyti.ms/2Nr2Y2g>

U.S.

The Plot to Subvert an Election

Unraveling the Russia Story So Far

For two years, Americans have tried to absorb the details of the 2016 attack — hacked emails, social media fraud, suspected spies — and President Trump's claims that it's all a hoax. The Times explores what we know and what it means.

By SCOTT SHANE and MARK MAZZETTI

SEPT. 20, 2018

Illustration by Matthieu Bourel; from top: photographs by the Kremlin, Eric Thayer for The New York Times, Jewel Samad/AFP/Getty Images, Whitten Sabbatini for The New York Times, White House photo

ON AN OCTOBER AFTERNOON BEFORE THE 2016 ELECTION, a huge banner was unfurled from the Manhattan Bridge in New York City: Vladimir V. Putin against a Russian-flag background, and the unlikely word “Peacemaker” below. It was a daredevil happy birthday to the Russian president, who was turning 64.

In November, shortly after Donald J. Trump eked out a victory that Moscow had worked to assist, an even bigger banner appeared, this time on the Arlington Memorial Bridge in Washington: the face of President Barack Obama and “Goodbye Murderer” in big red letters.

Police never identified who had hung the banners, but there were clues. The earliest promoters of the images on Twitter were American-sounding accounts, including @LeroyLovesUSA, later exposed as Russian fakes operated from St. Petersburg to influence American voters.

The Kremlin, it appeared, had reached onto United States soil in New York and Washington. The banners may well have been intended as visual victory laps for the most effective foreign interference in an American election in history.

For many Americans, the Trump-Russia story as it has been voluminously reported over the past two years is a confusing tangle of unfamiliar names and cyberjargon, further obscured by the shout-fest of partisan politics. What Robert S. Mueller III, the special counsel in charge of the investigation, may know or may yet discover is still uncertain. President Trump’s Twitter outbursts that it is all a “hoax” and a “witch hunt,” in the face of a mountain of evidence to the contrary, have taken a toll on public comprehension.

But to travel back to 2016 and trace the major plotlines of the Russian attack is to underscore what we now know with certainty: The Russians carried out a landmark intervention that will be examined for decades to come. Acting on the personal animus of Mr. Putin, public and private instruments of Russian power moved with daring and skill to harness the

currents of American politics. Well-connected Russians worked aggressively to recruit or influence people inside the Trump campaign.

To many Americans, the intervention seemed to be a surprise attack, a stealth cyberage Pearl Harbor, carried out by an inexplicably sinister Russia. For Mr. Putin, however, it was long-overdue payback, a justified response to years of “provocations” from the United States.

And there is a plausible case that Mr. Putin succeeded in delivering the presidency to his admirer, Mr. Trump, though it cannot be proved or disproved. In an election with an extraordinarily close margin, the repeated disruption of the Clinton campaign by emails published on WikiLeaks and the anti-Clinton, pro-Trump messages shared with millions of voters by Russia could have made the difference, a possibility Mr. Trump flatly rejects.

As Mr. Trump emerged in spring 2016 as the improbable favorite for the Republican nomination, the Russian operation accelerated on three fronts — the hacking and leaking of Democratic documents; massive fraud on Facebook and Twitter; and outreach to Trump campaign associates.

Consider 10 days in March. On March 15 of that year, Mr. Trump won five primaries, closing in on his party’s nomination, and crowed that he had become “the biggest political story anywhere in the world.” That same day in Moscow, a veteran hacker named Ivan Yermakov, a Russian military intelligence officer working for a secret outfit called Unit 26165, began probing the computer network of the Democratic National Committee. In St. Petersburg, shift workers posted on Facebook and Twitter at a feverish pace, posing as Americans and following instructions to attack Mrs. Clinton.

On March 21 in Washington, Mr. Trump announced his foreign policy team, a group of fringe figures whose advocacy of warmer relations with Russia ran counter to Republican orthodoxy. Meanwhile, Unit 26165 was poring over the bounty from a separate attack it had just carried out: 50,000 emails stolen from the Clinton campaign’s chairman.

On March 24, one of the members of the Trump foreign policy team, George Papadopoulos, sat in the cafe of an upscale London hotel with a Russian woman who introduced herself as Mr. Putin's niece and offered to help set up a meeting between the Russian president and Mr. Trump. The woman and the adviser exchanged frequent messages in the weeks that followed. Today, Mr. Papadopoulos is unsure that those messages came from the person he met in the cafe.

The Russian intervention was essentially a hijacking — of American companies like Facebook and Twitter; of American citizens' feelings about immigration and race; of American journalists eager for scoops, however modest; of the naïve, or perhaps not so naïve, ambitions of Mr. Trump's advisers. The Russian trolls, hackers and agents totaled barely 100, and their task was to steer millions of American voters. They knew it would take a village to sabotage an election.

Russians or suspected Russian agents — including oligarchs, diplomats, former military officers and shadowy intermediaries — had dozens of contacts during the campaign with Mr. Trump's associates. They reached out through email, Facebook and Twitter. They sought introductions through trusted business connections of Mr. Trump's, obscure academic institutions, veterans groups and the National Rifle Association.

They met Trump campaign aides in Moscow, London, New York and Louisville, Ky. One claimed the Russians had "dirt" on Hillary Clinton; another Russian, the Trump campaign was told, would deliver it. In May and June alone, the Trump campaign fielded at least four invitations to meet with Russian intermediaries or officials.

In nearly every case, the Trump aides and associates seemed enthusiastic about their exchanges with the Russians. Over months of such probing, it seems that no one alerted the Federal Bureau of Investigation to the foreign overtures.

Mr. Trump's position on the Russian contacts has evolved over time: first, that there were none; then, that they did not amount to collusion; next, that in any case collusion was not a crime. That is mere semantics — conspiracy is the technical legal term for abetting the Russians in breaking

American laws, such as those outlawing computer hacking and banning foreign assistance to a campaign.

Whether Mr. Trump or any of his associates conspired with the Russians is a central question of the investigation by Mr. Mueller, who has already charged 26 Russians and won convictions or guilty pleas from the former national security adviser, Michael T. Flynn; the former campaign chairman, Paul J. Manafort, and his deputy, Rick Gates; and from Mr. Papadopoulos. Mr. Trump's personal lawyer, Michael D. Cohen, has pleaded guilty in a separate case.

But none of the convictions to date involve conspiracy. There remains an alternative explanation to the collusion theory: that the Trump aides, far from certain their candidate would win, were happy to meet the Russians because they thought it might lead to moneymaking deals after the election. "Black Caviar," read the subject line of an email Mr. Manafort got in July 2016 from his associate in Kiev, Ukraine, hinting at the possibility of new largess from a Russian oligarch with whom they had done business.

Nina L. Khrushcheva, a professor of international affairs at the New School and the great-granddaughter of the Soviet premier Nikita S. Khrushchev, said that what Russia pulled off, through creativity and sheer luck, would have been the envy of Mr. Putin's predecessors: puncturing the American sense of superiority and insisting on Russia's power and place in the world.

"This operation was to show the Americans — that you bastards are just as screwed up as the rest of us," Professor Khrushcheva said. "Putin fulfilled the dream of every Soviet leader — to stick it to the United States. I think this will be studied by the K.G.B.'s successors for a very long time."

[See the full timeline of events.](#)

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Putin Is Angry

The Russian leader thought the United States, and Hillary Clinton, had sought to undermine his presidency.

The first Russian advance party was tiny: two women on a whirlwind American tour. Hitting nine states in three weeks in summer 2014, Anna Bogacheva and Aleksandra Krylova were supposed to “gather intelligence” to help them mimic Americans on Facebook and Twitter. They snapped photos and chatted up strangers from California to New York, on a sort of Russian “Thelma & Louise” road trip for the era of social media.

Even then, federal prosecutors would later say, the Russian government was thinking about the next United States presidential election — perhaps ahead of most Americans. Ms. Bogacheva and Ms. Krylova had been dispatched by their employer, an online propaganda factory in St. Petersburg, to prepare to influence American voters.

But why did Mr. Putin care about the election, then more than two years away? He was seething. The United States, in his view, had bullied and interfered with Russia for long enough. It was high time to fight back.

His motives were rooted in Russia’s ambivalence toward the West, captured in the history of St. Petersburg, Russia’s spectacular northern city and Mr. Putin’s hometown. Peter the Great, the brutal but westward-looking 18th-century czar, had brought in the best Italian architects to construct Russia’s “window on Europe” in a swamp.

Czar Peter’s portrait replaced Vladimir Lenin’s in Mr. Putin’s office when he took a job working for the city’s mayor in the early 1990s. Twenty-five years later, the internet offered a different kind of window on the West — a portal that could be used for a virtual invasion.

Mr. Putin, a former K.G.B. officer, had described the breakup of the Soviet Union as the “greatest geopolitical catastrophe” of the 20th century, a remarkable statement from a man whose country experienced revolution,

civil war, bloody purges and the deaths of 27 million people in World War II. Like many of his fellow citizens, Mr. Putin was nostalgic for Russia's lost superpower status. And he resented what he saw as American arrogance.

The Russian leader believed the United States had relentlessly sought to undermine Russian sovereignty and his own legitimacy. The United States had backed democratic, anti-Russian forces in the so-called color revolutions on Russia's borders, in Georgia in 2003 and Ukraine in 2004. It had funded pro-democracy Russian activists through American organizations with millions in State Department grants each year.

With little evidence, Mr. Putin believed this American meddling helped produce street demonstrations in Moscow and other cities in 2011, with crowds complaining of a rigged parliamentary election and chanting, "Putin's a thief!"

And Mrs. Clinton, then secretary of state, cheered the protesters on. Russians, she said, "deserve the right to have their voices heard and their votes counted, and that means they deserve free, fair, transparent elections and leaders who are accountable to them."

Mr. Putin blamed Mrs. Clinton for the turmoil, claiming that when she spoke out, his political enemies "heard the signal and with the support of the U.S. State Department began active work."

The two tangled again the next year when Mr. Putin pushed for a "Eurasian Union" that would in effect compete with the European Union. Mrs. Clinton sharply dismissed the notion, calling it a scheme to "re-Sovietize the region" and saying the United States would try to block it.

By 2013, with his initial hopes for a "reset" of Russian relations dashed, Mr. Obama, like his top diplomat, no longer bothered to be diplomatic. He criticized Russia's anti-gay legislation, part of Mr. Putin's effort to become a global champion for conservative values, and gave a biting description of the Russian leader: "He's got that kind of slouch, looking like the bored kid in the back of the classroom." Mr. Putin was reported to be furious.

After Russian troops seized Crimea and carried out a stealth invasion of Ukraine in 2014, relations grew openly hostile. American support for the new government in Kiev and condemnation of Russian behavior heightened Mr. Putin's rage at being told what he could do and not do in what he considered his own backyard.

If Russia had only a fraction of the United States' military might and nothing like its economic power, it had honed its abilities in hacking and influence operations through attacks in Eastern Europe. And it could turn these weapons on America to even the score.

By making mischief in the 2016 election, Mr. Putin could wreak revenge on his enemy, Mrs. Clinton, the presumed Democratic nominee, damaging if not defeating her. He could highlight the polarized state of American democracy, making it a less appealing model for Russians and their neighbors. And he could send a message that Russia would not meekly submit to a domineering America.

Hence the two Russian women who toured the United States in 2014, keyboard warriors granted the unusual privilege of real-world travel, hitting both coasts, Illinois, Louisiana and Texas. At that point, according to a Russian document cited by the special counsel, Mr. Putin's intentions for 2016 were already explicit: to "spread distrust toward the candidates and the political system in general."

In the intervening two years, Mr. Putin's ire at America only increased. He blamed the United States for pushing for a full investigation of illicit doping by Russian athletes, which would lead to mass suspensions of the country's Olympic stars. And when the leaked Panama Papers were published in April 2016, revealing that a cellist who was Mr. Putin's close friend had secret accounts that had handled \$2 billion, he charged that it was a smear operation by the United States.

"Who is behind these provocations?" he asked. "We know that among them are employees of official American institutions."

Then something unexpected happened. Of the more than 20 major-party candidates running for the American presidency, only Mr. Trump had repeatedly expressed admiration for Mr. Putin as a "strong" leader and

brushed off criticism of Russia. Only he had little interest in the traditional American preoccupation with democracy and human rights. Only he had explored business interests in Russia for years, repeatedly pursuing a Trump Tower project in Moscow and bringing his beauty pageant there in 2013.

THE STORY BEHIND THE STORY

To help make sense of the Russia investigation, reporters looked for lessons from the coverage of another complex White House affair: Watergate. A *Times Insider* column tells the story.

“Do you think Putin will be going to The Miss Universe Pageant in November in Moscow,” the future candidate tweeted at the time, adding wistfully, “if so, will he become my new best friend?”

If Mr. Putin had been designing his ideal leader for the United States, he could hardly have done better than Donald Trump.

For some years, Mr. Trump had attracted attention from Russian conservatives with Kremlin ties. A Putin ally named Konstantin Rykov had begun promoting Mr. Trump as a future president in 2012 and created a Russian-language website three years later to support his candidacy. A Russian think tank, Katehon, had begun running analyses pushing Mr. Trump.

Mr. Trump as a candidate was “tough, rough, says what he thinks, rude, emotional and, apparently, candid,” wrote Alexander Dugin, an ultranationalist philosopher considered a major influence on Mr. Putin, in February 2016. Mr. Dugin declared that Mr. Trump probably had “no chance of winning” against the “quite annoying” Mrs. Clinton, but added a postscript: “We want to put trust in Donald Trump. Vote for Trump, and see what will happen.”

Against all expectations, Republicans across the country began to do just that, and soon Mr. Trump was beating the crowd of mainstream Republicans. Mr. Putin, said Yuval Weber, a Russia scholar, “found for the first time since the collapse of the U.S.S.R. that he has a prospective

president of the United States who fundamentally views international issues from the Russian point of view.”

Asked about the surging Mr. Trump in December 2015, Mr. Putin said he was “a talent, without any doubt,” and “absolutely the leader in the presidential race.” He also applied to the candidate the Russian word *yarkii*, which means “colorful” or “flamboyant” but which some reports mistranslated as “brilliant,” an assessment that Mr. Trump immediately began repeating.

“It’s always a great honor to be so nicely complimented,” Mr. Trump said, “by a man so highly respected within his own country and beyond.”

Moscow’s Dream Team

As Donald J. Trump emerged as the favorite for the nomination, his campaign brought on aides tied to Russia.

Mr. Trump had steamrolled his primary opponents in part by taking aim at Republican foreign policy orthodoxy. The post-9/11 wars were foolish and costly, he would often say at campaign events. America’s allies were deadbeats and freeloaders, he told supporters, who cheered in agreement. Russia was not an existential threat, he said, but a potential ally in beating back terrorist groups.

In early March 2016, the establishment struck back. In an open letter, dozens of the party’s national security luminaries vowed publicly to try to stop the election of a candidate “so utterly unfitted to the office.”

They took particular umbrage at Mr. Trump’s remarks about the Russian president, writing that his “admiration for foreign dictators such as

Vladimir Putin is unacceptable for the leader of the world's greatest democracy.”

But Mr. Trump was not cowed. He soon signed on new advisers and aides, including some who had been pushed to the fringe of a political party that had long lionized President Ronald Reagan for staring down Soviet leaders at the height of the Cold War.

To the Kremlin, they must have looked like a dream team.

Mr. Flynn, the former head of the Defense Intelligence Agency, had long viewed Russia as a natural ally in what he saw as a “world war” against radical Islam. In June 2013, when he was D.I.A. chief, he sat inside the imposing headquarters of the G.R.U., Russia's military intelligence agency, and chatted with officers. Two years later, he sat at Mr. Putin's elbow at a gala dinner in Moscow.

Mr. Manafort, a longtime Republican lobbyist, had earned millions working for a pro-Kremlin leader in Ukraine and had a history of business dealings with Oleg Deripaska, a Russian aluminum magnate close to Mr. Putin. He was nearly broke when he joined the Trump campaign in March 2016 — hired to help prevent a mass defection of convention delegates — and yet he offered to work on the campaign unpaid.

Carter Page, a businessman who spent several years working in Moscow, was virtually unknown in Washington when Mr. Trump appointed him a foreign policy adviser. But the S.V.R., Russia's foreign intelligence service, knew who he was.

In 2013, Mr. Page met in New York with a Russian spy posing as an attaché at the United Nations and passed along energy industry documents in hopes of securing lucrative deals in Moscow.

The F.B.I., which had been tracking Russian spies when Mr. Page came on the bureau's radar, determined that he had no idea he was meeting with a Russian agent.

“I promised him a lot,” said the spy, Victor Podobnyy, speaking to another Russian intelligence officer about his dealings with Mr. Page, according to

an F.B.I. transcript. “How else to work with foreigners? You promise a favor for a favor.”

The new team was in place by the end of March, and Mr. Trump had a new message that was strikingly similar to one of Mr. Putin’s most ardent talking points.

“I think NATO’s obsolete,” Mr. Trump said during an interview on ABC’s “This Week.”

“NATO’s not meant for terrorism,” he went on to say. “NATO doesn’t have the right countries in it for terrorism.”

By then, the Russian intelligence operation to intervene in the American election — including efforts to infiltrate and influence the Trump campaign — had begun.

Mr. Papadopoulos, the 28-year-old campaign adviser, did not know this when he met in the cafe of the London hotel with Mr. Putin’s “niece” (he has no niece) and an obscure Maltese professor in late March. The academic had taken an interest in Mr. Papadopoulos when he joined the campaign.

F.B.I. agents have identified the professor, Joseph Mifsud, as a likely cutout for Russian intelligence, sent to establish contact with Mr. Papadopoulos and possibly get information about the direction of the Trump campaign. He disappeared after his name surfaced last October, and his whereabouts is unknown. At one point he changed his WhatsApp status to a simple, if cryptic, message: “Alive.”

Professor Mifsud arranged an email introduction between Mr. Papadopoulos and a Russian foreign ministry official. The American also exchanged emails with Olga Polonskaya, the woman in the cafe. “We are all very excited by the possibility of a good relationship with Mr. Trump,” she wrote in one message, and the two discussed a possible meeting between Mr. Putin and Mr. Trump.

Over time, though, Mr. Papadopoulos came to question whether the messages were actually from Ms. Polonskaya. The woman he had met in

the cafe barely spoke English. The emails he received were in nearly perfect English.

“I even remember sending her a message asking if I’m speaking to the same person I met in London because the conversations were so strange,” he said during an interview this month.

In late April, Mr. Trump gave his first major foreign policy address in the ballroom of a historic Washington hotel. Some of the speech was a familiar litany of Republican policy positions — hawkish warnings to Iran and pledges to be tough on terrorism. But midway through the speech, as Russia’s ambassador to the United States watched from the front seats, Mr. Trump pivoted and said the United States and Russia should look for areas of mutual interest.

“Common sense says this cycle, this horrible cycle of hostility, must end, and ideally will end soon,” he said.

“That’s the signal to meet,” Mr. Papadopoulos wrote in an email to his Russian foreign ministry contact that evening, meaning that Mr. Trump’s favorable comments about Russia suggested he might be interested in meeting Mr. Putin.

Just one day earlier, Professor Mifsud had told the campaign aide about a possible gift from Moscow: thousands of hacked emails that might damage Mrs. Clinton’s candidacy.

It was a breathtaking revelation. But there was no evidence that Mr. Papadopoulos — while ambitious and eager for advancement in the bare-bones campaign — passed the information along to anyone inside the Trump circle.

More than two years later, Mr. Papadopoulos says he has “no recollection” of telling anyone in the campaign about the emails. He said he was supposed to have a phone call that day with Stephen Miller, a top campaign adviser, but it was postponed. If the two men had talked, Mr. Papadopoulos said, he might have shared the information.

“How fate works sometimes, I guess,” said Mr. Papadopoulos, who has been sentenced to 14 days in jail for lying to the F.B.I.

As Mr. Trump continued to win primaries and vacuum up convention delegates late in the spring, the Russians made multiple attempts to establish contact with campaign officials.

A Republican operative connected to the N.R.A. tried to arrange a meeting between Mr. Trump and a Russian central banker at an N.R.A. convention in Kentucky in May. "Putin is deadly serious about building a good relationship with Mr. Trump," wrote the operative, Paul Erickson, in an email with the subject "Kremlin connection." "Ever since Hillary compared Putin to Hitler, all senior Russian leaders consider her beyond redemption."

Mr. Page, the foreign policy adviser, was invited to deliver the commencement address at the prestigious New Economic School in Moscow. That invitation now appears to have been an effort both to gain information about the Trump campaign and to influence it by feting Mr. Page in the Russian capital. Russian television that year was describing him as a "famous American economist," but he was an obscure figure in this country.

At that time, the last American to give the commencement speech was Mr. Obama, who used the opportunity to criticize Russia for its treatment of Georgia and Ukraine.

Mr. Page, though, criticized the "hypocrisy" of the United States and its NATO allies for lecturing Russia about bullying its neighbors, which were former Soviet republics, while the Westerners were taking "proactive steps to encourage regime change overseas." During his time in Moscow, Mr. Page met with at least one top Russian official and numerous business leaders.

And there was the now infamous June 2016 approach to Donald Trump Jr. by Russians whom he and his father had known from their days taking the Miss Universe pageant to Moscow. The Russians met at Trump Tower in Manhattan with top campaign officials after promising damaging information on Mrs. Clinton.

[See the timeline of events that surround the Trump Tower meeting.](#)



What exactly transpired during the meeting is still a mystery, but it appears that the Russians pulled a bait-and-switch. They used the session to push for an end to the crippling economic sanctions that Mr. Obama had imposed on Russia.

Donald Trump Jr. has said how disappointed he and other campaign advisers were that they didn't get what the Russians had promised. The campaign's reaction to the Russian attempts to discredit Mrs. Clinton's campaign was not to rebuff them or call law enforcement — it was to try to exploit them.

Experts who have studied Russian operations for decades see the catalog of contacts and communications between Russians and Mr. Trump's advisers as a loosely coordinated effort by Russian intelligence both to get insight into the campaign and to influence it.

"The Russians aren't reckless, and I don't see them going through with this effort without thinking they had a willing partner in the dance," said Rolf Mowatt-Larssen, a former C.I.A. officer who served as the spy agency's station chief in Moscow.

By midsummer 2016, the Russian contacts sounded alarms inside the F.B.I., where agents had received a tip about Mr. Papadopoulos and puzzled over Mr. Page's Moscow visit. The bureau sent a trusted informant to help understand what was happening: Stefan Halper, a former Nixon and Reagan adviser and professor at Cambridge University, reached out to Mr. Page and Mr. Papadopoulos under false pretenses.

American officials have defended Professor Halper's work, saying the use of such a confidential informant is routine in a counterintelligence investigation. Mr. Trump and his allies in Congress and the media have called him something different: a "spy" sent by the Obama administration to infiltrate the campaign.

Eventually, Mr. Trump would use such episodes as a foundation for his view that America's law enforcement agencies had been aligned against him from the beginning — ammunition for a looming war with the "deep

state.” This idea would consume Mr. Trump after he became president, feeding his sense of grievance that the legitimacy of his victory was under attack and shaping his decisions as he tried to blunt the widening Russia investigation.

The long-promised “dirt” the Russians had on Mrs. Clinton would soon be made public. Three days after the Trump Tower meeting, the founder of WikiLeaks, Julian Assange, appeared on a British Sunday television show.

He said that his website would soon be publishing a raft of emails related to Mrs. Clinton. And he said something at once ominous and prescient: “WikiLeaks has a very big year ahead.”

Guccifer’s Game

Using a hacker persona, Russian military intelligence officers began to reveal documents stolen from the Democrats.

A website made its splashy debut three days later, presenting a jaunty hacker who called himself Guccifer 2.0. He had broken into the Democratic National Committee’s computer network, Guccifer said, offering as proof a selection of purloined documents.

“Here are just a few docs from many thousands I extracted when hacking into the DNC’s network,” Guccifer wrote on June 15. “The main part of the papers, thousands of files and mails, I gave to WikiLeaks,” he added — which seemed to explain Mr. Assange’s boast.

Russian intelligence had worked fast. Just the day before, D.N.C. officials and their cybersecurity contractor, CrowdStrike, had announced that Russian hackers had penetrated the committee’s computer network.

Overnight, Russian military intelligence officers set up the website and created the Guccifer persona to counter the D.N.C. accusations. Guccifer — a name borrowed from a real Romanian hacker — was presented as a jovial Romanian, a “lone hacker,” who in his posts wanted to make one thing very clear: He had nothing whatsoever to do with Russia.

“It seems the guys from CrowdStrike and the DNC,” he wrote, “would say I’m a Russian bear even if I were a catholic nun.”

In fact, beyond the conclusions of CrowdStrike and the F.B.I., there were clues from the start that Guccifer’s posts came from Moscow: The name of the founder of the Soviet secret police was embedded in Guccifer’s documents, written using a Russian version of Microsoft Word.

Yet the Guccifer gambit would prove remarkably effective at creating doubt about Russia’s responsibility for the hack. Republican operatives working on congressional campaigns emailed “Guccifer” and received hacked documents relevant to their races. For journalists, the claims of the supposed “lone hacker” made the role of Russian intelligence seem to be a disputed allegation rather than a proven fact.

Today there is no doubt who hacked the D.N.C. and the Clinton campaign. A detailed indictment of 12 officers of Russia’s military intelligence agency, filed in July by Mr. Mueller, documents their every move, including their break-in techniques, their tricks to hide inside the Democrats’ networks and even their Google searches.

[See the timeline of hacking that led to the indictment.](#)

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The agency, now called the Main Directorate but often referred to by its former abbreviation, the G.R.U., proved agile, brazen and not terribly discreet — the same pattern it would show two years later in the nerve-agent poisoning in England of its former officer, the defector Sergei V. Skripal.

The hacking might have drawn little attention had the G.R.U. stopped there, simply stealing emails to peruse for intelligence clues. But the Russians' decision to leak the emails to undercut Mrs. Clinton's candidacy was a huge escalation.

The Russian officers' political skills proved equal to their hacking expertise. They deftly manipulated a long list of Americans and Europeans, many of whom embraced Guccifer's tall tale and took seriously the claim that the other Russian false front, DCLeaks.com, was run by American "hacktivists."

"Guccifer 2.0" addressed a cybersecurity conference in London via messages to one of the organizers. The purported Romanian jostled with a suspicious reporter for Motherboard, insisting: "I don't like Russians and their foreign policy. I hate being attributed to Russia." When Twitter suspended the DCLeaks account, the Fox Business host Lou Dobbs accused the company of "Leftist Fascism." The account was swiftly reinstated.

But the Russians' masterstroke was to enlist, via the Guccifer persona, the help of WikiLeaks. Neither of the Russians' websites, Guccifer 2.0 or DCLeaks.com, had much reach. But WikiLeaks had a large global audience. Its editor, Mr. Assange, shared Mr. Putin's hatred of Mrs. Clinton and had a soft spot for Russia.

Mr. Assange assisted with the subterfuge. He repeatedly denied that he'd received the documents from Russia; whether he was really taken in by the "Guccifer" ruse is uncertain.

But he also obscured the Russian role by fueling a right-wing conspiracy theory he knew to be false. He offered a \$20,000 reward for information about the murder in Washington of Seth Rich, a young D.N.C. staffer shot to death in an apparent bungled street robbery. Trump supporters were suggesting Mr. Rich had leaked the D.N.C. emails and been killed in retaliation, and Mr. Assange played along.

In a discussion about WikiLeaks' sources on Dutch television in August 2016, Mr. Assange suddenly brought up Mr. Rich's killing.

“That was just a robbery, I believe, wasn’t it?” the interviewer said. “What are you suggesting?”

“I’m suggesting that our sources take risks,” Mr. Assange said — and then declined to say if Mr. Rich was a source.

Such misleading interviews helped camouflage the Russian origin of the leak, and WikiLeaks’ adept timing gave the emails big impact. After some technical problems, according to Mr. Mueller’s indictment, “Guccifer” passed the entire archive of D.N.C. emails to WikiLeaks. The website published 19,252 of them on July 22, 2016 — three days before the Democratic National Convention.

The Russians’ work detonated with powerful political effect. The emails’ exposure of D.N.C. staffers’ support for Mrs. Clinton and scorn for Senator Bernie Sanders, her chief rival, forced the committee’s chairwoman, Representative Debbie Wasserman Schultz, to resign. The resentment of the Sanders delegates deepened, leaving the party even more bitterly divided as it turned to the general election.

Unknown to the feuding Democratic delegates, a cyberdrama had been playing out in secret for weeks, as CrowdStrike experts tried to root out the Russian hackers who had penetrated the D.N.C. and its sister organization, the Democratic Congressional Campaign Committee.

Robert S. Johnston, a lead investigator for CrowdStrike, said the Russian hackers, uniformed officers of military intelligence, were “like a thunderstorm moving through the system — very, very noisy.”

CrowdStrike had begun watching the Russians in April, asking D.N.C. staffers to keep quiet about the intrusion. “We only talked over Signal,” an encrypted text and call service, said Mr. Johnston, a former Marine and veteran of the United States Cyber Command who is now chief executive of the cybersecurity firm Adlumin. Only by following the hackers for several weeks could CrowdStrike be certain it had found the Russians’ tools and blocked their access.

But somehow, possibly by intercepting communications inside the D.N.C. or the F.B.I., which was investigating the breach, the G.R.U. officers

learned they had been spotted. On May 31, two weeks before the public disclosure of the hack, Ivan Yermakov, a G.R.U. hacker who had used American-sounding online personas — “Kate S. Milton,” “James McMorgans” and “Karen W. Millen” — suddenly began searching online for information about CrowdStrike. He sought to find out what the cybersleuths knew about the Russians’ main tool, a nasty piece of malware called X-Agent, the indictment noted.

After that, the spy-versus-spy contest escalated. “We knew it was the Russians, and they knew we knew,” Mr. Johnston said. “I would say it was the cyber equivalent of hand-to-hand combat.”

The candidate favored by the Russians alternated between denying their help and seeming to welcome it. On June 15, the day after the D.N.C. hack was disclosed, the Trump campaign pitched in with a novel idea to deflect blame from the Russians: The D.N.C. had somehow hacked itself.

“We believe it was the D.N.C. that did the ‘hacking’ as a way to distract from the many issues facing their deeply flawed candidate,” the statement said. Later, Mr. Trump tried out other alternative theories: Perhaps the hack had been carried out by “somebody sitting on their bed that weighs 400 pounds,” or a “some guy in his home in New Jersey,” or the Chinese, or almost anyone.

But at other times, he appeared to accept that Russia was responsible.

“The new joke in town,” Mr. Trump tweeted on July 25, “is that Russia leaked the disastrous DNC emails, which should have never been written (stupid), because Putin likes me.”

And two days later, he famously invited the Russians to try to retrieve 30,000 emails that Mrs. Clinton had deleted from her computer server on the basis that they involved personal matters and not State Department business.

“Russia, if you’re listening, I hope you’re able to find the 30,000 emails that are missing,” Mr. Trump said during a Florida news conference. The Mueller investigation discovered that the Russians were evidently listening: The same day as the news conference, the G.R.U. hackers began

sending so-called spearphishing emails to accounts associated with Mrs. Clinton's personal office.

Mr. Trump's pronouncements stood in striking contrast to the responses of past presidential candidates who had been offered assistance by foreign powers. In 1960, both Adlai E. Stevenson and John F. Kennedy refused quiet offers of help from Khrushchev.

"Because we know the ideas of Mr. Stevenson, we in our hearts all favor him," Khrushchev said in a message passed on by the Soviet ambassador. "Could the Soviet press assist Mr. Stevenson's personal success? How?"

Mr. Stevenson declined the offer, in language that reflected the broad American political consensus about foreign election interference. "I believe I made it clear to him," Mr. Stevenson wrote, "that I considered the offer of such assistance highly improper, indiscreet and dangerous to all concerned."

Russia did not deliver on Mr. Trump's request for Mrs. Clinton's deleted emails. But it had obtained something just as useful: 50,000 emails of John Podesta, Mrs. Clinton's campaign chairman, stolen via a phishing attack by the G.R.U. Roger Stone, a political operative and longtime Trump friend, seemed to have advance word. "Trust me," he wrote on Twitter on Aug. 25, it would soon be "Podesta's time in the barrel."

But WikiLeaks withheld the Podesta emails for months after receiving them from "Guccifer" in June, evidently waiting for the right moment to have the biggest impact on the race. The time came on Oct. 7, amid two blows to the Trump campaign.

[See the timeline of events that surround the release of the emails.](#)

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That day, American intelligence agencies made their first official statement that the Russian government, with the approval of its "senior-most officials," was behind the hacking and leaking of the Democratic emails.

And then came a potentially lethal disclosure for the Trump campaign: the shocking “Access Hollywood” recording in which Mr. Trump bragged of groping and sexually assaulting women. The candidate desperately needed to change the subject — and that was the moment WikiLeaks posted the first of thousands of Mr. Podesta’s emails.

They were invaluable for political journalists, offering embarrassing comments from staffers about Mrs. Clinton’s shortcomings and the full texts of her highly paid speeches to banks and corporations, which she had refused to release. WikiLeaks assisted by highlighting interesting tidbits in yellow.

Soon, Mr. Trump was delighting his supporters by reading from the stolen emails on the campaign trail. “Now, this just came out,” he told a fired-up crowd in Wilkes-Barre, Pa., in October, brandishing a page of highlights. “WikiLeaks! I love WikiLeaks!”

“Crooked Hillary” had said “behind closed doors,” Mr. Trump declared, that terrorism was “not a threat”; that she had “a great relationship with the financial industry”; that ISIS might infiltrate groups of refugees coming to the United States; that a politician needed to have “both a public and private position” on policies; and on and on.

The quotes were taken out of context, of course, and subjected to the most damaging interpretation. But they seemed to offer a glimpse of Mrs. Clinton’s hidden views.

For the last month of the campaign, in daily releases that kept the Clinton team on the defensive, WikiLeaks delivered the Russians’ gift. If the July D.N.C. dump had been an explosion, the October series was more like unrelenting sniper fire. Whether the timing was decided by the Russians or by Mr. Assange, it proved devastatingly effective.

Imaginary Americans

Russian trolls, using fake accounts on social media, reached nearly as many Americans as would vote in the election.

David Michael Smith, a Houston political scientist and activist, spotted the alarming call on Facebook. A group called Heart of Texas was suddenly urging Texans to come at noon on May 21, 2016, to protest a 14-year-old Islamic center in downtown Houston.

“Stop Islamization of Texas,” the post declared, with a photo of the Islamic Da’wah Center, which it called a “shrine of hatred.” It invited protesters to prepare for battle: “Feel free to bring along your firearms, concealed or not!”

“We immediately asked, ‘What the blank is the Heart of Texas?’” recalled Mr. Smith, who started calling friends to organize a counterprotest.

Months later, he would find out.

Heart of Texas, which garnered a quarter-million followers on Facebook, was one of 470 Facebook pages created 5,000 miles from Houston at the Internet Research Agency, the oddly named St. Petersburg company that would become the world’s most famous manipulator of social media. The two Russian employees who had visited Texas during that 2014 American tour, Ms. Bogacheva and Ms. Krylova, evidently had returned home with big ideas about how to exploit the emotional chasms in American politics and culture.

Just as the Russians’ Guccifer character had reached out to American activists, journalists and WikiLeaks, the Russian online trolls understood that their real political power would come from mobilizing Americans. The Russian company’s formula was simple: tap into a simmering strain of opinion in the United States and pour on the fuel.

Consider the Texas protest. After the Russians put up the “Stop Islamization” Facebook post, several dozen like-minded Texans added their own incendiary comments. “Allah Sucks,” wrote one, adding a threat to kill any Muslim who tried to visit him. Another wrote of the Islamic center, “Need to Blow this place up.”

A dozen yelling white supremacists turned out for the protest, at least two of them with assault rifles and a third with a pistol. Others held Confederate flags and a “White Lives Matter” banner.

Houston police managed to keep them away from a much larger crowd of counterprotesters — some of whom had responded to a second Russian Facebook call. In a blatant attempt to create a confrontation, another Internet Research Agency page, this one called United Muslims of America, had asked people to rally at exactly the same time and place to “Save Islamic Knowledge.”

The event had no lasting consequences, though clearly it could have ended in tragedy. Still, it demonstrated that young Russians tapping on keyboards in 12-hour shifts could act as puppet masters for unsuspecting Americans many time zones away.

When Facebook first acknowledged last year the Russian intrusion on its platform, it seemed modest in scale. The \$100,000 spent on ads was a trivial sum compared with the tens of millions spent on Facebook by both the Trump and Clinton campaigns.

[See the timeline of events that shows Russia's social media campaign.](#)

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But it quickly became clear that the Russians had used a different model for their influence campaign: posting inflammatory messages and relying on free, viral spread. Even by the vertiginous standards of social media, the reach of their effort was impressive: 2,700 fake Facebook accounts, 80,000 posts, many of them elaborate images with catchy slogans, and an eventual audience of 126 million Americans on Facebook alone. That was

not far short of the 137 million people who would vote in the 2016 presidential election.

And Facebook was only the biggest of the engines powering the Russian messages.

On Instagram, there were 170 ersatz Russian accounts that posted 120,000 times and reached about 20 million people. Twitter reported that in the 10 weeks before the election some 3,814 Internet Research Agency accounts interacted with 1.4 million people — and that another 50,258 automated “bot” accounts that the company judged to be Russia-linked tweeted about the election. The trolls created at least two podcasts, posted Vine videos, blogged on Tumblr, sought donations via PayPal and even exploited the Pokémon Go craze.

Without American social media companies, the Russian influence campaign could not have operated. The St. Petersburg trolls tapped the power of Silicon Valley for their stealth intervention in American democracy.

Darren Linvill, a professor at Clemson University who has studied three million Internet Research Agency tweets, said he was “impressed with both their level of absurdist creativity and keen understanding of American psychology.” They knew “exactly what buttons to press” and operated with “industrial efficiency,” he said.

The Russian troll operation had gotten its start two years before, focusing at first on government targets closer to home.

In 2014, Vitaly Beshpalov, then 23, finished a journalism degree in the Siberian city of Tyumen and signed on as a “content manager” at the Internet Research Agency, which looked vaguely like a digital marketing firm and offered a relatively generous salary of \$1,000 a month.

Mr. Beshpalov was surprised to discover that his job was to write or swipe stories to post on counterfeit Ukrainian websites, spinning the conflict there to fit the Russian government’s view. He had to be sure always to use the word “terrorists” for the Ukrainian fighters opposed to the Russian invasion that was tearing the country apart.

“My first days on the job I was in shock — I had no idea what kind of an operation this was,” Mr. Bespalov said in a recent interview while vacationing in Ukraine: his first visit to the country about which he had written so many bogus stories.

He was put off by the company’s work but said he chose to stick around for several months, in part to study its operations. “It was very monotonous and boring,” Mr. Bespalov said. “It seemed that almost no one liked this work. But almost nobody quit, because everyone needed the money.”

Soon he began hearing about a new, secretive department inside the St. Petersburg company that was recruiting English speakers to focus on the United States.

Like Peter the Great, the Internet Research Agency borrowed Western technology while shunning Western notions of democracy. As Mr. Bespalov quickly realized, the company was not a normal business but a well-compensated tool of the Russian state. It was owned by Yevgeny V. Prigozhin, who overcame an early prison sentence for robbery to create a thriving catering business. He then built a fortune as a loyal contractor willing to provide internet trolls, mercenary soldiers or anything else required by his patron, Mr. Putin.

In the company’s new department, some 80 young English speakers worked in shifts to feed Facebook pages and Twitter accounts imitating the snark and fury of outraged Americans. They stole photos, favoring attractive young women, for their Twitter profiles. They copied or created sharp poster-like commentaries on American life and politics, only occasionally slipping up with grammatical mistakes. They focused their efforts on pages that touched American nerves, with names like “Guns4Life,” “Pray for Police,” “Stop All Invaders,” “South United” and — mimicking Mr. Trump — “America First.”

If Mr. Trump was borrowing the hacked emails from the Russians for his stump speeches, the online trolls in St. Petersburg returned the favor, picking up the candidate’s populist rhetoric. Even pages that seemed nominally hostile to him often worked in his favor: “Woke Blacks” critiqued Mrs. Clinton for alleged hostility to African-Americans; “United Muslims of America” showed her with a woman in a head scarf and a

slogan — “Support Hillary, Save American Muslims” — that seemed aimed at generating a backlash.

The Russians managed to call a dozen or more rallies like the one in Houston, sometimes paying unwitting American activists for their help via money transfer. The same method may have been used to get the bridge banners of Mr. Putin and Mr. Obama hung.

An Internet Research Agency Twitter account, @cassishere, posted a photo of the Putin banner on the Manhattan Bridge, winning a credit from The New York Daily News. In Washington, the Russian account @LeroyLovesUSA tweeted about suspending the Obama banner, then added more tweets with critiques of Mr. Obama’s foreign policy in stilted English.

Facebook, reluctant to step into the divisive politics of the Trump presidency, did not acknowledge the Russian intrusion until nearly a year after the election, asserting that Russia had chiefly aimed at sowing division. A closer look suggested a more focused goal: damaging Mrs. Clinton and promoting Mr. Trump.

Many of the Facebook memes portrayed Mrs. Clinton as angry, corrupt or crazed. Mr. Trump was depicted as his campaign preferred: strong, decisive, courageous, willing to shun political correctness to tell hard truths. The Russian operation also boosted Jill Stein, the Green Party candidate who had dined with Mr. Putin in Moscow, to draw votes from Mrs. Clinton. It encouraged supporters of Mr. Sanders to withhold their votes from Mrs. Clinton even after he endorsed her.

The impact is impossible to gauge; the Internet Research Agency was a Kremlin fire hose of influence wielded amid a hurricane of a presidential election. Christopher Painter, who had served under President George W. Bush at the Justice Department and as the State Department’s coordinator for cyberissues from 2011 to 2017, said the propaganda flood and the leaked emails certainly affected the vote. But no one can say whether it made the difference in an election decided by the tiniest of margins, fewer than 100,000 votes in three states.

“It’s impossible to know how much voter suppression it caused, discouraging people from coming out,” Mr. Painter said. “It’s impossible to know how many votes it changed.”

He added that “people don’t like to admit they’ve been fooled” — hence the strenuous efforts from Mr. Trump and his supporters to deny or dismiss the significance of the Russian interference.

A case in point would be Harry Miller, a devoted Trump supporter in Florida who was paid to organize a rally in which a woman portraying Mrs. Clinton sat behind bars on the back of his pickup truck. It turned out that the people who had ordered up the rally, “Matt Skiber” and “Joshua Milton,” were pseudonyms for Russians at the Internet Research Agency, according to the Mueller indictment.

But don’t tell that to Mr. Miller. Contacted via Twitter, he insisted that he had not been manipulated by Russian trolls.

“They were not Russians, and you know it,” Mr. Miller wrote, adding, “If you don’t then you are the one snookered.”

‘It’s a Hoax, O.K.?’

The president has created doubts about the investigation and an affinity for Russia among his supporters.

The White House statement released at 7:21 p.m. on May 17, 2017, was measured, even anodyne. Reacting to the news that Mr. Mueller had been appointed special counsel for the Russia investigation, the statement quoted Mr. Trump saying that he was “looking forward to this matter concluding quickly,” and that in the meantime he would be fighting “for the people and issues that matter most to the future of our country.”

Exactly 12 hours and 31 minutes later, early in the morning without his staff around him, he told the world what he really thought.

“This is the single greatest witch hunt of a politician in American history!” he wrote in a tweet.

It had been little more than a week since the president had fired his F.B.I. director, James B. Comey, but the “Russia thing” wasn’t going away. Now the president was up against someone who could become even more formidable — a careful, tenacious former Marine whose stewardship of the F.B.I. during the Bush and Obama years had been praised by Washington’s establishment.

Mr. Trump’s instinct was to fire Mr. Mueller, but he settled for a different strategy. He has used all his power to try to discredit the special counsel’s investigation.

Revelation upon revelation about Russian encounters with Trump associates has followed in the months since Mr. Mueller was appointed, intensifying the fear in the White House. Mr. Trump has used his Twitter pulpit to repeatedly assault the Mueller inquiry, and has made scathing remarks at rallies about claims of Russian interference. “It’s a hoax, O.K.?” he told a Pennsylvania crowd last month. The attacks have had an impact on how Americans view the country’s national security apparatus, how they view the Russia story, even how they view Russia itself.

[See the full timeline of Mr. Trump’s repeated denials and attacks.](#)

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The strategy has helped sow doubts about the special counsel’s work in part because Mr. Mueller and his prosecutors only rarely go public with the evidence they have been steadily gathering in secret interviews and closed-door sessions of a grand jury.

During a period of 146 days over this year — between the Feb. 16 indictment of the Internet Research Agency operatives and the July 13 indictment of Russian intelligence officers — Mr. Mueller’s office was

effectively silent. The president was not, sending at least 94 tweets that denied he had been involved in “collusion,” called the Russian interference a “hoax” or labeled the Mueller investigation a “witch hunt.”

By July, one poll showed that 45 percent of Americans disapproved of how Mr. Mueller was handling the investigation, a 14-point increase from January. The shift was even more dramatic among Republican voters: from 49 percent to 78 percent. More recent polls, conducted since the indictment of the G.R.U. officers and Mr. Manafort’s conviction, have shown a reversal of the trend.

The president’s aides hardly make a secret of their goal to discredit the investigation before a jury of the public. There is little expectation that Mr. Mueller would ignore Justice Department guidelines and try to indict a sitting president, so Mr. Trump’s lawyers see Congress and impeachment as the only threat. Turn the public against impeachment, the thinking goes, and Congress is less likely to act.

“Mueller is now slightly more distrusted than trusted, and Trump is a little ahead of the game,” Rudolph W. Giuliani, the president’s omnipresent lawyer, told *The New York Times* last month, without citing any data to buttress his assertion.

“So I think we’ve done really well,” he said. “And my client’s happy.”

Mr. Trump’s frustration with the Russian investigation is not surprising. He is right that no public evidence has emerged showing that his campaign conspired with Russia in the election interference or accepted Russian money. But the inquiry has buffeted his presidency, provoked concern that his attempts to thwart the investigation amount to obstruction of justice and fed his suspicion that the F.B.I. and intelligence agencies — what he calls “the deep state” — are conspiring against him.

The desire of the president to make deals with Mr. Putin, and the longstanding skepticism of the intelligence community about Russian intentions and actions, might have made a clash inevitable. But Mr. Trump appears to have had success in persuading some Americans that the spy and law enforcement agencies are corrupt and hyperpartisan. He has scrambled alliances that solidified over decades, including the Republican

Party's reflexive support of the national security agencies. A president in open war with the F.B.I., once inconceivable, is now part of the daily news cycle.

Mr. Trump began laying the foundation immediately after he won the presidency, when he questioned the intelligence agencies' findings that Russia had disrupted the election, and likened America's spies to Nazis. Since taking office, he has worked with partners in Congress to cast the agencies as part of an insurgency against the White House.

It continued in July, when he stood next to Mr. Putin in Helsinki, Finland, and declared that he trusted the Russian president's assurances that Moscow was innocent of interfering in the 2016 election.

And it continues today. Early one morning last week, hours before flying to Pennsylvania to honor the victims of the flight that crashed on Sept. 11, 2001, the president fired off a tweet that appeared to quote something he had seen on Fox News.

“We have found nothing to show collusion between President Trump & Russia, absolutely zero, but every day we get more documentation showing collusion between the FBI & DOJ, the Hillary campaign, foreign spies & Russians, incredible.”

The reshuffling of alliances has seeped into the media, where the president's reliable allies have been joined by voices on the left to dismiss the Russia story as overblown. They warn of a new Red Scare.

On Fox News, the network where Sean Hannity fulminates nightly about Mr. Mueller and his team, the journalist Glenn Greenwald, a founder of the left-leaning news site The Intercept and a champion of government whistle-blowers, has appeared regularly to dismiss revelations about the investigation and decry officials “willing to leak, even at the expense of committing crimes,” in order to damage Mr. Trump.

Multiple frenzied television segments and hyped news stories have given credence to the concerns of Mr. Greenwald and others about a 21st-century McCarthyism. And critics of the “deep state” were given powerful ammunition after the release of text messages between two F.B.I. officials

involved in the Russia investigation, Peter Strzok and Lisa Page, that revealed their animosity toward Mr. Trump. The pair, who were involved in a romantic relationship at the time, have been skewered regularly on Mr. Hannity's show as the "Trump-hating F.B.I. lovebirds."

Meanwhile, Mr. Trump's glowing words about Mr. Putin and Russia have created a new affinity for Russia — in particular its social conservatism and toughness on terrorism — among Mr. Trump's most devoted supporters.

During a period of myriad accounts about Russia's attempts to disrupt the last election, the percentage of Republicans who view Mr. Putin favorably has more than doubled (from 11 percent to 25 percent), according to a poll by the Pew Research Center. Democrats are now far more likely than Republicans to see Russia as a threat. An October 2017 poll showed that 63 percent of Democrats and just 38 percent of Republicans said they saw "Russia's power and influence" as a significant threat to the United States.

Once again, Mr. Trump has flipped the script in the party of Reagan: A country that was once seen as a geopolitical foe is now embraced by many Republicans as a bastion of Christianity and traditional values.

Michael McFaul, ambassador to Russia during the Obama administration, said that despite the country's relative economic and military weakness, Mr. Putin had often played a poor hand deftly. "Across many dimensions, Putin is using all kinds of instruments of power," he said.

"It feels to me," the former ambassador said, "like he's winning and we're losing."

On July 16, the president woke early in Helsinki, hours before he was to sit face to face with Mr. Putin. The meeting came three days after Mr. Mueller indicted the 12 Russian intelligence officers. Once again, Mr. Trump dashed off a tweet.

"Our relationship with Russia has NEVER been worse thanks to many years of U.S. foolishness and stupidity and now, the Rigged Witch Hunt!" he wrote.

Russia's foreign ministry responded with a simple tweet hours later.

“We agree.”

Kitty Bennett contributed research. Graphics by Larry Buchanan, Karen Yourish, Derek Watkins and Denise Lu. Produced by Andrew Rossback.

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Ms. SCANLON. You said before that the FBI is seeing efforts to make these kinds of efforts again with respect to social media and divisive messaging campaigns. Can you tell us a little more about that? What is going on now?

Mr. WRAY. So, we see very active use of sort of fictitious accounts, false personas, if you will, that then are used in combination with amplification of existing stories. So, it's both fake news, if I can use that term, as well as disinformation of a different sort, where it's pushing kind of propaganda. The two things work in concert, have always been part of our national security threats from overseas.

What's changed, certainly with 2016 and continues to this day, is the use of social media. All the things we love about social media, if you apply it to this context, it's like injecting steroids into disinformation efforts that have existed for many, many, many years. That has now taken the form of sowing divisiveness and discord.

So, we see the Russians, for example, taking opposite sides of the same issue. They identify an issue that they know that the American people feel passionately about on both sides, and then they take both sides and spin them up. So, they pit us against each other.

Then they combine that with an effort to weaken our confidence in our elections and in our democratic institutions, which is a pernicious and asymmetric way of engaging, in effect, information warfare.

Ms. SCANLON. Right. I think many of us are disturbed about both the efforts to undermine our elections, undermining law enforcement, the courts, free press, *et cetera*, and the impact that has on our country. Other than asking people to be hyperaware of this and asking that they really use common sense when they see outrageous stories, what can the FBI do? What can we do?

Mr. WRAY. So, I think it's multiple layers of defense, right? You just put your finger on probably the first line of defense, which is the American people themselves, the voters. People need to be thoughtful consumers of information, get their news from multiple sources, think carefully about what sources they're relying on.

Do they really know where this information came from? What else have they seen independently that corroborates it? That kind of thing. Media literacy builds a level of resilience in an informed electorate.

Then you move up a notch from that, and you've got the social media companies. They can play a role. We're working much more closely with them because they have all kinds of tools at their disposal that law enforcement certainly couldn't use. They have terms of use, terms of service, and they have—these are very profitable companies. So, they have a lot of resources that they can bring to identify accounts, especially when we work in collaboration with them.

They've gotten a lot better and a lot more sophisticated about that, which you think about the nature of disinformation. It only works if people believe you're somebody you're not. To do that in a sophisticated way, you have to build up the reservoir of credibility. Well, if we can keep knocking them back and knocking them

off through these social media companies doing that, it makes it harder for them to build that reservoir of credibility and mislead the American public.

Ms. SCANLON. Just turning to one other thing, I have had constituents express concerns about Election Day interference, whether it is hacking voter rolls, or machines is not such a big deal in Pennsylvania because we have so many different machines. What kind of steps is the FBI taking with respect to that, and how rapid a response can folks expect?

Mr. WRAY. Well, both we and the Department of Homeland Security have plans—and we did this in the midterms—to stand up in effect command centers on the Election Day itself. The FBI also has, together with all the U.S. Attorney's Offices, designated individuals who are kind of on standby in every State and every district, every Federal district to be available for whether it's voter suppression or voter fraud because we have to worry about both.

So, those are some of the things that happen.

Ms. SCANLON. Okay, thank you. I yield back.

Chair NADLER. The gentlelady yields back.

Ms. Garcia?

Ms. GARCIA. Thank you, Mr. Chair.

Director Wray, thank you.

[Discussion off the record.]

Ms. GARCIA. Are you sure? I will start again. Thank you for being here, and I, too, want to express my thanks to you and all the Members of your team and your department.

I can tell you that I am a proud graduate of the Citizens FBI Academy in the Houston region, and I not only have seen some of the nuts and bolts of the organization, but I have also toured the FBI data center in West Virginia. I have a deep appreciation for the work that you are doing. So, please give my regards to everyone from the top to the bottom and tell them that they are doing a good job for us.

I want to start with an article that appeared in the New York Times in December of 2018, in which they reported that the FBI had opened an investigation into Southwest Key, one of the largest recipients of HHS contracts for housing unaccompanied migrant children. According to the report, in 2017, at least eight of Southwest Key's executives earned more than the Federal salary cap of \$187,000. In fact, the founder made \$1.5 million a year. His wife earned \$500,000 a year as Vice President. His Chief Financial Officer earned \$1 million a year.

Additionally, both the owner and the CFO for years collected Government money in rent as landlords for some of the facilities that the children were being housed. Which, of course, raises the question of using Government dollars for private financial gain, potential conflict of interest, and potential self-dealing.

Can you tell me if that investigation has ended up its inquiry?

Mr. WRAY. I'm not familiar, at least off the top of my head, with the article and, therefore, the investigation you're describing. So, I'd have to take a closer look to know whether there's information we could share on that. Certainly, as somebody who has both as a line Prosecutor and then as Assistant Attorney General and now as the FBI Director, and then as a Defense Attorney in between,

on the issues of White collar crime and procurement fraud, those are subjects that are very important to me and that I think we pursue very aggressively.

Ms. GARCIA. Are you aware of any investigation on any of these? This was a nonprofit shelter. Are you aware of any investigations, either the nonprofit shelter arena or any of the privatized facilities where they were holding either unaccompanied minors or older immigrants?

Mr. WRAY. There's nothing that I can think off the top of my head that I could comment on in the Hearing certainly.

Ms. GARCIA. All right. Well, we will move to another topic.

Mr. Chair, I would like to submit for the record the New York Times article dated December 20, 2018.

Chair NADLER. Without objection.

[The information follows:]

MS. GARCIA FOR THE RECORD

The New York Times <https://nyti.ms/2R7MEEy>

Justice Department Investigating Migrant Shelter Provider

By Rebecca R. Ruiz, Nicholas Kulish and Kim Barker

Dec. 20, 2018

The Justice Department is investigating possible misuse of federal money by Southwest Key Programs, the nation's largest operator of shelters for migrant children, according to two people familiar with the matter.

The inquiry could upend shelter care for thousands of children, escalating government scrutiny of the nonprofit even as it remains central to the Trump administration's immigration agenda. The charity operates 24 shelters to house children who were separated from their parents at the border or arrived on their own.

The United States attorney's office for the Western District of Texas is examining the finances of Southwest Key, based in Austin, and whether it misappropriated government money, according to the people, who were not authorized to speak publicly about the inquiry. Prosecutors on the case are working with the Federal Bureau of Investigation.

The inquiry comes after a New York Times report this month detailing possible financial improprieties by Southwest Key, which has collected \$1.7 billion in federal grants in the past decade, including \$626 million in the last year alone.

The nonprofit has engaged in potential self-dealing with its top executives, stockpiled tens of millions of taxpayer dollars and lent out millions for real estate purchases, acting more like a bank than a traditional charity, according to records and interviews. It has funneled government money through a web of for-profit companies, converting public funds into private money for the organization, which has paid top executives millions of dollars.

In response to The Times's report, a spokesman for Southwest Key, Jeff Eller, acknowledged management mistakes but said there had been no criminal intent by the charity's officials or "a desire to game the system." Southwest Key also said it would commission an internal investigation.

Mr. Eller said on Thursday that the charity had not yet been contacted by the F.B.I. or the United States attorney's office, but that it had "a policy of working with any and all investigations."

Southwest Key, which became a focal point during the Trump administration's decision to separate migrant children from their families this year, now houses up to 5,000 children in its facilities. One of them is a converted Walmart Supercenter in Brownsville, Tex., that can hold 1,400 children, drawing complaints that it was warehousing them.

The organization is a linchpin in the shelter system, which is nearing a breaking point. A record 14,000 migrant children are now in federal shelters, housed across 100 permanent sites and a sprawling tent city in the Texas desert.



Casa Padre, a converted Walmart in Brownsville, Tex., that can hold 1,400 children. Tamir Kalifa for The New York Times

Federal prosecutors' interest in Southwest Key builds on a continuing inquiry by the F.B.I. into the finances of a smaller Texas-based shelter provider, International Educational Services. That nonprofit lost its federal contracts in February for possible self-dealing, including renting shelters owned by charity officials and using public funds to pay them well above what the government permits. Southwest Key's founder and chief executive, Juan Sanchez, helped start I.E.S. more than 30 years ago, though he is no longer affiliated with it.

Last year, at least eight of Southwest Key's executives earned more than the federal salary cap of \$187,000. Mr. Sanchez made \$1.5 million. His wife earned \$500,000 as a vice president, and the organization's chief financial officer made \$1 million.

Additionally, Mr. Sanchez and the chief financial officer have for years collected government money in rent as landlords of a Southwest Key shelter. The Department of Health and Human Services, which oversees migrant shelter grants, requires shelter employees to avoid “private financial gain,” or even the appearance of it. Asked by The Times about the payments this fall, the nonprofit’s leaders said they would sell their personal stakes in the property.

Though Southwest Key has come under scrutiny after a series of abuse allegations at shelters in Arizona in recent months, the organization has remained a critical partner to the government. Mr. Sanchez and the former Walmart have become symbols of the migrant shelter industry.

To get that former superstore up and running, Southwest Key engaged in a convoluted real estate transaction, lending \$6 million to a pair of South Texas developers to buy and renovate the property. Southwest Key now pays nearly \$5 million annually in rent — more than the property itself cost. It is unclear whether prosecutors are scrutinizing that deal, which has the potential to disguise kickbacks.

Officials at H.H.S. declined to comment Thursday on the Justice Department’s investigation into Southwest Key’s finances. H.H.S. has hired forensic accountants to review the finances of shelter operators. That review is continuing and could affect the government’s future grant decisions, a spokesman for the agency said. According to government records, H.H.S. last paid grant money to Southwest Key at the end of the past fiscal year, on Nov. 6.

Should Southwest Key’s contracts be in jeopardy, the government would need to find a new custodian for the children in Southwest Key’s shelters across Arizona, California and Texas. When the government revoked the contracts of I.E.S. this year, its shelters’ operations were transferred to another organization, Comprehensive Health Services, a for-profit company.

Mr. Sanchez founded Southwest Key in the 1980s to work with juvenile offenders. Over the years, he steered the organization into migrant shelters — which now constitute the bulk of its work — as well as charter schools and a range of for-profit businesses that even included a florist for a time.

As the federal investigation proceeds, Southwest Key is poised for growth. It has explored opening a shopping center in Austin and secured approval from Texas state authorities to open as many as 11 more charter schools.

“The fact that we have been a very successful organization upsets some people,” Mr. Sanchez said in an interview with The Times in October. “Whether it’s because they haven’t been able to do it or they’re jealous or they wish they could do it. For whatever reason, we just became part of that attack.”

A version of this article appears in print on Dec. 21, 2018, Section A, Page 14 of the New York edition with the headline: Migrant Shelter Provider Is Under Investigation

Ms. GARCIA. Thank you.

Now, one of the things that fascinated me at the data center when we did that tour was just all the different tools, if you will, in the toolbox that you have in collecting data and helping find good leads, as you said, or try to identify any potential bad actors.

Can you tell me which of the crimes, or do you have a list of crimes where the FBI uses facial recognition to investigate, including requests from State and local police?

Mr. WRAY. I don't know that I have a list of crimes that we use it for. Certainly, from an FBI perspective, our focus is on using it, as I said in response to one of your colleagues, for lead value. I think, for what we do, we would do it with every program that we have, I would assume, but—

Ms. GARCIA. If my colleague Val Demings was still the sheriff in Orlando and she called you for some help on a robbery, would you do that? Or do you prioritize the crimes to make sure that you are looking at the more heinous crimes?

Mr. WRAY. Well, as with every technology and tool that we have, for example, in our lab in Quantico, we prioritize based on a variety of circumstances, and some of it goes to the nature of the crime can make something a higher priority. Sitting here right now, I can't tell you that I know exactly what the protocol is for prioritization within our facial recognition.

Ms. GARCIA. So, you do prioritize them?

Mr. WRAY. Absolutely. Some of that is prioritized based on speed with which an answer is needed. Some of that's based on the nature of the offense. Some of that's based on the quality of the information that's given to us.

Ms. GARCIA. So, can you tell me which crimes you prioritize the most, if you don't have a list or—

Mr. WRAY. I don't have an answer for you in terms of what I can prioritize in terms of particular offenses.

Ms. GARCIA. So, who decides that then?

Mr. WRAY. Well, I'm more familiar with it in the context of our lab, because obviously they're getting all kinds of information that requires testing. Usually, the people fairly far up the supervisory chain in the lab can make decisions. There's some kind of protocol when information comes in.

Sometimes things can be moved up in the queue if there is some real exigency. So, for example, in the Cesar Sayoc package bombing investigation that was such a phenomenon for a while we obviously moved that to a higher priority within the variety of parts of our lab in terms of their testing. While I'm not sitting here right now familiar with exactly how they handled it on the facial recognition side in terms of the queue, my assumption is it would be a similar kind of approach.

Ms. GARCIA. What about fingerprints? How long do you keep them, and are they date stamped?

Mr. WRAY. I'm sorry. Fingerprints?

Ms. GARCIA. Yes, sir.

Mr. WRAY. How long do we keep them?

Ms. GARCIA. Yes, sir.

Mr. WRAY. I don't know off the top of my head. We can try to see if there is information we could get to you as a follow-up on that.

Ms. GARCIA. Are they date stamped when they are received or when they are actually fingerprinted, so that if I were to say, "can you find my fingerprint from when I became a U.S. Customs Inspector working my way through law school?" you could find my fingerprints?

Mr. WRAY. That's a detail question that I'm pretty confident we have dates on all our fingerprint cards. I can't tell you exactly the specifics of that.

Ms. GARCIA. It is likely you still have my fingerprints somewhere?

Mr. WRAY. I don't know the answer to that.

Ms. GARCIA. Thank you. If you could follow up with me. Thank you.

Chair NADLER. The gentlelady's time has expired.

Mr. Steube?

Mr. STEUBE. Thank you, Mr. Chair.

Thank you, Director, for being here today.

The Chair started out the hearing by talking about Russian influence in the 2016 election. When we had Bob Mueller before this Committee, I asked him specifically when he was sitting in that chair before this Committee, did they have any evidence that a single person actually changed their vote due to Russian interference in the 2016 election? He testified under oath that wasn't under his purview and that somebody else, another group or other investigators were investigating that.

Can you confirm that this is being investigated or that is not being investigated within the FBI? Whether somebody actually changed their vote due to Russian interference in the 2016 election.

Mr. Mueller had stated that this wasn't within his purview, but somebody else was investigating that.

Mr. WRAY. Right. Well, I think to the extent that we have ongoing investigations into Russian malign foreign influence efforts, it is conceivable that this kind of investigation would detect if somebody had changed their vote. I don't know that I would describe us as conducting an investigation into individual voters' decisions.

Mr. STEUBE. So, there is no evidence then before this Committee or the American people that a single American voter changed their vote due to ads that Russia was putting on Facebook or Russian interference in the 2016 election?

Mr. WRAY. I'm not aware of any intelligence community assessment or investigation specifically into—beyond what's already been done and reported on about the 2016 presidential election.

Mr. STEUBE. Okay. Let us move to the Horowitz report. The FBI's decision to defensively brief then-Candidate Hillary Clinton, but failure to brief then-Candidate Donald Trump is a blatant example of the FBI's disparate treatment of the two campaigns and clear bias. There is a reason the IG stated the FBI "fell far short of the scrupulous accuracy that is required."

On that note, there were clear issue with the Carter Page FISA application. Fifty-one factual assertions related to the application and renewals either did not have supporting documentation, or the

supporting document didn't State the fact, or the supporting document showed the factual assertion is inaccurate.

There were 17 separate inaccuracies or wrongful omissions in the 4 FISA applications, including 7 repeated in all and 10 that did not occur in the original application, but occurred in 3 renewal applications. The FBI omitted evidence cutting against probable cause. For example, Carter Page stating that he had nothing to do with Paul Manafort, and George Papadopoulos' denial that the Trump campaign was collaborating with Russia or WikiLeaks or otherwise involved in the DNC server hack.

Additionally, the FBI failed to disclose Bruce Ohr's information that Steele's reporting was going directly to the Clinton campaign. The FBI overstated Christopher Steele's previous work with the FBI. The FBI was less than fully candid about Christopher Steele sharing information leading to Yahoo's September 2016 article. The FBI did not disclose the lack of reliability of Steele's subsource.

FBI personnel apparently avoided using the Woods file reverification system for FISA applications. The FBI knew Carter Page was a U.S. intelligence asset who had assisted in cases involving Russian intelligence but hid that fact from DOJ during development of the FISA application.

So, my question to you is—and I think a lot of the American people would like to know the answer to this question—are all the individuals, agents, and supervisors that were involved in all these abuses that I just annotated that were in this Horowitz report, are all of them no longer working at the FBI? Have they resigned, fired, or been removed from their position?

Mr. WRAY. At the more senior levels of the FBI, the people involved, I think in every respect that I can think of, are gone from the FBI. Of course, there is an ongoing investigation by Mr. Durham, with which we're actively cooperating and fully cooperating, I might add.

As to the current employees, there are more, what I would call more line-level employees who were involved in some of the events in the report. All those employees, anybody who still remains at the FBI—again, they tend to be more line-level people, were referred to our Office of Professional Responsibility, which is our disciplinary arm, which is the standard process.

After there's been fact finding by the Inspector General, the facts go to our disciplinary arm. By longstanding process, that's how we handle discipline about those people. We have erred on the side of inclusion when we did that.

So, what I mean by that is there are some people in the report who were literally named like once or twice, and it's not really clear they're even named in a way that's problematic. We've gone ahead and just figured better safe than sorry, and we've sent all those names to the Office of Professional Responsibility.

We will follow that process, and I have made very clear that if that process results in recommendations of discipline, then we're going to impose discipline. We're going to hold people accountable.

Mr. STEUBE. Just a quick follow-up, if I could, Mr. Chair? What is the timeframe on that?

Mr. WRAY. I can't give you a projected timeframe exactly. It may depend. It's probably not all going to happen at one time. Some people will take longer than others.

Mr. STEUBE. Thank you.

Chair NADLER. The time of the gentleman has expired.

Mr. Neguse?

Mr. NEGUSE. Thank you, Director Wray, for your service. Thank you for being here today. Also, thank you to the 37,000 public servants that work in your agency, for the work that they do every day.

I represent the great State of Colorado, and, in particular, I am appreciative of the work that you have done to thwart a number of attacks, including the synagogue in Pueblo, Colorado, that you mentioned.

I want to give you an opportunity to clarify earlier part of your testimony. The Chair had asked a question, and I think there was some confusion around your answer. So, with respect to a recent article that alleges that the Administration may be attempting to initiate political investigations or politically motivated investigations, rather, into their political opponents, has the President, the Attorney General, or any Member of the Administration asked you to initiate an investigation into John Bolton?

I am not asking whether or not that request would be improper or proper or whether or not if such a request was made, if you have initiated such an investigation. I am simply asking if they have asked you to do so.

Mr. WRAY. I understand why you're asking the question, and I would just tell you my commitment to doing things by the book includes not talking about whether any particular investigation does or does not exist. You shouldn't read anything into that. That's not a hint that anything is happening. It's just I don't think that's a question that I can responsibly answer if I'm going to be faithful to my commitment to doing things by the book.

Mr. NEGUSE. Well, we appreciate—

Mr. WRAY. I will tell you, as I said to the Chair—I will tell you, as I said to the Chair, that no one has asked me to open any investigation on anything that's not consistent with the facts, the law, and proper predication.

Mr. NEGUSE. I would just say, Director Wray, with all respect, as you could probably imagine, these questions, both the question the Chair posed and the question that I posed, are not academic or esoteric for us. Seven months ago, Special Counsel Mueller sat in the same chair that you are in, and we all know now, that the very next day, the President had his infamous call with the President of Ukraine, in which he sought foreign interference in our elections. Of course, as you know, in just a few hours, the Senate will render judgment in the impeachment trial of the President.

So, one can ask reasonable questions as we read these reports that we just over the course of the last few days as to potentially what other actions this Administration might take. So, again, I appreciate your earlier answer, and I want to move on to a different topic, which is election interference.

There was an article just a few weeks ago in the New York Times, and I would ask for unanimous consent to enter it into the record. "Chaos Is the Point": Russian Hackers and Trolls Grow

Stealthier in 2020,” by Matthew Rosenberg, Nicole Perloth, and David Sanger of the New York Times.
[The information follows:]

MR. NEGUSE FOR THE RECORD

The New York Times <https://nyti.ms/2uyBXkF>

'Chaos Is the Point': Russian Hackers and Trolls Grow Stealthier in 2020

By Matthew Rosenberg, Nicole Perloth and David E. Sanger

Jan. 10, 2020

The National Security Agency and its British counterpart issued an unusual warning in October: The Russians were back and growing stealthier.

Groups linked to Russia's intelligence agencies, they noted, had recently been uncovered boring into the network of an elite Iranian hacking unit and attacking governments and private companies in the Middle East and Britain — hoping Tehran would be blamed for the havoc.

For federal and state officials charged with readying defenses for the 2020 election, it was a clear message that the next cyberwar was not going to be like the last. The landscape is evolving, and the piggybacking on Iranian networks was an example of what America's election-security officials and experts face as the United States enters what is shaping up to be an ugly campaign season marred by hacking and disinformation.

American defenses have vastly improved in the four years since Russian hackers and trolls mounted a broad campaign to sway the 2016 presidential election. Facebook is looking for threats it barely knew existed in 2016, such as fake ads paid for in rubles and self-proclaimed Texas secessionists logging in from St. Petersburg. Voting officials are learning about bots, ransomware and other vectors of digital mischief. Military officials are considering whether to embrace information warfare and retaliate against election interference by hacking senior Russian officials and leaking their personal emails or financial information.

Yet interviews with dozens of officials and experts make clear that many of the vulnerabilities exploited by Moscow in 2016 remain. Most political campaigns are unwilling to spend what it takes to set up effective cyberdefenses. Millions of Americans are still primed to swallow fake news. And those charged with protecting American elections face the same central challenge they did four years ago: to spot and head off any attack before it can disrupt voting or sow doubts about the outcome. It is a task made even more difficult by new threats to the election from other American rivals, such as Iran, which has more motive than ever to interfere in 2020 after a drone strike killed its top security and intelligence commander last week in Iraq.

The Russians were sloppy in 2016 because they could be: They caught Americans off guard. Now hackers and trolls, who have seen their tradecraft splashed across the pages of American intelligence assessments and federal indictments, are working far harder to cover their tracks. They are, as one American intelligence official put it, "refreshing" their operations.

One of the two Russian intelligence units that hacked the Democrats in 2016, known as "Fancy Bear," has shifted some of its work to servers based in the United States in an apparent attempt to thwart the N.S.A. and other American spy agencies, which are limited by law to operating abroad, according to federal officials tracking the moves. The other unit, known as "Cozy Bear," abandoned its hacking infrastructure six months ago and has dropped off the radar, security analysts said.

The trolls at the Internet Research Agency — the now-indicted outfit behind much of the Russian disinformation spread in 2016 — have ditched email accounts that were being tracked by Western intelligence agencies and moved to encrypted communication tools, like ProtonMail, that are much harder to trace. They are also trying to exploit a hole in Facebook's ban on foreigners buying political ads, paying American users to hand over personal pages and setting up offshore bank accounts to cover their financial tracks, said an official and a security expert at a prominent tech company.

At the Department of Homeland Security, there is renewed anxiety about a spate of ransomware attacks on American towns and cities over the last year. The attacks, officials say, revealed gaping security holes that could be exploited by those looking to disrupt voting by locking up and ransoming voter rolls or simply cutting power at critical polling centers on Election Day. And while large-scale hacking of voting machines is difficult, it is by no means impossible.

There are also weak points up and down the long chain of websites and databases used to tally and report votes, officials said. Run by states or counties, the systems that stitch together reports from thousands of polling centers are a hodgepodge of new and old technologies, many with spotty security.

With the first primaries just weeks away, officials are keeping a watchful eye for hints about what to expect come November. The widespread expectation is that hackers, who may have only a single shot at exploiting a particular bug or vulnerability, will wait until the general election rather than risk wasting it on a primary.

Some of the meddling is homegrown. Americans have been exposed spinning up fake websites for Democratic front-runners and paying Macedonians to promote divisive political views. Facebook, the most important digital platform for political ads, also made it clear this week that it would not police political messaging for lies or misleading claims.

With Americans so mistrustful of one another, and of the political process, the fear of hacking could be as dangerous as an actual cyberattack — especially if the election is close, as expected. That is what happened last November in Kentucky, when talk of a rigged election spread online after it became clear that the governor's race would come down to the wire.

"You don't actually have to breach an election system in order to create the public impression that you have," said Laura Rosenberger, director of the Alliance for Securing Democracy, which tracks Russian disinformation efforts.

"Chaos is the point," she added. "You can imagine many different scenarios."

Still, officials say, the deepest challenges come from abroad. Iran, under harsh sanctions that were not in place four years ago, nosed around the election system in 2018. More recently, Iranian hackers have been caught trying to compromise President Trump's campaign and impersonating American political candidates on Twitter.

For his part, Mr. Trump has already warned North Korea against "interference," though he appeared to be referring to missile launches meant to embarrass him.

The president has shown far less concern about Russian interference. He has repeatedly questioned the idea that Moscow meddled in the 2016 election, viewing such talk as a challenge to his legitimacy. In his zeal to find another culprit, Mr. Trump eagerly embraced a Russian-backed conspiracy theory that shifted the blame to Ukraine, and set in motion the events that led to his impeachment.

American officials, however, are nearly unanimous in the conclusion that Russia interfered in 2016, and that it remains the greatest threat in 2020. Unlike other countries, which are seen as eager to influence American policy, Russia appears, above all, to be interested in undermining confidence in America's democratic institutions, starting with the voting process.

Then and now, officials and experts said, the Russians and others could bank on one constant: America's partisan divide, which engenders deep cynicism among Democrats and Republicans alike.

"Our adversaries, including Russia, China, Iran and others, are persistent: They focus on our politics and try to take advantage of existing fissures and American sentiment, particularly if it may weaken us," said Shelby Pierson, who monitors election threats at the Office of the Director of National Intelligence.

"They'll try many tactics and can adapt," she added. "If it doesn't work out, they try something else."

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Digital Disenfranchisement

In the public imagination, the defining elements of Moscow's interference in the 2016 election were disinformation and the hacking of Democratic Party emails. But as they look to 2020, many election security officials and experts say the most worrying piece of the Russian meddling was the hacking of state election systems.

Election systems in all 50 states were targets of Russian hackers in 2016, though voting went smoothly in most places. In the estimation of many officials and experts, the effort was probably a trial run meant to probe American defenses and identify weaknesses in the vast back-end apparatus — voter-registration operations, state and local election databases, electronic poll books and other equipment — through which American elections are run.

One expert told the Senate Intelligence Committee that Russia was "conducting the reconnaissance to do the network mapping, to do the topology mapping, so that you could actually understand the network, establish a presence so you could come back later and actually execute an operation."

Of particular concern is the Russians' hacking of three companies that provide states with the back-end systems that have increasingly replaced the thick binders of paper used to verify voters' identities and registration status.

Current and former officials say American intelligence agencies determined in 2017 that the companies' systems had been penetrated. But officials still cannot say how far the hackers got or whether any data was stolen or corrupted.

The companies operate without federal oversight — it is states, after all, that run American elections, yet most lack the resources or expertise to oversee what are essentially tech firms. As a result, little is known about the companies' security, employee requirements or supply-chain practices, experts said.

One of the targeted companies, VR Systems, provided e-poll books to Durham County, N.C., where malfunctions with the electronic systems in 2016 led to scores of voters' being told incorrectly that they had already cast ballots or were ineligible to vote.

Though officials declassified a report in recent weeks that showed configuration errors, not an attack, were to blame for the problems in Durham, experts say the Election Day chaos there highlighted the risk of an attack or ordinary malfunction that blocks voters from casting their votes in swing states.

The rise of ransomware — which typically locks a system until victims pay the attackers in a cryptocurrency like Bitcoin — has given another weapon to attackers looking to sow chaos and digitally disenfranchise voters.

American cities and towns faced a record number of ransomware attacks last year, with more than 100 federal, state and municipal governments hit.

Homeland Security officials are investigating whether Russian intelligence was involved in any of the attacks, according to two department officials who spoke on the condition of anonymity to discuss sensitive intelligence. They are looking into whether cybercriminals, who appeared to be motivated by greed, were used as decoys to test the defenses of states and cities that might make ideal targets closer to the election. Among the towns hit hardest by ransomware last year was Riviera Beach, Fla., in Palm Beach County — which played an outside role in deciding the contested 2000 presidential election.

President Benedict Arnold

In the immediate aftermath of the 2016 election, there was an intense focus on America's voting machines, particularly the pricey touch-screen devices that lack the paper trail necessary to audit random samples of the tallies or conduct a reliable — if slow — manual recount.

Yet many machines remain vulnerable, as J. Alex Halderman, a professor at the University of Michigan, often demonstrates when he runs fake elections between George Washington and Benedict Arnold, and manipulates the software that prepares the ballots to assure a victory for America's most famous traitor.

"In every single case, we found ways for attackers to sabotage machines and to steal votes," he told the Senate Intelligence Committee, describing his research.

A study published in December by Interos, a risk-management firm, raised questions about the security of the hardware used in the machines, as well. Two-thirds of the companies that supply critical components for voting machines maintain offices in Russia and China, where foreign companies are regularly required to give security officials sensitive technical information, including software code in some cases. Chinese-owned companies make about a fifth of the voting machine components.

Each of those parts presents an opportunity for foreign interference. "There has been insufficient attention to the potential problems of the actual voting machines being hacked," said David Dill, founder of the Verified Voting Foundation.

Come November, seven or so states will still be without full paper backup, including some that are out of funds to replace paperless machines.

Baiting Outrage

Much as 20th-century militaries learned to combine soldiers, sea power and airplanes to mount a coordinated assault, Russia has proved adept at meddling in elections by blending different types of digital malfeasance into one larger operation. The 2016 election exemplified the playbook: Russian hackers stole sensitive material, starting with Democratic Party emails, then used trolls to spread and spin the material, and built an echo chamber to widen its effect.

Now, as the next election approaches, hackers appear to be laying the groundwork for a repeat. But this time they are employing techniques that are more sophisticated — and dangerous — in their attempts to steal potentially embarrassing material from political campaigns.

Security experts say they are witnessing a significant ramp-up in attempts to hack Democratic front-runners. In just the last two months, there were roughly a thousand phishing attempts against each of the leading Democratic candidates, according to Area 1, a Silicon Valley security firm, which did not name the candidates.

Most were attempts to replicate the 2016 hack of Hillary Clinton's campaign chairman, John Podesta, who was successfully baited into turning over his email credentials, said Oren Falkowitz, Area 1's chief executive. But in about a fifth of the attacks, hackers compromised the accounts of campaign consultants and affiliates, and used those to send malicious lures to people inside the campaign. It is an extra step for hackers, but individuals are softer targets than the campaign, and people are far more likely to click on a link if they know the sender.

An episode during the run-up to Britain's recent parliamentary election highlighted the potential, but also the limits, of disinformation campaigns based on real information.

In November, an anonymous Reddit user — who has since been linked to a wide-ranging Russian disinformation campaign — posted internal British government documents that detailed preliminary talks with the United States on a trade deal. Though the post did not gain much attention initially, it eventually made its way to the opposition Labour party, which said it offered proof that the Conservatives, if re-elected, planned to privatize the National Health Service as part of a deal with the United States.

News of the documents forced Prime Minister Boris Johnson to deny that his party planned to privatize the health service, though his government acknowledged that the leaked materials were genuine.

But with the Conservatives well ahead in the polls, the episode did nothing to alter the election's outcome. Mr. Johnson won a commanding majority in Parliament and a clear mandate to proceed with Britain's exit from the European Union — and cut a trade deal with the United States.

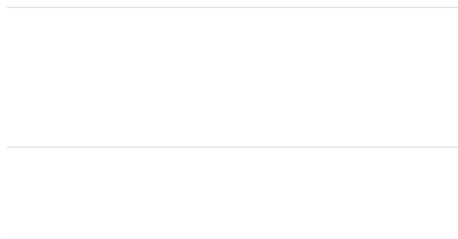
The other pieces of the Russian campaign, which targeted a number of Western countries between 2016 and 2019, had even less impact, according to a report last month by Graphika, a firm that tracks social media activity. Called Secondary Infektion, the campaign was run by trolls who used hundreds of social media accounts to spread 44 stories in at least six languages. The stories ranged from fictitious claims about the 2016 American election to an article that sought to link President Emmanuel Macron of France to Islamist militants.

Most were demonstrably false and based on faked interviews or manufactured documents. The trade-deal story appears to have been the only one based on real material, and the only one that made international headlines.

"Some were openly mocked by real users; many were simply ignored," Ben Nimmo of Graphika wrote in the firm's report.

"As the 2020 U.S. presidential election approaches," Mr. Nimmo added, "it is vital to be wary of potential interference, but it is equally important to understand what forms of interference are most damaging."

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Mr. NEGUSE. In the article, there are a couple of references to new developments in terms of the way in which Russian actors, the intelligence apparatus is engaging in disinformation in attempted interference in our elections. I wonder if you could comment about two in particular? I will just quote.

“One of the two Russian intelligence units that hacked into Democrats in 2016, ‘Fancy Bear,’ has shifted some of its work to servers based in the United States in an apparent attempt to thwart the NSA, which is limited to operating abroad. Also, the trolls at the Internet Research Agency are trying to exploit a hole in Facebook’s ban on foreigners buying political ads, paying American users to hand over personal pages and setting up offshore bank accounts to cover their financial tracks.”

I wonder if you could expand in greater detail on both of those two issues and how the FBI, I guess, is addressing both of those developments.

Mr. WRAY. So, certainly, I appreciate the interest. I think I’d have to be pretty careful about how much detail I could provide in an open hearing. I would say that we believe—we assessed that the Russians continue to engage in malign foreign influence efforts of the sort that I was describing before—fake personas, trolls, bots, state-sponsored media, the whole gamut in the bag of tricks.

We also assessed that just like any sophisticated actor, that they continue to refine their approach. We saw that from 2016–2018. We’ve seen it from 2018 moving forward. Happily, we’re refining our approach, too, and we’re trying to stay ahead of it.

Mr. NEGUSE. Thank you, Director Wray.

I would just say, I think the Committee would very much benefit, to the extent you are willing to indulge us in a classified setting, a Hearing on the developments. I appreciate the fact that the FBI is very focused on this issue.

If the Chair would indulge me, I would just make two final points. First, we will make sure that you are aware of a letter that we sent to the Inspector General a few months ago with regard to an issue on the NICS program. As you probably are familiar, there was a woman named Sol Pais, who purchased a weapon in Colorado unlawfully many months ago and, as a result, raised some serious questions about the POC and NICS program and whether there is sufficient auditing happening. So, I would look forward engaging with you and your team on that issue.

Finally, I would just say I appreciate the fact that you are here. I have only been on the Judiciary Committee for about a year, but my understanding is that this Committee has oversight over the Department of Justice, and that means having folks like yourself come in and engage in a healthy exchange with Members of the Committee.

It is unfortunate that the Attorney General has declined to do what you are doing today. In the last 30 years, 6 Attorney Generals: Jeff Sessions, Eric Holder, Michael Mukasey, Alberto Gonzales, John Ashcroft, and Janet Reno have come in front of this Committee to appear and exchange views with Members of the

House Judiciary Committee, and I think it is shameful that the Attorney General has not done that.

I am grateful that you have chosen to do so. Again, I appreciate your service.

Chair NADLER. The gentleman yields back.

Mr. Cline?

Mr. CLINE. Thank you, Mr. Chair.

Thank you for being here today.

The IG report uncovered that the FBI fell far short of the scrupulous accuracy that is required for FISA applications while surveilling Carter Page. Ironically, FISA's original purpose was in large part intended to respond to unchecked surveillance abuses by the Federal Government.

As the FBI moves forward with implementing the corrective actions that you have laid out in light of the IG report's findings, it is imperative that the Bureau continues to work towards regaining the full faith and trust of the American public. Now, three FISA amendments are scheduled to sunset in March, and as this Committee, which is the Committee with jurisdiction over these—over FISA, considers reauthorization, it is paramount that we ensure that American Civil Liberties and due process are in no way inhibited.

So, I would ask you, it has been reported that the so-called lone wolf provision of FISA has never been used. Can you explain why it has never been used and why there is still a need for it, if it has never been used?

Mr. WRAY. So, I appreciate the question. We think of the lone wolf provision as something that we could have used in any number of instances. Because we had in those—under the particular facts of those circumstances other tools we were able to use, we went with those instead.

I will tell you that the lone wolf provision, we assess—and this goes directly to some of the answers I've given to a variety of your colleagues about where the terrorist threat is moving. More and more, we are seeing al-Qaeda, for example, use so-called "clean operatives" here in the U.S. You've heard me talk about the home-grown violent extremists, these folks who are here in the U.S. inspired by ISIS, al-Qaeda, al-Shabaab, you name it. In those instances, we fully expect that the lone wolf provision will end up being our "go to" tool. So, we really need it.

Mr. CLINE. Okay. Would returning to the pre-PATRIOT Act standard for section 215 orders requiring specific and articulable facts that the person to whom the records pertain is a foreign power or an agent of a foreign power threaten the FBI's intelligence gathering capability?

Mr. WRAY. My own view is that if we were to return to the pre-PATRIOT Act era, as somebody who saw the terrorist threat before 9/11, the day of 9/11, and the years after, including the enactment of the PATRIOT Act, that would be a sad day for America, and there would be a lot of people whose safety would be jeopardized.

Mr. CLINE. Now, what would be the effect if there were a legal requirement for an Amicus Attorney to be present for every single consideration of a traditional FISA application in front of the FISC?

Mr. WRAY. My own view is that that would grind the FISA process to a halt. As the vast majority of FISAs don't raise even remotely sensitive issues in the sense that the Committee or some Members of the Committee might be concerned, that would be a real tragedy.

I will also say that part of the reason why FISA is so important is because it allows us to use classified information and present it to a court in a way that we would never otherwise be able to do in a traditional process. It also allows us to use foreign partner information, which those partners are very, very skittish, as you can imagine, about sharing with us and having it put into a court process.

If we started adding an Amicus into every FISA application, let us set aside the practicality of it—

Mr. CLINE. Well, about what percent have Amicus Attorneys present at this point?

Mr. WRAY. I don't have that percentage. I know that the statute that provides for Amicus involvement speaks—and I think this is appropriate—speaks in terms of the court having the discretion to appoint an Amicus for novel issues of law. I think that's in those rare and unusual circumstances are the places where it makes sense to appoint an Amicus. That's really the court's decision, not ours.

Mr. CLINE. Do you think that some of the shortcomings found in the IG report would have been, could have been avoided or prevented if an Amicus Attorney may have been present?

Mr. WRAY. I actually don't think so. I think the problems that are found in the IG's report are best addressed through the 40-plus corrective actions that I've articulated. We're also considering additional ones in coordination with both the court and the Department. Bringing a level of rigor to the process and discipline to the process is at the heart of those 40-plus corrective actions, and I don't think adding an Amicus by itself really would meaningfully change that.

Mr. CLINE. I would argue that some of your proposals, like giving subordinates in field offices the ability to agree as to whether a warrant is or a case is handled at the central office, does little to make the necessary reforms to actually address the problems in the IG report.

Mr. WRAY. Yes, that's not a—I'm sorry. I take your point. That's not geared towards FISA at all, that particular corrective action. The 40-plus corrective actions we have include things like that, but that goes more to some of the other deficiencies that were identified in the IG's report. A lot of the ones we have are much more geared toward the FISA process itself.

Mr. CLINE. Last question. Some agencies have Ombudsman Offices meant to address disputes. What if we had a sitting Ombudsman Office to review all FISA applications, rather than Amicus Attorneys who may be personally predisposed to political views or conflicted due to prior public statement?

Mr. WRAY. Well, again, I think the problems that are identified in the Inspector General's report, we spent a lot of time, my leadership team and I, looking very hard at the facts and trying to think about what the right ways to address those problems are. We took

a really comprehensive approach to it, and that the approach that we've taken is the one best designed to address the issue.

Mr. CLINE. Thank you. Thank you, Mr. Chair.

Chair NADLER. The gentleman yields back.

Mr. Stanton?

Mr. STANTON. Thank you very much, Mr. Chair.

Director Wray, thank you for being here. Please pass on appreciation to the women and men of the FBI. We appreciate their work. They are too often under attack, and we appreciate their professionalism.

Today, I would like to bring attention to a crisis in desperate need of a solution. That is the pattern of violence that disproportionately affects American Indian and Alaska Native women. The U.S. Department of Justice has found that Native American women face murder rates more than 10 times the national average, and 4 out of 5 Native women are affected by violence today.

The missing and murdered indigenous women epidemic is a tragic reality, and it is one we need to tackle with real solutions. The challenge we face today is that no one truly knows, not even the FBI, who has jurisdiction on Tribal lands, how many indigenous women go missing or are murdered every year.

There is no dedicated Federal database designed to collect information on missing and murdered indigenous women. The numbers we do have come directly from State and Tribal law enforcement agencies, and often, neither are equipped with the training or tools necessary to support thorough investigations. As a result, understanding the true scope of this crisis is nearly impossible.

Unfortunately, in my home State of Arizona, we are all too familiar with this tragic issue. The Murder Accountability Project, a nonprofit that examines available data on murders, found that Arizona has the third-highest number of missing and murdered indigenous women. One third of those murders go unreported to the FBI, and the National Institute of Justice system that tracks missing people shows that since the first of the year, there are 45 missing Native Americans in Arizona. Of course, those are the only ones that have been reported.

These figures are gut-wrenching. That is 45 families, 45 communities of friends and neighbors with no real information about their missing loved ones, and not enough law enforcement support to find answers, hoping to be an exception from the statistics. That is happening in Tribal communities across the United States of America.

Last year, Arizona passed an important State law, led by State representative Jennifer Jermaine, to examine the issue of murdered and missing indigenous women and girls, making Arizona one of only seven States to establish its own task force to find answers. In November of 2019, the Trump Administration launched a task force to tackle this issue at the Federal level. You remember that task force.

While this task force is an important step, we must do more to truly address this epidemic. It shouldn't take more women and girls dying to bring enough attention to the crisis to end it. So, I have several questions about this, and please keep your answers as brief as possible.

We know that sound policy recommendations are created when directly impacted people are at the table sharing their experiences and giving their input. Director Wray, are Tribal leaders, indigenous survivors, and data collecting organizations going to be part of the task force where these protocols are being drafted and considered?

Mr. WRAY. Well, the details about the task force are ones that are better referred to the Department. I will tell you that I believe strongly, which I think is at the heart of your question, about the importance of hearing directly from Tribal leaders. In fact, as FBI Director, I went with our Phoenix special agent-in-charge to meet with the leaders of the Navajo Nation and to drive around on Indian country and hear firsthand about what the challenges are.

I believe, from what the leaders of the Navajo Nation told me, including the President of the Navajo Nation, I think I'm the first FBI Director to ever go there and visit them myself. So, we are trying to engage directly and hear from them. It's, as you said, gut-wrenching to hear the fact patterns of these cases, and my heart goes out to the victims.

Mr. STANTON. Public reporting indicates that the task force has only been allocated at this point \$1.5 million. Is that enough resources to do the job for the very broad jurisdiction of the Federal task force?

Mr. WRAY. Well, again, the nitty-gritty of the task force, I would refer you to the Department. I would tell you that we're going to make the best use of the resources we do have. As I said in a different context to one of your colleagues, if Congress gives us more resources, I can assure you we'll put them to good use.

Mr. STANTON. It is clear that we are dealing with a crisis of missing and murdered indigenous people that are consistently undercounted and underrepresented. Thankfully, Director, you emphasized earlier in this very Hearing that very point by saying, "The challenge of under reporting is you never know for sure just how badly under reported they are." That is a direct quote from yourself.

I strongly believe that Congress plays a critical role in addressing this epidemic of violence. Legislation such as Representative Torres' Savanna's Act and Representative Haaland's Not Invisible Act should be considered by this Committee and signed into law if we truly want a comprehensive solution to this crisis.

More immediately, we need the Senate to swiftly pass the Violence Against Women Act, which contains additional protections for Native American women. It has been stalled in the Senate for over 10 months.

Mr. Chair, I yield back.

Chair NADLER. The gentleman yields back.

Ms. Dean?

Ms. DEAN. Thank you, Mr. Chair.

Welcome, Director Wray. I am glad you are here, and we thank you for your time, testimony, and service.

In the beginning of your testimony, you set out the mission of your 37,000 folks, and I just want to repeat it. To protect the American people and to uphold the Constitution of the United States.

Such core values, I thank you and the Members of the FBI for your service.

I have had a cousin in the FBI serve very nobly, a neighbor and friend just recently retire. I want to affirmatively distance myself from some of the disparaging comments that I heard right here today that I really do not understand. They are extraordinarily misplaced, and they are shameful.

So, I would like to start with the issue of gun violence, go back to that issue, and I thank you for focusing on it. This past November, we saw yet another community devastated by a school shooting, the tragedy at Saugus High School in Los Angeles. It differed in one alarming way from the predecessors of gun violence, something I care about. The firearm used there was a ghost gun.

So, I would love to get an update from you and the FBI on what your thoughts are on ghost guns. They are firearms that are assembled often from kits or by 3-D printers. They are often undetectable by metal detectors. Because the way they are assembled, they will end up without serial numbers and making them untraceable.

My own State of Pennsylvania—I serve suburban Philadelphia—recently moved to recognize 80 percent of partially assembled guns to fall within the standard of the State’s definition of a firearm while enforcing State laws on illegal firearm possession. Has the FBI seen an increase in the use of ghost guns, undetectable firearms in investigations you have participated in?

Mr. WRAY. I don’t know that I can speak to whether statistically we’ve seen an increase, but I can certainly tell you anecdotally that this is a topic that’s coming up more and more frequently. We’re having people do sort of intelligence-type assessments of the use of it, and it illustrates, frankly, a problem that cuts across not just ghost guns, but other technologies as well, if I can use the word “technology” as kind of a crude shorthand there.

You know, 3-D printing is something that my first reaction to is, wow, can you think of all the great things we can do with that at the FBI? Then my second reaction is, oh, no. Do you realize what other people can do with that technology? That’s true of so many of the technological issues that we confront today.

Ms. DEAN. We feel that same paradoxical set of feelings. I introduced a bill this Congress. I want you to know of it. I know you are not here to advocate for any legislation. The Undetectable Firearms Modernization Act, which would prohibit the possession of any firearm that is undetectable by airport-level screening.

Do you think this kind of legislation, not my bill specifically, but that kind of legislation is going to be an important partnership with making sure that we are secure at our airports?

Mr. WRAY. Well, again, as you anticipated, without commenting on specific legislation, I would say that it behooves us as a country to be constantly thinking about where is the threat moving, and what are the technologies that different kinds of bad actors can use to circumvent the very careful security infrastructure that we have in this country? That’s something that we struggle with all the time, and I worry at sometimes that government—and I don’t mean Congress, the Executive Branch. I just mean government, writ large, doesn’t move nearly as quickly as the bad guys do.

Ms. DEAN. Yes.

Mr. WRAY. By the time we come up with the recognition that some kind of technology is the subject of enhanced protection things are way downfield. So, I think trying to stay ahead of it is something that is always to be encouraged.

Ms. DEAN. I share that concern, and I hope that we will be able to move on that legislation, and I hope that the Senate would take it up.

Following up on Representative Deutch's concern, I want to echo his urging of you to look at the two bills we passed nearly a year ago, H.R. 8, universal background checks, and H.R. 1112, closing of the Charleston loophole. I saw and read in your testimony on page 7 about the good work that the NICS system is doing, but there are holes within that system, and I believe FBI must be aware of them.

The good news is that, as you report, in 2019 over 2 million background checks were performed. By your own reporting, the FBI previously acknowledged that about 3,000 people pass the NICS background check system each year despite there being this system in place. More reason why wouldn't want—why we should have universal background checks in place.

The 3-day default to yes, which is the Charleston loophole bill, do you agree—does the FBI agree that we need to close or change the NICS system, so we no longer have the 3-day if you don't get clarity on the background check, you default to the licensed firearm dealer may sell the gun? Do you agree that we need to change that portion of the NICS system?

Mr. WRAY. Well, again, as to any kind of legislative change to the existing gun laws, I would not be in a position where I could give you a position on that.

Ms. DEAN. I want to push back on a legislative change. This is a systematic change. It may take a legislative fix. It maybe would be something that FBI could recommend. It could be maybe an Executive Order. There are many ways to go about this.

If you know there is a gaping hole, if you know that in the example of the Charleston shooting, they did not get clarity within 3 days. The man bought the gun, went in, and did the grievous harm that he did in the church, and 5 days out, it was determined he was a prohibited purchaser.

Knowing that gaping hole is there, do you not want the NICS system to close that hole?

Mr. WRAY. We always want to make the NICS system more comprehensive, more complete, and more reliable. So, any holes that are in the NICS system are ones that we're interested in addressing.

Ms. DEAN. I hope you will urge this legislature and the President and the Senate to make sure that we close these holes, and we begin to save lives from gun violence.

Thank you very much. I yield back.

Chair NADLER. The gentlelady's time has expired.

Ms. Mucarsel-Powell?

Ms. MUCARSEL-POWELL. Thank you, Mr. Chair.

Thank you so much, Director Wray, for coming before us and sitting and listening to so many issues today.

Last night, we all watched the President Address to Nation. While he was so proud of his work on protecting the Second Amendment, which we all agree—nobody here wants to change that—what he did not mention is that this week is National Gun Survivors Week. He didn't mention the thousands of lives that we have already lost to gun violence just this year alone.

So, we are now approaching the 2-year anniversary of the Parkland shooting, and following the shooting of Marjory Stoneman Douglas, many families of the children that were killed that day noted that the FBI did not appropriately Act on the tips that the Parkland shooter was dangerous. You had received several tips. I am glad to hear that you are working on improving the system, but if you can give just one specific example on how you are changing that internal policy so that these types of mistakes don't happen again.

Mr. WRAY. So, certainly Parkland was an awful, awful tragedy, and my heart goes out, and all the FBI men and women's hearts go out to the victims and the families. We've made extensive changes there.

I've personally, as you've heard a couple times, been out to visit. I saw it before Parkland, and I saw it after, after the changes that I directed were put in place. I sent immediately after Parkland a dedicated Inspection Division team to take a hard look at the way things were there. Since then, we have increased staffing, including at the supervisor level. We've enhanced training. We've enhanced the technology in any number of ways.

We've added more oversight. We've put in place a whole new leadership team out there with people who have deep, deep, deep experience. In some instances, there are two particular individuals coming out of the inspection that we did out there. One individual was reassigned. Another is I'll just say no longer with the FBI.

Ms. MUCARSEL-POWELL. Thank you, Dr. Wray. If you could provide my office with just a summary of some of those changes, I would greatly appreciate it.

I want to turn now to election security. It is interesting how my colleagues, we have all been focusing on election security. I haven't really heard from the other side of the aisle our concern that what we heard in 2016 is that we got confirmation that Russia interfered in our elections. You actually stated just in an interview in December of 2019 that Russia represents the most significant threat to the election cycle itself.

The Mueller report and our entire intelligence community also agree that Russia targeted to help then-Candidate President Trump now, and they also hacked into some election systems in Florida. They were successful in infiltrating some of the Florida counties. They alleged that no data was manipulated. They got into the garage. They didn't necessarily get into the house.

So, we know now that they are trying to do it again in 2020. The Florida Secretary of State Laurel Lee mentioned recently that the State's election system is under daily attack. The American people now need their assurances, as you can understand, that when our vote is cast, it is protected.

So, I wanted to just point out a couple of examples of what we saw here in 2016. The post on the left was highlighted by the

House Intelligence Committee. It is an ad paid by the Russians promoting then-Candidate Trump in Florida. The post to the right was outlined in the Mueller report. It shows then-Candidate Trump posting about rallies in Florida that were actually organized by Russian operatives.

This is the type of propaganda that was spread in 2016 and that we are actually still seeing today. I am just very concerned that if we are not careful in managing the disinformation of campaigns on social media, it will once again be a powerful tool for Russia or any other actors in our elections.

So, I wanted to ask you if you could give me just a couple of specific examples that the FBI is taking to prevent the exploitation of misinformation on social media to influence our 2020 elections?

Mr. WRAY. Well, in some cases, we have investigations that result in charges, right? So, we have, for example, we charged the IRA's Chief Accountant—the Internet Research Agency's Chief Accountant, we charged a number of Russian military officers for their involvement. So, that's kind of on the enforcement side.

I think one of the more important steps that has to be taken and that we have been taking quite robustly in the wake of 2016 is engaging with the social media companies because the scale of what we're talking about is far beyond something that law enforcement, even if everybody in the FBI did this, could investigate our way through the threat. It needs more than that.

So, working with the social media companies, they have under their terms of use, terms of service, the ability to shut down accounts that are being manipulated by false personas, *et cetera*. So, we've been doing that a lot more actively, or I should say they have been doing that a lot more actively based on information we give them. In many instances, that then leads them to identify new accounts, and in the right circumstances with the right process, we get information back from them, which allows us to investigate more aggressively, which then allows us to give more back to them.

So, you get a little bit of a virtuous cycle going, and that allows the Government to do what it's most effective at, but also allows the private sector to do what it really needs to do. So, that's probably the biggest thing, I would say.

Ms. MUCARSEL-POWELL. Thank you. I ran out of time.

Chair NADLER. The gentlelady's time has expired.

Mr. Reschenthaler?

Mr. RESCHENTHALER. Thank you, Mr. Chair.

Mr. Chair, I would defer to my friend and colleague from Ohio, Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding.

Director, I want to go back to where my colleague from Florida, Democratic colleague, was just at, talking about Russian election interference. We had a brief exchange on this a few minutes ago. Again, Dr. Hill talked about the dossier. She said that it was a rabbit hole. During her testimony in the open hearing in front of the Intel Committee, she said it was a rabbit hole and that she thought Christopher Steele got played.

Yet, that very document that Mr. Steele put together by talking to Russians was taken to the court to get a warrant to spy on a presidential campaign, specifically the Trump campaign. So, that

means one of two things had to have happened. Either the FBI got played, or the people in charge of that investigation at the headquarters knew about the dossier and yet used it anyway, their bias was that strong.

It seems to me in light of all that, the real question is—and you have referenced this in I think your opening statement, Director. The real question is what are we going to do now? We have got 5 weeks until a major reauthorization takes place. So, what are the specific things we can do now to address what took place?

The FBI got a document that was from Russians that was not true and yet used that to go spy on a presidential campaign. So, what recommendation—let me run through, maybe run through a list, and you can tell me if you like some of these ideas.

Should there be—would you recommend to the FISA court that there be a Citizen Advocate at the court when an American citizen's rights are going to be infringed on?

Mr. WRAY. I think that's a change that we would have to think very, very carefully about, lest it have all kinds of unintended consequences.

Mr. JORDAN. Would you be in favor of a transcript of every FISA hearing being kept by the court, and secondarily, that transcript then being sent to the House Intelligence Committee and the Senate Intelligence Committee for their review and only that Committee's review?

Mr. WRAY. That starts to involve the manner in which the court conducts its proceedings. So, I'd have to think about that a little bit more.

Mr. JORDAN. How about some type of appeal process? Any type of appeal process that you would favor?

Mr. WRAY. Well, there is under the current FISA system from the FISC, the FISA court, at the lower level, there is the so-called FISCR, or FISC Court of Review. So, there is an Appellate Court, and there have been in extraordinary circumstances appeals to the FISA Court of Review.

Mr. JORDAN. How about a hearing—whenever there is a renewal of a FISA warrant, that there actually be a hearing? You can't just look at the paper and say, okay, we are going to continue the FISA warrant. Of course, the example is Mr. Page, Carter Page. They got the initial warrant, and then it was renewed three times.

So, how about during those renewal process or those renewals, that it is an actual hearing every single time?

Mr. WRAY. Well, I think the court has the discretion to have hearings whenever it thinks it's appropriate. The thing I would say whenever we talk about anything with FISA, when you use phrases like "every single time," is that it's important for the American people to understand, for this Committee to understand that the vast majority of the FISAs that we do, both the initial applications and the renewals, are the kinds of applications that I am quite confident—we don't know each other, but I'm quite confident you wouldn't lose any sleep over. We really wouldn't want to grind things to a halt on that front.

Mr. JORDAN. I am not disputing that, Director. We have a 400-page report, and we know what took place in the context of 2016—2017 relative to Carter Page, who was part of the Presidential cam-

paign. Some of the things that were spelled out in this report, my guess is probably have never happened in American history.

So, that is our concern, and we hear so much about Russian interference in our election, which is true. It happened. We all know it did, and we want it to stop. Seems to me a big part of that Russian election interference was the idea that a document that Russians put information came from Russians that Christopher Steele put together, was used in this way I think is scary.

Mr. WRAY. Just on that point, because I think just to make sure we're not talking past each other unintentionally. When it comes to the origins of the investigation, the Crossfire Hurricane investigation, I think the Attorney General has said publicly—so I think that's why I'm on solid ground to say it here—that one of the things that Mr. Durham is looking very specifically at is the origination for the investigation.

Mr. JORDAN. Sure. We appreciate that.

Mr. WRAY. We have cooperating fully with that investigation, as the Attorney General himself has commented publicly on a number of occasions. So, there's that.

The other thing I would say to you, which might go a little bit to the issue you're raising, is that as the Attorney General recently mentioned in a press conference, he and I are putting in place mechanisms where investigations of the sort that was at issue in the Crossfire Hurricane context would have to get approved both by the Director and by the Attorney General.

Mr. JORDAN. Important point.

Ms. BASS. Time. Time.

Chair NADLER. The time of the gentleman has expired.

Ms. McBath?

Mr. JORDAN. Mr. Chair, can I ask one quick question?

Chair NADLER. Ms. McBath?

Ms. MCBATH. Thank you, Mr. Chair.

Thank you, Director Wray, for being here today.

This is National Gun Violence Survivors Week, and I am a survivor of gun violence. I just want to thank you and all the FBI agents that work so diligently on behalf of the United States of America, trying to keep us safe from unnecessary gun violence and keep our communities safe. I really appreciate that.

I know that some of my colleagues before me have asked you today, they have asked you about hate crimes. I just want to kind of go back and start by returning to that serious issue. In November, the FBI released its hate crimes report, which found that there were more than 8,000 hate crimes offenses, and 57.5 percent were motivated by race, ethnicity, or ancestry bias.

Another 20 percent were motivated by religious bias. Of the incidents motivated by religious bias, about nearly 60 percent of them were antisemitic. So, taken together, antisemitism was the motivation behind about 11 percent, or 11.7 percent of all the hate crimes that were reported in the report.

Now, I know that you have addressed this a little bit before, but I would like to ask you to kind of elaborate a little bit more on the steps that the Bureau is taking to train our local law enforcement to respond to antisemitic incidents and reports, including reporting, information sharing, and violence prevention.

Mr. WRAY. So, I appreciate the question. A number of things that we're doing. One, I created a domestic terrorism hate crimes fusion cell last year that's designed to ensure that we're maximizing our effectiveness, both bringing the domestic terrorism dimension of the kind of threat you're talking about, as well as the hate crimes dimension. There's a lot of overlap, and I wanted to make sure that we are leveraging every possible resource.

Second, we elevated to the top-level priority racially motivated violent extremism, so it's on the same footing in terms of our national threat banding as ISIS and homegrown violent extremism. We have directed all our joint terrorism task forces, and there are 200-plus of those all over the country. We're talking about 4,500 something investigators—Federal, State, and local together—to make sure that domestic terrorism is squarely within their sights.

We talked a little bit earlier about the threats to life, and a lot of those are in this category and making sure those get farmed out as a priority to our State and local partners. I have personally been engaged on this. I went to the Tree of Life synagogue myself and walked the crime scene with the team. We're doing a lot of outreach efforts.

I've met with leaders of a number of the national Jewish organizations. We do presentations all over the country to help them help houses of worship better secure them. So, those are some of the things that I would mention.

Ms. MCBATH. Thank you. Thank you for that.

The statistics in the hate crimes report are made more chilling when we consider that many of those who harbor hate actually have access to weapons. Having lost a son to one of those weapons, I am proud to be a co-sponsor of my colleague Representative Cicilline's bill—he is not here—the Disarm Hate Act, which would actually prevent individuals from possessing a gun if they are convicted of a hate crime.

My bill, the Federal Extremist Protection Order Act, could also be used by law enforcement to keep guns out of the hands of people that appear to be in crisis, emotional or behavioral crisis, and a danger to themselves and to others. Extremist laws like my bill can actually help prevent gun violence by actually responding to signs of danger before the tragedies actually occur.

We know that the signs—we know what the signs are. An FBI study found that the average active shooter displayed 4–5 observable and concerning behaviors over time, often related to the shooter's interpersonal interactions, verbal threats, apparent distress, physical aggression, and other signs of violent intentions.

For every active shooter in the study, at least one person noticed that behavior or that concerning behavior. So, what recommendation does the FBI have for reducing the risk of active shooters?

Mr. WRAY. So, first, let me just say that I'm deeply sorry for your loss, and I can only imagine—I know there's no words that I can say that would help ease your pain, but I just want to make sure that you understand how much I feel for you.

Second, when it comes to the phenomenon that you're describing, I think you put your finger on an important point. We know in situation after situation, whether it's the homegrown violent extremist or the racially motivated violent extremist or even just the sort

of more classic school shooter, that in almost every instance when you go back and look, there was someone—a family member, neighbor, co-worker, or classmate, it could be anyone who saw or who knew the person well enough and saw a change in the behavior.

We say all the time, you hear that expression, “If you see something, say something.” Well, most of us when we hear that, we picture the unattended backpack in the bus terminal or something, right? Of course, we want people to say something then, too. We’re really trying to push out the message that if you see something about someone that doesn’t seem right, we want you to say something.

I think that, most of the studies show that if we could get more of the American public to do that, in some cases it requires a leap of faith in law enforcement because you may be talking about somebody that’s very close to them. That’s the way we can ensure that some of these people get the help they need, but also, more importantly, protect them from hurting other people.

Ms. MCBATH. So, and last question. Do you believe that these red flag laws are advantageous in really curbing the tide of gun violence?

Mr. WRAY. Any sort of position on actual gun legislation is something that we would have to coordinate with the Department. Certainly, I know a number of States have passed laws like that, and we work with them when they have those laws and use whatever tools are in the toolbox.

Ms. MCBATH. Thank you.

Chair NADLER. The gentlelady yields back.

Ms. Roby?

Ms. ROBY. Thank you, Director Wray, for being here and staying for this long for us to ask our questions.

Being from Alabama, I first want to highlight the FBI’s investment in their new facilities in Huntsville, projected to add over 4,000 jobs. So, we in Alabama are very pleased that the FBI is investing in our State.

When you testified last year in front of the Appropriations Committee, I focused on human trafficking and child welfare, and I was pleased to see that you focused on human trafficking and child exploitation for two pages in your written testimony. On January 31st, of course, the President signed an Executive Order combating human trafficking and online child exploitation in the United States. So, I want you to talk about that in a minute, about that Executive Order, how you plan to enforce that and work to combat child exploitation, continue to combat child exploitation and trafficking.

Also, I serve here on Judiciary as the Ranking Member on the Subcommittee on Courts, Intellectual Property, and the Internet. One area that I, as a mom, am deeply concerned about is child safety on the Internet. I hope that my colleagues in the majority will hear this, as I have been very much trying to create some space here on this Committee for us to dive into that in a hearing specific to that.

The Internet is being used to exploit and entrap children, and I think a big piece of this is education of parents, quite frankly, which is one of the reasons I want to have a hearing here to help

draw attention. With the Executive Order and my concerns, I will give you an opportunity to talk about not just what the FBI is doing now, but any plans you have for the future, and quite frankly, how can we here in the Congress be more helpful?

This is a very serious issue that needs a lot of attention.

Mr. WRAY. Well, I appreciate both questions. This is a subject I remember well, your commitment and focus on this issue. It's a subject that's near and dear to my heart, not just now as FBI Director, but earlier in my law enforcement career when I was Assistant Attorney General. Frankly, even in private practice, one of the pro bono efforts that I was involved in was to try to push our firm to do pro bono work for victims of human trafficking. So, I have a long history of being interested in this topic.

On the FBI's end, certainly I was there for the signing of the Executive Order that you mentioned that the President signed, and I appreciate his focus and his daughter's focus on this issue. It's a multi-agency effort that is extremely important.

On the FBI's end, we recently had, for example, Operation Independence Day over the summer, where I think we ended up rescuing over 80 kids. That's just in about a month. You think about that. That's not counting the kids who we caught the predators, but the kid didn't happen to still be ongoingly victimized. Who knows what would have happened if we hadn't arrested all the perpetrators that were involved in that.

We try very hard to have a victim-centric approach, so it doesn't end with just the prosecution of the offender, but to try to engage through our Victims Services Division with the victims and stay connected with them even beyond that as they engage in recovery.

On the last point, on the child exploitation online point, that is a subject I'm deeply concerned about, and it goes—when you asked like what Congress can do? I would come back to the lawful access issue. That is the law enforcement's ability to maintain—this is not about gaining new authority. This is about not losing lawful access to the content, which is what allows us to rescue all those kids.

Last year, there were about 18 million, 18 million tips provided to NCMEC, child exploitation tips. Something like 80 percent of those tips came from Facebook. To Facebook's great credit, by the way. If Facebook goes forward with the plans that they have right now to go to end-to-end encryption across all their platforms, what that will mean is that those 18 million tips will just disappear.

No longer, it doesn't matter what laws Congress pass, doesn't matter what lawful access we've been given, we will not be able to see that content. So, the perpetrators will still be out there. The victims will still be out there. The only thing that will be gone is the evidence we need to stop them and rescue those kids.

Ms. ROBY. Right. I know my time has expired, but I really, really, really would like to take this opportunity to say to the majority please, please help us create some space, either on the Subcommittee or the Full Committee so that we can have—

Ms. BASS. [Presiding] Ms. Roby, I just pulled someone aside and asked that they follow up with you, your staff specifically.

Ms. ROBY. Thank you. Really, honestly, it is more about having a public hearing where we can dive into the various—

Ms. BASS. That is what I asked—I do understand that.

Ms. ROBY. Yes.

Ms. BASS. We talked about it.

Ms. ROBY. Yes. Yes, you and I did.

Ms. BASS. I did just raise it a minute ago.

Ms. ROBY. Okay, perfect. Thank you.

Thank you, Director Wray. Appreciate it.

Ms. BASS. Mr. Correa?

Mr. CORREA. Thank you, Madam Chair.

Director Wray, I want to thank you very much for being here today. I want to thank your staff, the FBI, for the good work you do protecting our country, as well as our families.

I want to turn a little bit and talk about facial recognition technology. Its use, its capabilities are exploding. That genie is out of the bottle, so to speak. I know other countries are using it extensively.

So, my question to you is, in general, is the FBI using this technology, and to what extent?

Mr. WRAY. So, I appreciate the question. You're right that certainly other countries may use facial recognition differently than we do. We do use facial recognition, but—and this is the really important point—we use it for lead value. So, in other words, we don't use facial recognition as the basis to arrest or convict someone. We use it to figure out if we're going in the right direction and then put together with other information.

Second, we only allow people who are subjected to very significant and rigorous training on the Constitution and on the appropriate scientific steps to use that technology. I would say that we recently upgraded and the last point I'll make on this is we recently changed our algorithms to fit the NIST testing standards, and we now have tested out at over 99 percent accuracy under the NIST standards.

Again, the key takeaway is we use it for lead value. So, an agent can submit information. They can run the facial recognition through the database, and they don't get a one-to-one match. They give them back a couple different options, and then they pursue it again for lead value, not as evidence to arrest or convict somebody.

Mr. CORREA. I sit on Homeland Security, and this has been a subject matter that we have delved into extensively. Airports and other areas where this technology is useful, very useful. Same time, there is a lot of false positives. So, what you are telling is that constitutionally, you are putting in some guardrails there to make sure this technology is not abused. Is that what I am hearing?

Mr. WRAY. Yes. We take rigorous obedience to the Constitution as one of our core values, and we're applying it very much to the way we use facial recognition.

Mr. CORREA. When you say you use it for leads, other countries, they put a camera at every corner, and all that technology, all that facial recognition information is stored somewhere for God knows what reasons. Here, you are saying it is only for leads.

So, if you have got a camera somewhere in public and see a bank robbery, you see somebody running away from that area, that would be an instance where you would use it to try to identify a possible suspect in that situation?

Mr. WRAY. Well, I guess you could have a situation, right, where let's say we got a tip about a potential terrorist incident, and there's a video of somebody who's unidentified. The quality of the picture is such under the appropriate scientific standards we could take that picture and run it against the database and see if that matches with somebody in the database. Then we might know that we're going in the right direction.

Mr. CORREA. In that situation, if I may interrupt, do you have a database of suspected terrorists, terrorist watch list that you would be comparing that to? Is that what I am hearing you say?

Mr. WRAY. Well, I don't know how I would describe the FBI's own database.

Mr. CORREA. You have a database?

Mr. WRAY. We have a database of our own. We also have the ability with a number of States around the country where they have photos that under MOUs, very strict MOUs that are designed to ensure compliance with the Constitution, we can send them a picture and say can you run this and see if this hits with anybody you have in your system?

There's a whole process for that. It can only be done by people who are trained appropriately. Again, even if we get back a positive match, it's then just for lead value. It's for investigative value, not—

Mr. CORREA. Director Wray if I may interrupt you? I am running out of time. Again, as I mentioned, this is a very powerful tool, very useful tool, but also one that could be subject to errors and abuse.

I would ask your department to continue to periodically update us on your progress in terms of how you are using it and also on those guardrails you are putting in in terms of to assure that there isn't any misuse or abuse and that you are constitutionally doing the right thing. Again, want to make sure we work with you so there are no misunderstandings moving forward.

Thank you for being here, sir.

Ms. BASS. Thank you, Director Wray. Thank you for being with us today, and I know you have been here for a very long time.

We have spoken many times about Black Identity Extremists, and I definitely want to ask you about that today. I understand that the Bureau no longer uses BIE and instead categorizes these cases under the broader label of racially motivated violent extremism. One, I wanted to know if you guys have really repudiated the whole BIE category? Because I know when we have talked about it in the past, it really didn't seem to be that there was much evidence that there were Black Identity Extremists.

The title was a little longer than that, something about Black Identity Extremists that threaten police or attack police? So, tell me what is different.

Mr. WRAY. So, I found our conversations before to be very constructive and very valuable, and we also engaged not just with you and your colleagues, but also with NOBLE with whom we have a great relationship and are working more closely than ever.

Ms. BASS. Great. Yes, that is great. Good.

Mr. WRAY. We have, as you mentioned, changed our terminology as part of a broader reorganization of the way in which we categorize our domestic terrorism efforts. So, we took a whole bunch

of categories, not just the one that you mentioned, but a number of others and consolidated down to really four buckets. The reason for that is—

Ms. BASS. What are the four buckets?

Mr. WRAY. What's that?

Ms. BASS. What are the four buckets?

Mr. WRAY. There's racially motivated violent extremism, which is any kind of violent extremism that's driven with a kind of racial intent of one sort or another, no matter which direction.

There is anarchism/government extremism. I may not have the label right. That covers kind of variety of everything sort of—certain kinds of militia stuff all the way over to kind of more the anarchist, maybe sort of Antifa-like kind of methodology.

There is abortion violent extremism, people on either side of that issue who commit violence on behalf of different views on that topic.

Ms. BASS. People on either side of that issue don't commit violence.

Mr. WRAY. Well, we've actually had a variety of kinds of violence under that, you believe it or not.

Ms. BASS. Really? That go into the buildings and hurt the doctors—

Mr. WRAY. At the end of the day, and then the last one has to do with animal rights and environmental.

Ms. BASS. Those are the four?

Mr. WRAY. What's that?

Ms. BASS. Those are the four?

Mr. WRAY. Those are the four. The point is we wanted to underscore what I told you earlier, but we wanted to make it even more clear that at the end of the day, for us, it's not about the ideology. It's about the violence. That's where we weigh in.

Ms. BASS. Right.

Mr. WRAY. It's not that the ideology isn't important—

Ms. BASS. Right.

Mr. WRAY. —for us as Americans, but we only investigate violence and the crimes that go with the violence. So, we wanted to make clear that.

Ms. BASS. So, under the racially motivated violent extremism, how many African-American or Black groups are considered under there?

Mr. WRAY. Well, again, I want to be clear. We don't investigate groups, per se. We have properly predicated investigations into individuals, and in some cases, they may have co-conspirators. In each of those instances, it's where we have three things:

- (1) Credible evidence of a Federal crime;
- (2) credible evidence of violence or threat or use of violence; and
- (3) on behalf of some ideology.

If we have those things and only if we have those things will we open an investigation.

Ms. BASS. Right. So, are White supremacist groups under racially motivated violent extremism? Or do White supremacists have a whole separate category?

Mr. WRAY. Well, again, I want to stay away from the use of the word "groups." We certainly investigate White supremacist moti-

vated violent extremism in the same category that we're talking about.

So, for example, we just last month arrested eight Members, I think, of a group known as the Base, and there were arrests that were made not just in my home State of Georgia, but also in Maryland.

Ms. BASS. Oh, yes. That was getting ready to go to Virginia. Correct?

Mr. WRAY. What's that?

Ms. BASS. That was the group that was on their way to Virginia? Mr. WRAY. I think that's right. I can't remember that detail specifically.

Ms. BASS. So, there are organizations, and I understand that when you say you just investigate individuals. You just gave an example of a group. So, I know that there are a lot of White supremacist groups, and so my question to you is about Black groups. So, I don't know, maybe they are Black individuals.

Under the category of Black identity extremism formerly, there were organizations such as the one in Texas and the individual in Texas that was arrested. He was incarcerated for a while, and then after being incarcerated and going on trial, he was released. He had activity on a website, and he also had literature when he was arrested. Are you familiar with the case that I am talking about? We have talked about it before.

Mr. WRAY. I think so, yes.

Ms. BASS. So, my question is, are there African Americans or Black groups or individuals that are currently a part of the racially motivated violent extremism category?

Mr. WRAY. Well, again, I don't know that I would speak in terms of investigating groups. We investigate individuals and, in some instances, individuals with co-conspirators. I would say certainly there are individuals who we categorize and track under the racially motivated violent extremism part of our program management who are African Americans targeting others.

So, for example, you probably saw some of the reporting about the killing of the individuals in Jersey City.

Ms. BASS. I did.

Mr. WRAY. Including the killing of the people in the kosher supermarket.

Ms. BASS. I did.

Mr. WRAY. Those individuals associated themselves with something called the Black Hebrew Israelite.

Ms. BASS. Oh, I am very familiar with them.

Mr. WRAY. So, we are—

Ms. BASS. So, let us use that—

Mr. WRAY. That would be in that category.

Ms. BASS. So, let us use that as an example, because I am very familiar with that group. That group is in several—what did you say?

Mr. COLLINS. Your time has expired.

Ms. BASS. Yes, well, excuse me, but I am taking the prerogative of the Chair.

Mr. COLLINS. It has happened all day.

Ms. BASS. Using that group as an example, is that a group? Because they open—I mean you see them on street corners and different groups. They are not a secret group at all. Is that group part of the racially motivated extremism, the group? I understand the Act that took place, and I understand the individuals, and it is not clear their level of association.

Mr. WRAY. What I would say to you on that is we have some investigations into individuals who associate themselves with that movement.

Ms. BASS. Beyond those two people?

Mr. WRAY. Yes.

Ms. BASS. Okay. Director Wray, documents published in 2019 in August suggest that the FBI still uses the designation. The documents show that the FBI's official consolidated strategy guide, which lists the Bureau's counterterrorism priorities, continues its focus on BIE. So, the same document, are you familiar with the document that I just mentioned?

Mr. WRAY. Not from your description of it. So, perhaps what I can do is if you want to have my staff take a look at that document—

Ms. BASS. What about the “iron fist?”

Mr. WRAY. The what, now?

Ms. BASS. The iron fist? The documents identify an FBI threat mitigation strategy called the iron fist. Are you familiar with that?

Mr. WRAY. Not sitting here right now, but if you want to send me the document, you're looking at offline, I can have my staff follow up with you, and we can try to get back to you on it.

Ms. BASS. Okay. All right. Thank you.

The hearing is adjourned. Thank you very much.

Mr. WRAY. Thank you.

[Whereupon, at 2:40 p.m., the Committee was adjourned.]

APPENDIX



**Written Statement of
Asian Americans Advancing Justice | AAJC**

U.S. House of Representatives
Committee on the Judiciary

February 5, 2020

Oversight of the Federal Bureau of Investigations

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Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) respectfully submits this testimony for the record for the public hearing entitled, "Oversight of the Federal Bureau of Investigations" held on February 5, 2020 by the U.S. House of Representatives, Committee on the Judiciary in Washington, D.C. We write to express our concerns about the FBI's profiling and wrongful prosecutions for espionage of students, scientists, and researchers of Asian descent.

Advancing Justice | AAJC is a national non-profit, non-partisan organization that works through policy advocacy, education, and litigation to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Founded in 1991, Advancing Justice | AAJC is one of the nation's leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community including immigration and immigrants' rights, census, hate incidents, language access, technology and telecommunications, and voting rights.

We appreciate this opportunity to submit a statement for this hearing on the harms resulting from the profiling of our communities by the FBI. Advancing Justice | AAJC seeks to draw the committee's attention to our concerns about the FBI's surveillance and profiling of Asian Americans and Asian immigrants. Biased public statements by public officials combined with data and individual cases indicating that there have been wrongful arrests and prosecutions of innocent Asian Americans have raised red flags for us that the FBI may be engaged in biased



policing. We describe existing agency biases and profiling, and how efforts to prosecute our communities for espionage-related claims have been extremely harmful. Despite the ongoing issues of implicit bias, discrimination, and race and ethnicity-based profiling, the U.S. government has called for expanding efforts that would lead to more wrongful prosecutions of Asian Americans and Asian immigrants. We provide reasons for our opposition to escalating these efforts which only serve to undermine our American values. We encourage the committee to consider the facts below in contemplating any further oversight activities.

I. Biased Statements Made by Government Officials About Chinese and Asian Scientists and Students

The current social and political environment has created fear among our communities as rhetoric from public leaders including the Director of the FBI encourages bias and fosters hate against Asian Americans and others of Asian descent. Director Chris Wray painted a broad brush for all persons of Chinese descent when he stated that the FBI “in almost every field office ... around the country” sees counterintelligence risks in Chinese professors, scientists and students “across basically every discipline.”¹ Director Wray cast all of the hundreds of thousands of Chinese professionals and students in academia as potential threats to the U.S.² At the highest office, President Donald Trump stated, “[A]lmost every student that comes over to this country [interpreted as referencing from China] is a spy.”³ This rhetoric creates a climate of fear that chills free speech and has a detrimental effect on American academia and research by discouraging immigration from the best and brightest minds from all around the world. This messaging encourages bias by law enforcement officers, government officials, employers, and colleagues to view students and scholars of Asian descent as suspect, increasing surveillance and the likelihood of false reporting and arrests without proper evidence and errors in investigations, which as described below, Asian American scientists are already experiencing. The current political and social environment has made many Chinese nationals along with other immigrants feel unwelcome here. Recent rhetoric echoes anti-Chinese and anti-Asian sentiments from the

¹ *Open Hearing on Worldwide Threats: Before the S. Select Comm. on Intelligence*, 115th Cong. (2018) (statement of Christopher A. Wray, Director, Fed. Bureau of Investigation); see also Elizabeth Redden, *The Chinese Student Threat?*, INSIDE HIGHER ED (Feb 15, 2018), <https://www.insidehighered.com/news/2018/02/15/fbi-director-testifies-chinese-students-and-intelligence-threats>.

² Our organization signed a letter requesting a meeting with Director Wray on March 1, 2018 along with other civil rights organizations regarding his statement and we have yet to receive a meeting. See here for more information: http://www.committee100.org/press_release/community-organizations-call-for-meeting-with-fbi-director-christopher-wray-regarding-profiling-of-students-scholars-and-scientists-with-chinese-origins/.

³ Annie Karni, *Trump Rants Behind Closed Doors with CEOs*, POLITICO (Aug. 8, 2018), <https://www.politico.com/story/2018/08/08/trump-executive-dinner-bedminster-china-766609>.
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past, and follows a long history of wrongful prosecutions of Chinese Americans for espionage-related crimes.

Given this background, we are very concerned about fearmongering and rhetoric which encourages bias and fosters hate against Asian nationals and Asian Americans. We have seen a disturbing rise in hate incidents over the last few years, some of which we believe have been spurred by anti-immigrant rhetoric from this administration. Advancing Justice | AAJC opposes increased efforts to scapegoat and profile Asian Americans and Asian immigrants. Further, we caution against overly broad policies which would exclude the vast majority of these researchers who contribute to the U.S. research enterprise, our economy, and our communities.

II. History of Exclusion & The “Perpetual Foreigner”

At various times in our nation’s history, Asian Americans have borne the brunt of this country’s xenophobia. Asian Americans have been made the face of the “yellow peril,” the “spy,” and “the terrorist.” Despite being part of the fabric of American society for centuries, Asian immigrants and their descendants are still caught up in the construct of the “perpetual foreigner.” Regardless of being U.S. citizens and actively contributing to this nation’s advancement, these Americans were treated with suspicion due to their race. Their appearance, accents, and connections with their country of origin made them convenient targets of scapegoating and profiling based on race or ethnicity.

The suspicion of people of Asian origin is deeply embedded in American history. The very first immigration law barring a whole ethnic group based on their origin of descent was against Chinese immigrants. Enacted in 1882, the Chinese Exclusion Act represented the first major law to restrict immigration to the United States, halting Chinese immigration for over 60 years and prohibiting Chinese individuals already living in the country from gaining citizenship.⁴ Chinese immigrants faced severe limitations such as being required to carry a residence permit and the inability to bear witness in court.⁵ Instead only a ‘credible white witness’ could testify for them.⁶ The Chinese Exclusion Act was followed a decade later by the Geary Act, and then the 1921 Quota Act.⁷ Exclusionary laws changed the face of America. As a result, by 1960, there were only 877,934 Asian Americans in the U.S.⁸ That was a mere half of one percent of the American

⁴ “Chinese Exclusion Act (1882),” <http://ocp.hul.harvard.edu/immigration/exclusion.html>

⁵Maureen Fan, *An immigrant’s story: Against a wall of exclusion*, SAN FRANCISCO CHRONICLE (Oct. 4, 2019), <https://www.sfchronicle.com/opinion/article/An-immigrant-s-story-Against-a-wall-of-14494875.php>.

⁶*Id.*

⁷*Id.*

⁸ INSIDE THE NUMBERS at 20.



population.⁹ Motivated by economic anxiety and racial scapegoating, these laws undermined the valuable contributions of these immigrants.

Later extended to other East Asian ethnic groups, racial scapegoating was embodied by the emergence in the 20th century of “Yellow Peril” – a pejorative term demonizing people of East Asian descent and a political tool facilitating their exclusion from society.¹⁰ During World War II, U.S. military leaders without cause feared that American citizens of Japanese descent would execute acts of sabotage against the government. Following Japan’s attack on Pearl Harbor in December 1941, President Franklin D. Roosevelt issued Executive Order 9066, which permitted the military to infringe on their constitutional rights in the name of national security.¹¹ Despite never having been accused of any crime and without trial or representation, approximately 120,000 Japanese Americans, half of whom were children, were incarcerated in federal detention centers.¹² Although this episode and the case upholding the Executive Order have been universally discredited, Justice Scalia also warned that: “Well, of course, *Korematsu* was wrong, . . . but I would not be surprised to see it happen again, in time of war. It’s no justification but it is the reality.”¹³

From the Chinese Exclusion Act of 1882 to the incarceration of Japanese Americans during WWII, to the murder of Vincent Chin and the surveillance and profiling of Muslim and South Asian Americans, AAPIs are living in the midst of the latest wave of resurgent xenophobia. Not only are AAPI communities profiled by our own country as spies and terrorists, the xenophobic rhetoric in our political discourse has created a toxic atmosphere, emboldening those who would act on hate, terrorizing our communities.

II. The Criminalization of Asian Immigrants and Asian Americans

Asian Americans and immigrants have increasingly been criminalized, stereotyped as “perpetual foreigners,” and profiled as spies disloyal to the United States. Advancing Justice | AAJC has been concerned with the unjust prosecutions and racial profiling of Chinese Americans and immigrants, harming the lives of not just individuals, but families and whole communities as

⁹ INSIDE THE NUMBERS at 20.

¹⁰ Steven Heller, *The Artistic History of American Anti-Asian Racism*, THE ATLANTIC (Feb. 20, 2014), <https://www.theatlantic.com/entertainment/archive/2014/02/the-artistic-history-of-american-anti-asian-racism/283962/>.

¹¹ *Internment History*, PBS (1999), <http://www.pbs.org/childofcamp/history/>.

¹² “Asian American History,” <https://jacl.org/asian-american-history/>.

¹³ “Scalia: *Korematsu* was wrong, but ‘you are kidding yourself’ if you think it won’t happen again,”

http://www.abajournal.com/news/article/scalia_korematsu_was_wrong_but_you_are_kidding_yourself_if_you_think_it_won/

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well. Asian Americans and Asian immigrants face significant harm as a result of biased policing and profiling.

A. FBI Engagement in Biased Policing & Profiling of Individuals of Asian Descent

In recent years, Advancing Justice | AAJC has grown concerned that the FBI is engaged in biased policing and is profiling individuals of Asian descent as guilty of espionage based on their ethnicity or race. According to FBI Director Christopher Wray, the FBI is investigating over 1,000 cases of U.S. IP theft and that “almost all’ lead[] back to China”.¹⁴ According to a recent Bloomberg report’s study of over a dozen former federal investigators, “[the] distrust of people of Chinese heritage [too often] drives decision-making at the FBI and other U.S. security agencies.”¹⁵ The report found that the FBI started an initiative that mapped out U.S. neighborhoods by race and ethnicity to monitor potential terrorists and spies in 2005.¹⁶ An FBI memo revealed that the FBI continued the initiative by doing an assessment for Chinese communities in San Francisco in 2009.¹⁷ Moreover, the FBI collaborated with the U.S. National Institutes of Health (NIH) which “started probes into some 180 researchers at more than 70 hospitals and universities, seeking undisclosed ties to China.”¹⁸ Not only were strategic decisions and investigations based on this inherent distrust of those of Chinese descent, but training materials were created that perpetuated and created a culture of bias and distrust against Asian Americans and Asian immigrants.

In his book, *Disrupt, Discredit, and Divide*, former FBI agent Mike German described the problem of stereotyping and profiling of Asian Americans and other racial minorities within the FBI post 9/11. He specifically discussed counterintelligence training materials that heavily stereotyped Asians and created a sense of otherness. One presentation meant to educate FBI agencies about “the Chinese” included a slide that warned, “Never attempt to shake hands with an Asian.”¹⁹ The ACLU obtained FBI counterintelligence materials, and one training presentation “warn[ed] agents against giving too many compliments to a Chinese woman as it might suggest a romantic relationship is desired, [and] another [told agents] to never stare at or attempt to shake hands with an Asian.”²⁰ German argued that these stereotypes of Chinese Americans as high risk for espionage “blind[ed] agents to real threats.”²¹ He described the

¹⁴ Peter Waldman, *Mistrust and the Hunt for Spies Among Chinese Americans*, BLOOMBERG NEWS (Dec. 10, 2019), <https://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* The FBI memo was obtained by ACLU in 2011.

¹⁸ *Id.*

¹⁹ MIKE GERMAN, *DISRUPT, DISCREDIT, AND DIVIDE* 83 (The New Press 2019).

²⁰ *Id.* at 192 (The New Press 2019) (citing Sean McElwee et al., “4 Pieces of Evidence Showing FBI Director James Comey Cost Clinton the Election,” Vox, January 11, 2017).

²¹ *Id.* at 77 (The New Press 2019).



training as “more likely to implant bias than to educate agents about the complex behavior of spies.”²² These training materials, lack of diversity, and existing practices fostered an environment ripe for bias and profiling against Asian Americans.²³

According to German, even Asian American FBI agents and other federal agency employees of Asian descent have felt marginalized and targeted by the agencies they served.²⁴ The Bloomberg report analyzed over 26,000 security clearance decisions for federal contractors since 1996, and found that the China-related denial rate for clearance applicants increased from 44% from 2000 through 2009 to 61% from 2010 to October 31, 2019.²⁵ Prior to 2009, clearance applicants with Chinese connections were denied at the same rate as other countries.²⁶ Now, denial rates for those with Chinese connections are higher than for any other country.²⁷ While some of this increase may be legitimate, there is evidence that the system is biased towards false positives when Chinese connections are involved. Wei Su, a former scientist for the U.S. Army, is an example of a government employee impacted by bias against people with connections to China embedded in government processes. Despite 24 years of working for the government, he found himself in the midst of an FBI investigation starting in 2011 when he was placed under surveillance, threatened with arrest, and stripped of his security clearance.²⁸ For years, Mr. Su fought to clear his name. Finally, this past May, the Pentagon’s Consolidated Adjudications Facility (CAF) rescinded the Pentagon’s previous letters that suspended and revoked Su’s security clearance.²⁹

The increases in security denials, arrests with scant evidence, and rhetoric by the administration has led to a chilling effect where Americans and immigrants choose not to travel to China to visit family or friends for fear of the distrust that would result from familial connections in China.³⁰ A 61-year-old Chinese American who immigrated to the United States in 1985 and has two U.S. citizen daughters sought security clearance for defense contracts for his machinery-design

²² Peter Waldman, *Mistrust and the Hunt for Spies Among Chinese Americans*, BLOOMBERG NEWS (Dec. 10, 2019), <https://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans>.

²³ MIKE GERMAN, *DISRUPT, DISCREDIT, AND DIVIDE* 83, 192 (The New Press 2019).

²⁴ *Id.* at 83 (The New Press 2019).

²⁵ Peter Waldman, *Mistrust and the Hunt for Spies Among Chinese Americans*, BLOOMBERG NEWS (Dec. 10, 2019), <https://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Peter Waldman, *Mistrust and the Hunt for Spies Among Chinese Americans*, BLOOMBERG NEWS (Dec. 10, 2019), <https://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans>.

²⁹ *Id.*

³⁰ *Id.*



company.³¹ Although the Defense Office of Hearings and Appeals (DOHA) Judge Noreen Lynch concluded that there was no evidence that he and his immediate family were approached by Chinese intelligence agents, she ruled in favor of the U.S. government and denied clearance.³² She took “‘administrative notice’ of a U.S. finding that China and Russia are ‘the most aggressive sponsors of economic spying.’”³³ She found that the “[a]pplicant’s close relationship to his father and sisters, who are vulnerable to potential Chinese coercion, outweighs his connections to the United States.”³⁴ This has significant potential ramifications for many Asian Americans who face bias as perpetual foreigners and endure inherent assumptions against their loyalty to the United States.

B. U.S. Government’s Disproportionate Targeting of Asian Americans and Asian Immigrants for Espionage

The United States government charges, prosecutes, and sentences Asian Americans and Asian immigrants for espionage at a disproportionate rate indicating the presence of bias and racial profiling. A white paper authored by Andrew Kim and published by the Chinese-American organization Committee of 100³⁵ revealed that data supports that racial bias exists in the charging, prosecution, and sentencing of people of Asian heritage.³⁶ Since 2009, people of Asian heritage were more likely to be charged under the Economic Espionage Act of 1996 (EEA) than any other group.³⁷ According to the study, “62% of EEA defendants charged since 2009 have been people of Asian descent”.³⁸ The overall percentage of individuals who are of Asian heritage charged under the EEA has increased with those of Chinese heritage alone having tripled since 2009.³⁹ For these individuals of Asian descent who were prosecuted, the rate at which they were “acquitted at trial, pled guilty only to ‘false statements’ and released on probation, or, most often, had all charges dropped against them” was two times higher than individuals of any other race.⁴⁰

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ Andrew Kim, *Prosecuting Chinese ‘Spies:’ An Empirical Analysis of the Economic Espionage Act*, COMMITTEE 100 (May 2017), <https://committee100.org/wp-content/uploads/2017/05/2017-Kim-White-Paper-online.pdf>.

³⁶ The study analyzes data of 136 cases selected as random samples of individuals charged under the Economic Espionage Act (EEA) from 1997 to 2015. All data was taken from publicly available court documents from the Public Access to Court Electronic Records system (PACER).

³⁷ *Id.* at 8.

³⁸ *Id.* at 6.

³⁹ *Id.* (According to the study, from 1997 to 2009, 17% of EEA defendants were of Chinese descent while 9% were other Asians. This number tripled to 52% for Chinese defendants.)



In addition, there is a significant disparity for sentencing. Of those convicted, people with Asian names were given sentences twice as long than those with Western names.⁴¹ The average sentencing for defendants convicted of espionage with Asian names was 22 months compared to 11 months for those with Western names.⁴² Asian Americans and immigrants are left vulnerable to a system that is biased and have led to too many instances in recent years of Asian Americans being wrongfully prosecuted for espionage-related crimes.

Individuals of Chinese or Asian descent are disproportionately targeted compared to other groups for espionage crimes.⁴³ Andrew Kim expanded on his earlier study in a *Cardozo Law Review* article where he suggested ways in which implicit bias against Chinese and Asian defendants may implicate prosecutions in espionage cases. Prosecutors may be engaging in bias by filing charges early because they perceive Asian defendants to be a greater flight risk due to the pervasive “perpetual foreigner” stereotype⁴⁴ or filing based on weak evidence because of a preconceived notion that Asians are spies.⁴⁵

Moreover, the article illustrates a potential problem of “pretextual prosecutions”.⁴⁶ Prosecutors with implicit bias profile Asian Americans based on their ethnicity or race charging them for the more serious offense of espionage. When the Asian defendant is not found guilty, prosecutors will try to convict him or her of a minor offense such as making a false statement made during the investigation. This would effectively punish the Asian defendant despite the prosecution being a result of initial racial profiling and implicit bias.⁴⁷ This was the case with Sherry Chen, a Chinese American hydrologist charged with stealing flood pattern data. During the course of the investigation, investigators asked Chen when she last saw a former classmate, and she told them, “I think 2011” when she had actually met in 2012.⁴⁸ Although Chen was not found guilty as all charges were dropped against her, prosecutors had sought to convict her of making a false statement.⁴⁹ These are not merely studies, but translate to real human ramifications for those innocent individuals including American citizens whose reputations and livelihood were ruined as a result of the government’s targeting and racial profiling of Asian Americans.

⁴¹ *Id.* at 10.

⁴² *Id.*

⁴³ Andrew C. Kim, *Prosecuting Chinese “Spies”: An Empirical Analysis of the Economic Espionage Act*, 40 *Cardozo L. Rev.* 749, 754 (2018).

⁴⁴ *Id.*

⁴⁵ *Id.* at 755.

⁴⁶ *Id.* at 756.

⁴⁷ *Id.* at 756.

⁴⁸ *Id.* at 774.

⁴⁹ *Id.*



C. The U.S. Government Expansion of Prosecution Efforts Despite the Human Impact of Prosecutions

Despite the ongoing issues of implicit bias, discrimination, and race and ethnicity-based profiling, the U.S. government called for expanding efforts that would lead to the potential targeting of Chinese and Asian Americans and immigrants. The Permanent Subcommittee on Investigations called for seven federal agencies and universities to increase efforts against the threat to U.S. research enterprise posed by Chinese talent recruitment plans both in their hearing and in their published report.⁵⁰ Given all the indications of bias explained above, we caution against escalating investigative efforts without first addressing existing biases that harm Asian Americans and immigrants. As the government increases efforts against Chinese espionage, more innocent defendants of Asian heritage, including Americans, will be arrested, and then prosecuted, or, even if they are not prosecuted, suffer irreparable harm.

Innocent individuals such as Wen Ho Lee, Guoqing Cao, Shuyu Li, Sherry Chen, and Xi Xiaoxing, are permanently harmed. Former FBI agent German stated, “The [FBI] training is a form of othering, which is a dangerous thing to do to a national security workforce learning to identify the dangerous ‘them’ they’re supposed to protect ‘us’ from.”⁵¹ This danger of othering is all too real for many Asian Americans. In December 1999, the government prosecuted Wen Ho Lee, a Taiwanese American scientist, accusing him of passing secrets to the Chinese government about a U.S. nuclear program despite lacking evidence of espionage.⁵² Although Lee received restitution, great damage had been done. In addition to suffering from a damaged reputation, he spent nine months in solitary confinement and was denied basic legal protection under the law.⁵³ In 2013, a federal grand jury indicted two former Eli Lilly and Co. senior biologists, Guoqing Cao and Shuyu “Dan” Li, on charges of stealing nine drug discovery trade secrets and passing them to a Chinese drug company.⁵⁴ The U.S. attorney’s office later requested the dismissal of all charges but neglected to specify the reasons for doing so.

⁵⁰ *Threats to the U.S. Research Enterprise: China’s Talent Recruitment Plans*, Permanent Subcommittee on Investigations, 3-5, <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China%27s%20Talent%20Recruitment%20Plans.pdf>.

⁵¹ Peter Waldman, *Mistrust and the Hunt for Spies Among Chinese Americans*, BLOOMBERG NEWS (Dec. 10, 2019), <https://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans>.

⁵² Lowen Liu, *Just the Wrong Amount of American*, SLATE (Sept. 11, 2016), <https://slate.com/news-and-politics/2016/09/the-case-of-scientist-wen-ho-lee-and-chinese-americans-under-suspicion-for-espionage.html>.

⁵³ *Id.*

⁵⁴ *Feds dismiss charges against former Eli Lilly scientists accused of stealing trade secrets*, INDY STAR (Dec. 5, 2014), <https://www.indystar.com/story/news/crime/2014/12/05/feds-dismiss-charges-former-eli-lilly-scientists-accused-stealing-trade-secrets/19959235/>.

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In 2014, federal agents accused Sherry Chen, a Chinese American hydrologist then employed at the National Weather Service, of using a stolen password to download information from a federal dam database and of lying about meeting with a high-ranking Chinese official.⁵⁵ Chen had sent publicly available information to a former classmate in China and then connected him to a colleague for further information about his inquiry. The colleague reported her. The Justice Department dropped the case after finding no evidence of espionage, but the Commerce Department in 2015 announced its plan to fire Chen. Although the federal Merit Systems Protection Board in April 2018 ruled in favor of her reinstatement and suggested that Commerce officials had buried exculpatory evidence, the Commerce Department plans to appeal the ruling and proceed with her dismissal.⁵⁶

In 2015, Xi Xiaoxing, a Chinese American physics professor at Temple University, was accused by the Justice Department of sharing sensitive American-made technology with Chinese scientists.⁵⁷ Without consulting with experts to understand the technology, FBI agents and prosecutors branded Dr. Xi as a Chinese spy. He was eventually vindicated after independent experts discovered that the information that he shared for academic purposes was not classified and perfectly lawful. These cases form a disturbing trend that leads us to believe that race and ethnicity-based profiling is indeed driving these prosecutions.⁵⁸

Examined in conjunction, these cases validate a disturbing yet ongoing trend – the criminalization of Asian Americans in the name of national security. When a subset of the population is regarded as “perpetual foreigners” or as “the other,” national security arguments can easily overshadow civil and human rights considerations. We only need to recall the mass incarceration of Japanese Americans during World War II to reflect on the inhumanity of systemic marginalization.

Given all the indications of bias explained above, we caution against escalating investigative efforts without first addressing existing biases that harm Asian Americans and immigrants. As the government increases efforts against Chinese espionage, more innocent Asian defendants including Americans will be arrested, and then prosecuted or, even if they are not prosecuted,

⁵⁵ Nicole Perlroth, *Accused of Spying for China, Until She Wasn't*, NY TIMES (May 9, 2015), <https://www.nytimes.com/2015/05/10/business/accused-of-spying-for-china-until-she-wasnt.html>.

⁵⁶ Nicole Perlroth, *Cleared of Spying for China, She Still Doesn't Have Her Job Back*, NY TIMES (May 17, 2018), <https://www.nytimes.com/2018/05/17/technology/sherry-chen-national-weather-service.html>.

⁵⁷ Matt Apuzzo, *U.S. Drops Charges That Professor Shared Technology With China*, NY TIMES (Sept. 11, 2015), <https://www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html>.

⁵⁸ *Racial Profiling*, ACLU (2019), <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/racial-profiling>.



suffer irreparable harm. This creates a chilling effect that disincentivizes immigration, public speech and civic engagement from Asian countries. This is very concerning for Asian Americans which is a majority immigrant population. The impact of this is most evident with Chinese students seeking to study and contribute to academia in the United States.

IV. Secondary Negative Impacts of Racial Profiling

A. A Growing Asian American Community Subject to Bias

The Asian American population is the fastest growing racial group largely driven by immigration.⁵⁹ About two-thirds of Asian Americans are foreign born.⁶⁰ Among the different Asian ethnic groups, Chinese Americans have the second largest immigrant population among AAPIs in the country. The AAPI immigrant community including Chinese Americans and immigrants play an integral role in American society. Immigrants, including naturalized Americans, can be more vulnerable to bias and disparate treatment by governmental and private institutions. When subject to accusations of wrongdoing, they may have a more challenging time navigating the legal system and government bureaucracies.

B. The Profiling and Bias in the Prosecutions of Chinese and Asian Defendants Create a Chilling Effect on U.S. Academia and Research by Cultivating an Environment of Fear for International Students Including Those from China

The statements made by the President and other government officials along with the profiling and bias in the prosecutions of Chinese and Asian defendants create an environment of fear for international students and scholars, particularly those from China seeking only to graduate and finish their studies. This not only impacts individual lives, but also negatively impacts innovation and progress in our academic arena and for our country. Dr. Martha E. Pollack, the President of Cornell University expressed her concern about the decline in international student enrollment:

“When we discourage or turn away international students, we lose much more than the students themselves... we lose their inventions and innovation, their collaborative input and their contributions to our communities. In time, we lose our centers of technical excellence, which will, inevitably, migrate to places where every talented contributor is

⁵⁹ ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 2, 9 (2019) (citing U.S. Bureau, 2017 American Community Survey 1-Year Estimate, Table S0201), available at https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf.

⁶⁰ INSIDE THE NUMBERS at 2.



welcome. Ultimately, we will lose not just our status as a global leader, but the very identity that earned it.”⁶¹

These fears by university and academic leaders about the chilling effect of current rhetoric and policies on international students is warranted.⁶² Overall, there has been a decrease in new international student enrollment. According to the most recent State Department *Open Doors* report, there has been a 6.6% decrease in new international student enrollment in 2017/18 which was double from the previous year.⁶³ This marked “the first time America has seen a two-year decline”, and signified the shift in perception by international students of how welcoming the United States is.⁶⁴

Students from China make up the largest number of international students in the United States.⁶⁵ However, the United States has increasingly come to be perceived as unwelcoming of international students. Chinese students are not only worried about immigration issues such as visa processing, but the overall social and political environment in the country including recent espionage-related accusations against Chinese students.⁶⁶ According to Brad Farnsworth, the vice president for global engagement at the American Council on Education, “The concern is a Chinese student just will not feel welcome in the United States and will be met with animosity and skepticism about why they are in the United States.”⁶⁷ As a result, there has been a decrease in new Chinese student enrollment for universities across the country. Other countries are stepping in to benefit from America’s loss of the best minds around the world. As America becomes less welcoming, competitors such as Canada, the United Kingdom, and Australia are working to attract student talent including those from China.⁶⁸

⁶¹ LOSING TALENT 1, 12 (2019).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Bruce Einhorn and Jinshan Hong, *Other Nations Lure Chinese Students as the U.S. Turns Them Away*, BLOOMBERG (Oct. 2, 2019), <https://www.bloomberg.com/news/articles/2019-10-02/other-nations-lure-chinese-students-as-the-u-s-turns-them-away>; see also Michael Melia and Wilson Ring, *U.S. universities see decline in students from China*, PBS (Sept. 23, 2019), <https://www.pbs.org/newshour/education/u-s-universities-see-decline-in-students-from-china>.

⁶⁶ Michael Melia and Wilson Ring, *U.S. universities see decline in students from China*, PBS (Sept. 23, 2019), <https://www.pbs.org/newshour/education/u-s-universities-see-decline-in-students-from-china>.

⁶⁷ *Id.*

⁶⁸ Bruce Einhorn and Jinshan Hong, *Other Nations Lure Chinese Students as the U.S. Turns Them Away*, BLOOMBERG (Oct. 2, 2019), <https://www.bloomberg.com/news/articles/2019-10-02/other-nations-lure-chinese-students-as-the-u-s-turns-them-away>.

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The loss of international students including those from China is a tremendous loss for the United States. Overall, foreign students contribute \$39 billion to our country, and have created or supported more than 455,000 jobs just within the 2017-2018 academic year.⁶⁹ Although Chinese students make up only 1.7% of the total U.S. higher education enrollment, they contributed to about \$12 billion to the U.S. economy in 2016 according to the State Department's *Open Doors* report.⁷⁰ Moreover, many of these students go on to become citizens, and have families here in the United States. They become integral parts of our communities and contribute to research, education, and building a robust economy. Asian Americans and immigrants are a boon to our economy and help create jobs. Asian Americans own over a third of all immigrant-owned businesses in the United States.⁷¹ There are over 1.1 million Asian American immigrant-owned business in the United States.⁷² Asian Americans and immigrants contribute to the vitality of this country. We are a country of immigrants and prosper when we protect our American ideals.

V. Conclusion

We do not deny that there are real security threats that should be addressed by our government. But we expect that the FBI will not rely on racial profiling and gross generalizations to create suspicion about an entire race or ethnicity.

Rather than increasing efforts or having a more aggressive approach to prosecuting for economic espionage, the FBI must examine existing procedures to find ways to improve and eliminate implicit bias and profiling that ruin innocent lives. Agencies should conduct trainings for employees such as anti-bias training. The number of arrests made based on weak evidence, assumptions, or error should be decreased. The United States government should provide transparency about the process for surveillance, arrest, and prosecution of Asian Americans and immigrants for espionage related cases. Increasing efforts despite existing issues of bias and profiling serves to only harm the lives of many innocent Americans including families and goes against our American ideals.

⁶⁹ LOSING TALENT 1, 1 (2019).

⁷⁰ Statement of Ms. Jill Welch, Deputy Executive Director for Public Policy NAFSA: Association of International Educators at the Hearing on Student Visa Integrity: Protecting Educational Opportunity and National Security at 9 (citing Institute of International Education. "Opening Doors Fact Sheet: China." Accessed September 13, 2019. <https://p.widencdn.net/ymtzur/Open-Doors-2017-Country-Sheets-China>).

⁷¹ INSIDE THE NUMBERS at 13.

⁷² INSIDE THE NUMBERS at 13. (citing the U.S. Census Bureau, 2012 Survey of Business Owners, Table SB1200CSCB011).



Racial profiling harms Americans and creates fear among our communities. It serves to only make us less safe and continues to be a strategy that is ineffective, counterproductive, and unjust.⁷³ We hope the policies put forth by the administration do not continue to perpetuate such bias and racial profiling against Chinese immigrants, other Asian immigrants and Asian Americans, and that this committee will consider the arguments and facts we have set forward on this important issue.

⁷³ *Racial Profiling*, ACLU (2019), <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/racial-profiling>.

Federal Bureau of Investigation
Agents Association

February 4, 2020

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Doug Collins
Ranking Member
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Nadler and Ranking Member Collins:

On behalf of the FBI Agents Association (FBIAA), which is comprised of over 14,000 FBI Special Agents nationwide, I write to urge Congress to reauthorize four provisions of the Foreign Intelligence Surveillance Act (FISA)—roving wiretaps, business records, lone wolves, and Call Detail Records (CDR)—which are currently set expire on March 15, 2020.

FBI Special Agents in every field office responsibly use tools provided by FISA in sensitive counterintelligence, counterterrorism, and counterproliferation investigations to help protect our country. One Special Agent who helps conduct counterterrorism investigations has explained to the FBIAA that:

Sophisticated techniques like roving wiretaps and the ability to access business records are instrumental to how I do my work. We use them to help thwart attacks by foreign terrorist organizations and home-grown violent extremists. I think that our work, supported by these tools, has helped save lives. Our partners in state and local law enforcement depend on the FBI and our techniques as well. I am concerned that losing them would make it harder for us to do our jobs and would make our country less safe.

As you consider reauthorization of these expiring provisions, the FBIAA asks you to recall that national security and law enforcement experts have reiterated to Congress since 2001 that these FISA tools play an essential role in protecting our country from constantly evolving threats. As FBI Director Christopher Wray noted, “The FBI relies on FISA every day in national security investigations to prevent terrorists and foreign intelligence services from harming the United States.” And, as Director Wray further explained in a 2017 speech about FISA:

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The fact that we have not suffered another 9/11-scale attack is not just luck. It is the product of an enormous amount of very, very hard work and diligence by thousands of professionals....We still have enemies who are plotting the kind of elaborate mass casualty attacks that we suffered on 9/11—attacks that might take months or even years to plan. But that's not all. New technologies now allow ISIS and others to recruit, radicalize, and direct people worldwide much more easily and more remotely than ever before, including right here in the U.S. Homegrown violent extremists or lone actors who self-radicalize at home with little warning continue to be a major concern.

Allowing FISA tools to expire would ignore the lessons we learned after the 9/11 attacks. As Ranking Member Collins has explained:

Our unity and strength following the [9/11] attacks were palpable and encouraging — nothing the terrorists inflicted could defeat our nation as a worldwide beacon of liberty. As part of our resolve, it is critical that tools to defeat terrorism remain available to our national security and intelligence community who work tirelessly to protect our country and secure the freedoms we cherish....It is our duty to reauthorize these authorities. Otherwise, the authorities revert back to our national security posture before 9/11, and I don't think anyone wants that.

Given the nature of the threats facing our country, it would be dangerous and irresponsible for Congress to allow the four FISA provisions in question to expire. The authorities are reasonable, effective, and an integral part of contemporary investigations.

- Three of the authorities—the roving wiretap, business records, and lone wolf provisions—have been critical law enforcement tools for nearly two decades. Congress, recognizing the importance of these provisions, has reauthorized them numerous times without controversy and on a bipartisan basis. The Director of National Intelligence (DNI) noted in an August 2019 letter to the Senate Intelligence and Judiciary Committees, “[t]hese common sense authorities are analogous to what is available in criminal investigations, have no history of abuse after no more than 18 years, and should be reauthorized without sunset.”
- The more recent fourth authority—the CDR provision—permits targeted collection of telephone metadata. The National Security Agency (NSA) recently discontinued the CDR program, but it remains an important authority to retain given evolving national

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security threats. The DNI noted in his letter that “as technology changes, our adversaries’ tradecraft and communications habits will continue to evolve and adapt. In light of this dynamic environment the [Trump] Administration supports reauthorization” of the CDR provision. The FBIAA agrees about the need to reauthorize the CDR provision. The narrowly-scoped nature of collection provides appropriate privacy safeguards while recognizing the need to have a holistic intelligence picture to prevent threats to the United States.

Taken together, the case for permanently reauthorizing the four expiring provisions is very strong, and no reasonable argument can be made for allowing these authorities to lapse.

While you conduct oversight and discuss recent controversies surrounding FISA and concerns about the application and renewal process for FISA warrants it is important that you avoid inaction that would undermine our safety and reject extreme positions that force false choices. As Speaker Pelosi has explained in the context of past FISA reauthorizations:

This isn’t... ‘you don’t care about privacy if you support this bill.’ It isn’t about that. It’s about where you strike the balance, when you weigh the equities. And we have to come down in favor of honoring the constitution and our civil liberties, but we cannot do that completely at the expense of security.

As these issues are debated, the FBIAA looks forward to reviewing reform proposals and supports the range of FISA reforms recently announced by Director Wray in December 2019 that will improve the FISA process.

To both protect civil liberties and maintain safety as you move forward with debate over reforms to the FISA process, it remains essential that the expiring FISA provisions are reauthorized. Criminals and terrorists will not wait for the reform debate to finish before acting on their plans to harm our country and people. As President Trump stated when he signed the most recent FISA reauthorization into law, “[w]e cannot let our guard down in the face of foreign threats to our safety, our freedom, and our way of life.”

The FBIAA appreciates your leadership on these issues and consideration of these comments. FBI Agents work diligently to detect, investigate, and apprehend individuals and groups engaged in a constant and evolving effort to execute plots against the United States and its citizens. Agents need these proven FISA tools to most effectively conduct their work

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in defense of the homeland. Accordingly, the FBIAA believes that Congress must reauthorize the FISA authorities before they expire on March 15, 2020.

Very truly yours,



Brian O'Hare
President

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VOICES

Engaging views and analysis from outside contributors on the issues affecting society and faith today.
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Radical feminists vandalize 2 churches, burn pro-life journalist's car

By [Michael Brown](#) ⁽¹⁾, CP Op-Ed Contributor



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Feminists protesting outside the Roman Catholic cathedral on International Women's Day in Tucuman, Argentina, perform mock abortion of Jesus Christ on the Virgin Mary, March 8, 2017. | Screengrab via LifeSiteNews.com

If this story is not "Jezebelic," then nothing is. As [reported](#)⁽¹¹⁾ by the Catholic News Agency, "A radical feminist group has taken credit for an ongoing series of attacks on pro-life advocates in Germany, including the vandalism of two churches and the burning of a pro-life journalist's car."

This is the [spirit of Jezebel](#)⁽¹²⁾ at work, the spirit of radical feminism, the spirit of anti-Christ, the baby-killing spirit.

And it is not a reasonable spirit, one that seeks to change hearts by dialogue and discussion. Instead, it is the spirit of intimidation, the spirit of fear, the spirit that seeks to silence all opposing voices. It is the spirit that says, "If you dare take a stand for life, you will pay for it!"

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A group calling itself the "Feminist Autonomous Cell" took responsibility for vandalizing a church in Tübingen on Dec. 27, accusing it of "anti-feminist attitudes."

Then, "Four days later ... the group said that they had 'torched' the SUV belonging to German journalist Gunnar Schupelius. Schupelius, a columnist for the newspaper BZ, has written pieces supporting pro-life views. In the 'confession' letter, Schupelius' home address was published in a bid to incite further violence."

Did I say that Jezebel used intimidation tactics rather than reason?

One week later, the Feminist Autonomous Cell was at it again. "On the night of January 8-9, paint was thrown at the church building [in Berlin]. Later, a letter was posted online that explained the paint attack was in response to the church hosting participants during the March for Life, an event held annually in September."

Jezebel is speaking clearly.

Stand up for the unborn, and you will pay for it.

Hold to biblical principles, and we will attack you.

Interestingly, in contrast with America, the pro-life movement in Germany is very small, to the point that last year's March for Life had a record attendance of just 8,000.

But the church in Berlin would not stay silent. Instead, it hosted a special, pre-march conference "aimed to connect pro-life activists throughout Europe. This, according to the vandals, was unacceptable. In the letter taking credit for the attack, the vandals said that the March for Life serves as a platform for 'fundamentalist, anti-trans, homophobic, anti-Semitic, misogynist [sic], patriarchal and right-wing conservative' speakers, and therefore they the attack was legitimate."

Does this sound familiar?

First, in the eyes of the radical feminists, their attacks are justified. After all, these fundamentalist, primitive Christian beliefs are dangerous to society at large. They must be snuffed out before they can destroy more lives.

Second, these Christians perpetuate the evil patriarchy. Male domination must be opposed, even violently. After all, the patriarchy is guilty of perpetual violence against women.

Third, by definition, fundamentalist Christians are anti-trans, homophobic, and misogynist. Put another way, "Christians, you must not believe that biology matters and that God made us male and female. If you say that marriage is the union of a man and a woman, you are a bigot. And if you uphold the sanctity of life, you are a woman-hater."

Fourth, and perhaps surprisingly, these Christians are also "anti-Semitic."

Do these radical feminists really care about the Jews of Germany? Or is this another attempt to put a negative, stereotypical label on these conservative Christians?

To be sure, there has been more than enough anti-Semitism in [Church history](#) ⁽¹⁶⁾, but is Germany's pro-life movement antisemitic?

Not according to the Federal Association for the Right to Life (Bundesverband Lebensrecht e.V. or "BVL"), which responded to the Feminist Autonomous Cell with its own letter. In part, the letter stated, "Fortunately, there are millions of people who are not disconcerted by this nonsense. ~~It is~~ attempted misclassification, including, of course, many Christians who are not attached to any kind of phobia, hatred or attitude

of discrimination, either against homosexuals, Jews, women or others. For all this is self-defeating if you take Christianity seriously and know it."

But that's the real issue.

Jezebel hates the message of Christianity, the message of the prophets, the message of life. Jezebel despises God's authority, replacing it with the idolatrous worship of other gods, leading to the exaltation of self. In short, "We will not have God rule over us!"

Jezebel's bark, though, is larger than her bite. Just stand up to her and refuse to bow down to her intimidation and threats, and in the end, she will be defeated.

Stand strong, pro-life Christians of Germany! The unborn are depending on you.

Dr. Michael Brown (www.askdrbrown.org⁽¹⁷⁾) is the host of the nationally syndicated [Line of Fire](#)⁽¹⁸⁾ radio program. His latest book is [Jezebel's War With America: The Plot to Destroy Our Country and What We Can Do to Turn the Tide](#)⁽¹⁹⁾. Connect with him on [Facebook](#)⁽²⁰⁾, [Twitter](#)⁽²¹⁾, or [YouTube](#)⁽²²⁾.

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Exclusive: 'I Will F***in' Slit Your Throat': Protester Threatened Girl At March For Life, Student Says

dailycaller.com/2020/01/27/exclusive-i-will-fin-slit-your-throat-protester-threatened-girl-at-march-for-life-student-says/



-
- Comments

DAILY CALLER NEWS FOUNDATION

Mary Margaret Olohan Social Issues Reporter
January 27, 2020 2:26 PM ET

Font Size:

- **A pro-abortion protester allegedly threatened to slit the throat of a college student at the March for Life.**
- **Police reportedly took the protester, dressed in white pants with “caked blood” on the crotch, away in handcuffs.**
- **“I think if you submit to their demands they’re going to realize it works and keep doing that,” the student told the Daily Caller News Foundation.**

A student activist attending the 47th annual March for Life Friday said a pro-abortion protester threatened to “f***in” slit her throat.

Robert Morris University junior Selene Cerankosky told the Daily Caller News Foundation that she had finished the March for Life and was standing in a crowd outside the Supreme Court when a protester approached her. The protester was dressed in a dark sweatshirt and white pants that had “caked blood on them on the crotch area,” Cerankosky said.

The 20-year-old Pennsylvania student is heavily involved with Students for Life, a pro-life organization that mobilizes students across the U.S. against abortion. Cerankosky works as a programs assistant for the organization and is also the president of Students for Life at Robert Morris University and the Pennsylvania captain for Students for Life Action. **(RELATED: Thousands Of College Students Will Travel Up To 24 Hours On A Bus For This DC Protest)**

"She kind of reminded me of an antifa protester," Cerankosky explained, noting that the protester, who Cerankosky thinks was female, may have been from Reproaction or Abortion Access Front as both of these groups were protesting in front of the Supreme Court on Friday. Neither group responded to the DCNF's requests for comment.

"She got very close to me," Cerankosky said. "We were probably within 3 inches of each other space as she was being rather aggressive trying to get me out of the way and I just kind of stood still. And then she told me to back up."



Pictured is the protester. Photo courtesy of Selene Cerankosky

"Her exact words were 'back up or I will' and then an expletive 'slit your throat,'" the student said, adding that she was "kind of shocked at first."

“So I said, ‘Did you just say that?’ and she repeated her ultimatum like really ‘I swear to God. Back up. Back up. Back up,’” Cerankosky said.

Cerankosky said she did not back up. **(RELATED: March For Life: Can You Be Pro-Life And Feminist?)**

“I was standing my ground to make a point,” she said. “I think if you submit to their demands they’re going to realize it works and keep doing that. And I wouldn’t want that to happen to somebody very new to doing pro-life work and be absolutely terrified.”

“I’m a pretty stubborn person as it is, so I wasn’t really gonna move,” Cerankosky added. “But the fact of the matter is I wasn’t touching her. I was in my space first.”

The student eventually turned her back on the protester and made her regional coordinator, Stephanie Stone, aware of the incident.

Stone reportedly found the nearest police officer, who then approached the protester. Cerankosky said she could not hear what went on, but saw police officers lead the protester away in handcuffs. Capitol Police did not respond to the DCNF’s request for comment.



Photo courtesy of Selene Cerankosky

"I don't like to take threats lightly," Cerankosky said. "However, I don't think I took it seriously enough to run away because I didn't."

“She was dressed in all black. She kind of reminded me of an antifa protester,” she continued. “I don’t know if that’s what she was, but they have, you know, a very common propensity to be violent.”

Students for Life President Kristin Hawkins said in a press statement that threats like this “emphasize the utter desperation of the abortion movement in our nation.”

“Their abortion facilities are closing their doors, the abortion numbers are dropping, and this generation increasingly knows the truth about the violence of abortion,” Hawkins said.

Students for Life of America (SFLA) noted in a press release that pro-abortion protesters “also poured water into the SFLA megaphone trying to silence our voice.”

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NEWS

WATCH: New video documents abortion activists' attacks on peaceful pro-lifers

This rapid-fire compilation of attacks demonstrates the extreme violence of abortion advocates.

Tue Jul 23, 2019 - 6:31 pm EST



CREATED EQUAL



By Lisa Bourne

PETITION: Tell the American Medical Association to stop fighting pro-life law [Sign the petition here.](#)

July 23, 2019 (LifeSiteNews) – Pro-life group Created Equal has released a video montage, including previously unreleased footage chronicling numerous abortion supporters physically attacking peaceful pro-lifers, to demonstrate that pro-abortion violence is on the rise.

The roughly eight-minute video is replete with endless incidents of profanity, assault, vandalism, property destruction, attempted theft, and intense vitriol from pro-abortion individuals toward pro-life demonstrators.

(WARNING: Video contains offensive language)

The footage covers incidents spanning several years, but much of it has been captured in the last several months and the rise in violence by abortion supporters calls for a response, Created Equal national director Mark Harrington told LifeSiteNews.

“Our staff members, interns and volunteers are under attack on a regular basis,” Harrington said. “We need to push back against the rhetoric coming from pro-abortion elected officials comparing conservatives, Christians, and pro-life advocates as Nazis and violent.”

“Abortion supporters are the violent ones, not pro-lifers,” he said. “They kill babies and attack the defenders of the babies.”

Created Equal has documented incidents of violence against young members of its team for years.

In a press statement on the release of the video footage, the group shared more comprehensive video of some examples.

They include a pro-abortion feminist assaulting a pro-lifer at the University of North Carolina in Chapel Hill in May, a liberal student activist stealing and vandalizing Created Equal signs at Indiana University in October 2018, a masked thug attacking the group’s equipment at Ohio University in September 2016, and a man assaulting a young pro-life activist at a high school in Columbus, Ohio, in May 2016.

LifeSiteNews reported on the Chapel Hill assault, as well as an abortion supporter there trying to steal Created Equal’s signs, and a pro-abortion woman assaulting a teenage Created Equal team member in Columbus in 2014.

LifeSite’s past coverage included an abortion volunteer’s 2017 attack in Columbus against a Catholic priest demonstrating for life alongside Created Equal team members after her attempted theft of their pro-life signs.

LifeSite also reported in November 2017 on the increase in hostility and vandalism toward pro-life groups on campus.

“For abortion activists to promote dismembering young humans through abortion is to celebrate violence,” Created Equal said in a statement about its latest video release. “Thus, violence is inherent to abortion advocacy. We thus should not be surprised when those who champion killing babies also assault those who stand between them and the victims.”

Harrington told LifeSiteNews the Columbus-based group has more footage to be released once law enforcement brings charges in the relevant cases.

Created Equal is also compiling and combining data with other reports from around the country for comprehensive documentation on the increase in pro-abortion violence.

“Our signs are getting vandalized weekly,” Harrington said. “Our activists are getting threatened almost daily and we are increasingly in harm’s way of attackers.”

Created Equal focuses nationally on training students to defend pre-born life by using a traveling photo exhibit that shows the aftermath of abortion for the unborn child. The group approaches the issue in the broader context of human equality, and attempts to create debate on campus to influence America’s future decision-makers and leaders.

Despite the increase in violence by pro-abortion supporters toward pro-life advocates, Created Equal’s statement on its latest video footage went on to state, “We will not return evil with evil.”

Harrington said Created Equal only permits activists who have a cool head in the face of such attacks to affiliate with the group, and any violation of that protocol is reason for refusal to attend its outreaches and dismissal from the organization.

The group holds mock training sessions where team members role-play how to handle vandals, threats and physical attacks.

“Like former social reformers, Created Equal uses passive resistance in response to violence,” he told LifeSiteNews. “Our team is trained to not protect equipment but to allow law enforcement to bring justice to lawbreakers.”

“Pro-abortion activists are losing the argument,” Harrington stated, “and instead of seeking civil debate they are escalating the violence on peaceful preborn defenders.

“We will never cave to acts of violence or intimidation,” he said. “We will return hate with love for mothers and their babies.”

Your Email



According to the complaint, a Louisville Metro Police detective reviewed video surveillance and compared the footage with Gregory's driver's license photo.

The Courier Journal requested the surveillance footage from both Louisville police and the BSideU For Life, a faith-based, anti-abortion women's crisis health center next to EMW on Market Street.

Monica Henderson, the executive director of the center, declined to release the footage, saying said she had given it to Durning's family because she believed it would aid in potential legal action. Had she known it would be shared with a television station, she would not have released it, Henderson said.

See also: [What to know about the 2 Clark County judges who were shot. \(story/news/local/2019/05/02/clark-county-indiana-judges-shot-at-white-castles-indianapolis-what-know/3640751002/\)](#)

Cres Bride, Durning's nephew, declined to share the video with the Courier Journal or other news outlets at BSideU's request.

As the police report indicates, the woman walked toward a waiting, burgundy car as Durning approached her on the public sidewalk, the video showed. The woman reached the car, turned around and walked toward Durning, bumping her as Durning fell backward to the ground.

The woman then got in the passenger seat of the car and rode away. One of the people with Durning took down the license plate number, while two others tended to Durning on the ground.

After spending several days in a rehabilitation facility, Durning said she is recuperating at one of her sister's homes and is able to walk well with a walker. She said she was glad police found her alleged attacker.

"This is a very, very serious offense," Durning told the Courier Journal Thursday. "We can't just let this fly by."

Durning has volunteered as a "sidewalk counselor" outside of the clinic for 23 years, five days a week, and has become a fixture in front of EMW. She has talked before to the Courier Journal about her efforts, including in 2017, [when she expressed optimism that her side was gaining momentum \(story/news/local/2017/02/23/abortion-restrictions-raise-stakes-long-running-sidewalk-showdown/97707454/\)](#).

Top headlines: [A 3-year-old died after being bitten by dog in Louisville. \(story/news/crime/2019/05/02/louisville-child-dies-after-dog-bite-inside-home/3652790002/\)](#)

April's incident was not the first time Durning has been pushed outside the clinic. A video posted to YouTube in 2017 shows Durning being pushed to the ground while holding a sign that says "Ask to See Your Ultrasound." Additionally, an LMPD spokesperson said Durning's name was listed as a victim in a 2005 assault at EMW.

Gregory is being represented by attorney J.P. Ward. Ward did not immediately return a request for comment on Thursday morning. Her next court date is listed as May 21 for a preliminary hearing.

Reach Tessa Duvall at tduvall@courier-journal.com and 502-582-4059. Twitter: [@TessaDuvall \(https://www.twitter.com/TessaDuvall\)](https://www.twitter.com/TessaDuvall). Support strong local journalism by subscribing today: [www.courier-journal.com/subscribe \(https://www.courier-journal.com/subscribe\)](http://www.courier-journal.com/subscribe).

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An organizer at a pro-life event in Toronto was roundhouse kicked by a male counter-protester after she approached him about defacing several signs at the anti-abortion silent street protest.
SCREENSHOT: LIFESITENEWS

f t in p e

WORLD CRIME ABUSE ASSAULT TORONTO

Toronto Police have arrested and charged Jordan Hunt—the man accused of roundhouse kicking an anti-abortion activist two weeks ago.

Hunt surrendered to police on Saturday night, a week after the incident allegedly took place. Hunt was charged with eight counts of assault and seven counts of mischief, according to the Toronto Police Service. Hunt is accused of kicking the anti-abortion protest's organizer—Marie-Claire Bissonnette—in the shoulder on September 23.

The police report alleges that Hunt approached the group, vandalizing their signs before being approached by Bissonnette. Video of the interaction shows the moment Hunt prepares to

launch the kick. He can be heard afterward saying he meant to kick Bissonnette's phone. Bissonnette can be heard yelling for people to call the police.



RELATED STORIES

California Diocese Names Priests Accused of Sex Abuse

Johnny Depp Allegedly Suffered Amber Heard's 'Abuse'

'Women Sexually Abused Recall More Than Ford': Fox Host

The police statement also alleged that Hunt was involved in a similar incident in August. While riding on a bicycle, Hunt allegedly approached a group of activists in Toronto and tried to take away one of their signs. When the protestors fought back, Hunt pushed one of the women into a pole. He then fled the scene.

Police have charged Hunt with one count of assault for his actions in August—bringing the total assault charge count to nine. The September incident took place near High Park-Swansea. The August incident took place at the intersection of Dufferin St and Dundas St West.

Speaking to the *Toronto Sun* last week, 27-year-old Bissonnette said she did not see the physical attack coming. "He kicked me in the shoulder, my phone went flying," Bissonnette

said. "I start shouting for someone to call police and before he runs away, he goes up to me and I had a ribbon on my jacket indicating [I was] the leader, he tore it off my chest.

"When he began to pose and you can see in the video that he positions himself for this, I guess it didn't register because it was very sudden. You would expect someone to start yelling in a loud voice or be very aggressive before they would go and physically assault someone."

Hunt has since lost his job as a hairdresser at Noble Studio 101. The salon released a statement on October 4 via Instagram. "It has been brought to our attention that Jordan Hunt has been caught on camera assaulting an innocent bystander at a pro life rally," [Noble Studio 101](#) said. "We don't condone his actions and he has been let go. We believe that everyone has a right to an opinion and the right to voice their opinion without fear or physical violence."

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ABORTION/PRO-LIFE ACTIVISM

Video shows assault, vandalism against campus pro-lifers

DANIEL PAYNE - ASSISTANT EDITOR
JULY 19, 2019



'I honestly don't care how they feel'

Video of an altercation at the University of Wisconsin-Madison shows a pro-life student being assaulted by a pro-choice activist, the latter of whom also vandalizes the former's property with spray paint.

The video, [reported on](#) by *The Blaze*, depicts a pro-life activist on campus attempting to stop an angry pro-abortion demonstrator. The pro-lifers had set up graphic signs on the campus purporting to depict the grisly human remains of abortion.

"They're triggering. They hurt people," the activist, identified as Sasha Timofeeva by *The Blaze*, is heard saying in the video as she spray-paints the images.

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The video appears to depict Timofeeva assaulting the pro-life demonstrator as he tries to stop her from vandalizing the signs. Timofeeva, apparently trying to justify the assault, responds that the demonstrator “just tried to grab my fucking spray paint.”



Later footage in the video shows Timofeeva being interviewed by a police officer. She admits that the attack against the pro-life demonstrators was premeditated.

Asked how she imagined the pro-life demonstrators felt about the attack, Timofeeva, who has a child on her lap during the exchange, says: “I’m sure not good...But I honestly don’t care how they feel.”

The Blaze reports that “court records show Timofeeva was found guilty last month of assaultive behavior stemming from the incident. Timofeeva, who turned 22 in June, still owes \$358 for the assaultive behavior charge as of Monday morning.”

[Read the report here.](#)

Woman who was roundhouse kicked at anti-abortion rally speaks out

 torontosun.com/news/local-news/woman-who-was-roundhouse-kicked-at-pro-life-rally-speaks-out

Jenny Yuen More from Jenny Yuen

October 5, 2018

Marie-Claire Bissonnette says she was leading a group of 76 in an annual silent protest against abortion at a west-end corner when she was roundhouse kicked in the shoulder, knocking her phone to the ground.

Bissonnette, the youth coordinator with Campaign Life Coalition, said a man in a purple hoodie approached the group at the Life Chain event around 2:30 p.m. Sunday and allegedly used markers to scribble on the signs and clothing of the protesters, including that of a 10-year-old girl.

Bissonnette took out her phone and began filming him.

Watch Video At: <https://youtu.be/cx0yammE26Y>

A number of social media sites have widely identified the man as Jordan Hunt, a Toronto hairstylist, who was fired by his employer.

Hunt has since deleted his social media accounts and couldn't be reached for comment.

After a brief exchange over abortion, the man is seen doing a spin-kick and the phone drops to the ground while people can be heard shouting, "Someone call the cops," while the man is heard retorting, "I just kicked your phone."

"He kicked me in the shoulder, my phone went flying," Bissonnette told the *Sun* on Thursday. "I start shouting for someone to call police and before he runs away, he goes up to me and I had a ribbon on my jacket indicating the leader, he tore it off my chest."



Devin Sena
@DevinSenaUI

SICK: Just now a pro-abortion advocate roundhouse kicked a young pro-life woman from @clcyouthprolife in Toronto

He has not yet been found, RT!!



14.6K 8:26 AM - Oct 3, 2018

[20.5K people are talking about this](#)

Bissonnette, 27, said she felt minor pain. There wasn't any damage to her phone. She said she doesn't think a lot of people in her group saw what happened and those who did "were in shock."

A counter-protest of pro-choice was across the street, but Bissonnette doesn't believe the man was part of that group. One woman from that side said she was sorry that happened to Bissonnette.

"When he began to pose and you can see in the video that he positions himself for this, I guess it didn't register because it was very sudden," she said. "You would expect someone to start yelling in a loud voice or be very aggressive before they would go and physically assault someone."

She adds their posters only had words written on them — "Abortion kills children" — and not graphic images of fetuses.



Marie-Claire Bissonnette says she was assaulted during a pro-life rally at Keele and Bloor Sts. on Sunday.

Toronto Police Const. Allyson Douglas-Cook said police are investigating, but so far, no arrest has been made. A few members of the public reached out to them on social media on the possible identity of the alleged assaulter and the division is following up, she said.



Jordan Hunt. TWITTER

Noble Studio 101, a hair salon near Queen St. W. and Brock Ave., released a statement Wednesday indicating Hunt had been fired.

“It has been brought to our attention that Jordan has been caught on camera assaulting an innocent bystander at a pro life rally. We don’t condone his actions and he has been let go. We believe that everyone has a right to an opinion and the right to voice their opinion without fear of physical violence,” the company posted on Instagram.



Dustin 🗨️🌸
@GammaKnife9

Jordan Hunt is out of a job

The Toronto Sun has reached out to his former employer for comment.



Jordan Hunt.

Meanwhile, Bissonnette plans to press charges when an arrest is made.

"It's not the first time I've experienced physical aggression from people who disagree with our message," she said.

"I don't think it's acceptable to show any physical violence to anyone who disagrees with you. The perpetrator should know that."

jyuen@postmedia.com

Comments Share your thoughts

**QUESTIONS AND RESPONSES FOR THE
RECORD**

**OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATIONS
FEBRUARY 5, 2020**

Questions for the Record from Chairman Jerrold Nadler

Submitted on February 12, 2020

1. During our October 22 hearing, we asked Mr. Floris, the representative from your Department, if the President had received a briefing related to Russian election interference in the 2020 election. As of October 22, Ms. Floris testified that she was “not aware” of any such briefing.
 - a. Yes or no, have you or other FBI officials briefed the President on foreign election threats in the 2020 election during the past year?
 - b. If the answer to the above question is no, has a request been placed by the FBI to brief the President on foreign threats to the 2020 election and, if so, how many times has your Department issued such a request and how many times has this request been denied or otherwise ignored?
2. Following the tragic shooting at Emanuel AME Church in Charleston, SC in 2015, the Office of Inspections at FBI issued a report entitled “Inspector’s Report: A Review of the CJIS Division’s National Instant Criminal Background Checks System (NICS) in Clarksburg, West Virginia.” The report made clear that the Standard Operating Procedures (SOPs) at NICS are outdated and deficient.
 - a. Please provide a unredacted copy of the Office of Inspections report on NICS operation issued after the Charleston shooting.
 - b. What changes has the FBI made the SOPs since Inspector’s Report was issued?
 - c. Please provide the Committee an unredacted copy of the current SOPs.
 - d. The Inspector’s Report also noted that there was “an incentive for Delaying a questionable inquiry because little attention was paid to Delayed inquiries, especially once exceeding the three-day review period.” What steps has the has the FBI taken to change investigator evaluations to address these concerns?
 - e. The Inspector’s Report also focuses on antiquated communications systems, including fax machines, used by NICS to process background check investigations. When was the last time the methods for prescribed communication with local law enforcement offices were reviewed? When was the last time they were revised?
 - f. Has the FBI reviewed whether NICS examiners be able to communicate via email?
 - g. Has the FBI limited examiners use of the internet and internet search engines to review pending investigations?
3. According to data provided by FBI to *Roll Call*, the FBI fails to complete an average of 200,000 background checks each year and after 90 days they are purged from the background check system.

- a. Does the FBI estimate or assess the number of prohibited purchasers that are among the 200,000 records purged each year? If yes, how does the FBI estimate or tabulate the number of prohibited purchasers purged?
 - b. Each year the NICS Operations Report includes the number of guns recovered from prohibited purchasers who had obtained a firearm through a delayed denial. If the FBI identifies a prohibited purchaser, what are the procedures currently in place to recover the firearm?
4. The Bureau released its Hate Crimes Report in November of 2019. The Report found that in 2018, 16,039 law enforcement agencies participated in the Hate Crime Statistics Program. Of these agencies, 2,026 reported 7,120 hate crime incidents involving 8,496 offenses. Despite this increase from 2016, the Bureau collected data from 110 fewer agencies. And of the law enforcement agencies that did respond, 13% reported one or more hate crimes in 2018 with two reporting zero.
 - a. Please provide a description of each category of hate crime, including subcategory, and provide the number of investigations in each subcategory.
 - b. Is the FBI tracking law enforcement agencies that are underreporting hate crimes?
 - c. Are you aware of any jurisdiction or agency that is not participating in the hate crimes reporting that also is the recipient of excess equipment or resources?
 - d. Misclassification and incorrect reporting appear to be one of the key issues behind the underreporting of hate crimes. What steps is the Bureau taking to train its personnel or local law enforcement officials to better identify bias-motivated incidents?
5. What threshold of suspicion must be established before an FBI agent can use facial recognition to track or identify an individual?
 - a. Are there written policy or procedures in place that FBI agents may reference before utilizing facial recognition? If so, could you please provide congress with a copy of those policies or procedures?
 - b. What steps is the Bureau taking to address the increased risk of misidentification of women or persons of color by facial recognition systems?
 - c. Has the FBI conducted an audit of its facial recognition systems to ensure they are sufficiently reliable and accurate when used in criminal investigations? If yes, what did the audit find? If no, why not?
6. In November of 2017, a former servicemember killed 26 people in a church in Sutherland Springs, Texas. He had previously been court-martialed for domestic violence. The subsequent investigation found that the Air Force failed to place in the NICS system the record of his domestic violence court-martial. The Pentagon's OIG released a report identifying deficiencies in the military's reporting system—officials in all four branches failed to submit final disposition reports in 31% of cases and fingerprint cards in 24%
 - a. Since that tragic shooting, how has the FBI worked with the Department of the Defense to improve it properly reports former and current servicemembers to NICS?

- b. Are you aware of deficiencies like those outlined in the Pentagon's report existing beyond the DOD?
7. As one of the premier law enforcement agencies in the world, the FBI often freely provides its expertise and resources to a host of other federal, state, local, and international law enforcement agencies. That leadership must extend to promotion of mental health services to law enforcement officers nationwide.
- a. What specific steps can the FBI take to help these state and local agencies address issues surrounding officer wellness and resilience?
 - b. Does the FBI currently receive, or make available, information related to officers who die by suicide? Why or why not?
8. A number of women who had been trainees at the FBI Training Academy in Quantico, Virginia have detailed instances of sexual harassment, hostile working conditions, use of outdated gender stereotypes in recent years. It is alleged that, in many cases, the harassment and discrimination included singling out for adverse treatment women who are of color or who have disabilities. Any such behavior engaged in or tolerated by the FBI is contrary to the values the Bureau is entrusted with protecting.
- a. Please detail for us the steps the FBI has taken to investigate and respond to the allegations of sexual and gender-based harassment at the Training Academy in Quantico.
 - b. Has the FBI reviewed its physical fitness standards and training program to ensure that the standards are job related and not unnecessarily discriminatory?
 - c. When was the entry FBI physical fitness test last validated?
 - i. Please provide a copy of that validation report.
9. It was recently reported that Russian military officers hacked Burisma Holdings, the Ukrainian gas company at the center of the President's efforts to attack his political rival. We know that Russia attacked our 2016 elections, with the intent to benefit then-candidate Trump. This seems to be the first major public sign that Russia is gearing up for a repeat in 2020—both to interfere in our elections, and with the purpose of helping a particular candidate. Is the FBI investigating the Burisma hack or assisting our Ukrainian partners in combatting this threat?
10. The Senate Intelligence Committee's October 2019 Report concluded, "between now and the 2020 election, the Intelligence Community must find ways to keep the U.S. public informed not only of individual influence operations, but the Community's assessment of the goals and intent of Russia and other foreign adversaries."
- a. What protocols or procedures are in place for sharing such threat information across agencies and with the public on election day?
 - b. How have these changed or improved since the 2016 and 2018 election?
 - c. Is the Bureau aware of White House or Department of Justice officials discouraging such information sharing related to election security?
 - d. Who or what does the FBI assess as the biggest threat to the 2020 elections?

- e. If Congress was to allocate additional resources related to election security to the FBI, what specific programs or policies would benefit the most from those additional resources?
11. One of the complaints we consistently hear is the lack of or poor coordination between federal and state officials. DHS has tried to smooth this process—for example with the creation of the Election Infrastructure Subsector Government Coordinating Council. What steps has the FBI taken to ensure the timely transmission of information, such as threat assessments, to the states? What roadblocks have you faced when trying to do so?
 12. When it was reported last May that two Florida counties voter registration systems were hacked in the 2016 election, the Florida delegation was alarmed at the lack of information provided to public officials. Governor DeSantis even said the FBI required him to sign a non-disclosure agreement. It is important to know what the process would look like when a state or local official is trying to coordinate with federal officials, specifically the Bureau.
 - a. For example, if state election officials believe there was a hacking attempt on their system, who do they call, at what point does the FBI get involved, and what if any communication does the Bureau have with the targeted officials?
 - b. And what about instances like what happened in Florida? When are the local officials notified if it is the FBI or another federal agency that identified the attack? Is it right away or almost two years later as it appeared to occur in the case of Florida?
 - c. When are the Members of Congress for that county or district informed of the attack?
 13. During our October 22, 2019 hearing on election security, we asked the FBI witness for additional details on an October 3, 2019 advisory issued jointly by the FBI and DHS to state election officials. The advisory warned that the Russian government actors would engage in voter suppression tactics to interfere in the 2020 elections. At the time, the FBI witness could not provide us with additional details.
 - a. When did the FBI first learn that the Russians would utilize voter suppression tactics to interfere in the 2020 election?
 - b. How long after were states notified of this threat?
 - c. Have there been additional updates on this front - does the Bureau have a better understanding of how or where the Russians will engage in voter suppression?
 - d. What steps is the FBI taking to counter this threat?
 14. In the October 22, 2019 hearing on election security, we asked about the weaponization of polling data by foreign actors.
 - a. Is there any evidence that Russian or other foreign actors are targeting campaign polling data sources?
 - b. What steps has the Bureau taken to minimize or investigate such attacks? And to hold those accountable?

15. During that October 22 hearing, we asked the FBI witness if the President had received a briefing related to Russian election interference in the 2020 election. As of October 22, Ms. Floris testified that she was “not aware” of any such briefing.
 - a. Have you or other FBI officials briefed the President on foreign election threats in the 2020 election during the past year?
 - b. If a request has been placed by the FBI to brief the President on foreign threats to the 2020 election, has this request been denied and if yes, how many times?
16. From everything we have heard, it seems clear that attacks on our elections by foreign actors remain a persistent threat.
 - a. Is it ever appropriate for a political campaign to accept information on a political opponent from a foreign government?
 - b. If a political campaign receives information from a foreign government on a political opponent should the campaign report that outreach or offer to the FBI?
 - c. Should the campaign report that offer or outreach to the FBI if it appears to involve stolen data?
 - d. Is it ever appropriate for a political candidate to ask a foreign government to interfere in our elections?
17. In November 2018, it was found that at least 500 government officials were targets of Russian hacking campaigns. Are you seeing a similar pattern except involving Iranian sources?
 - a. Approximately how many government officials have been the target of an Iranian hacking campaign this past year, and is the threat as pervasive as the Russian hacking attempts?
 - b. Have you noticed an increase in attacks by any other countries? If so, which ones and what steps have been taken to prevent against and respond to these attacks?
18. A plan to relocate the FBI headquarters to the D.C. suburbs was surprisingly scrapped in favor of rebuilding at its existing site. Some have expressed concerns that the President may have influenced this decision to in order to limit competition for the Trump International Hotel which is a block away from the Hoover building.
 - a. Can you please provide us an update on the status and plan of construction on the new FBI HQ building?
 - b. Was it your decision to shift away from a procurement strategy that prioritized a secure, campus-like setting in the DMV suburbs to building a new facility on the site of the current HQ location?
 - i. What was the rationale behind this decision?
 - ii. Do you stand by the decision to rebuild at the current location rather than move to the suburbs?
 - iii. Will this new procurement approach require additional funding? If yes, have you requested that from Congress?

- iv. Are there any FBI documents that can explain the rationale, especially as it relates to the comparative costs and security of the two locations? And can you share those documents with the Committee?
- c. Was there an initial internal development team that worked in tandem with GSA on the procurement strategy, which was cancelled in 2017?
 - i. Who was the leading official in charge of the original internal development team?
 - ii. Is there a new team in place working on the new procurement strategy?
 - 1. If yes, who oversees that team, is this team working in tandem with GSA, and are you aware of any communication between the development team and White House officials?
- d. Did you at any point discuss this shift in procurements strategy related to the FBI HQ building with President Trump?
 - i. If yes, there any discussion or mention of the proposed move's impact on the Trump International Hotel?
- e. Did you or any other FBI official discuss this shift with a White House official or Trump surrogate, including but not limited to Trump family members, employees of the Trump International Hotel or Trump Organization, or any member of President Trump's private legal team?
 - i. If yes, there any discussion or mention of the proposed move's impact on the Trump International Hotel?
- 19. Did you at any point discuss election interference by Ukraine with the President?
 - a. Did you or any other FBI official discuss election interference by Ukraine with a White House official or Trump surrogate, including but not limited to Trump family members or any member of President Trump's private legal team?
- 20. Did you at any point discuss Joe Biden, Hunter Biden, or Burisma with the President?
 - a. Did you or any other FBI official discuss Joe Biden, Hunter Biden, or Burisma with Attorney General Barr or any White House official or Trump surrogate, including but not limited to Trump family members or any member of President Trump's private legal team?
 - b. Have you or any other FBI official been asked to open an investigation into Burisma, Joe Biden, or Hunter Biden by Attorney General Barr or any White House official or Trump surrogate, including but not limited to Trump family members or any member of President Trump's private legal team?
 - c. Is the FBI part of the DOJ's new "intake process" by which Mr. Giuliani and others may provide information related to Ukraine to DOJ?
- 21. Have you had any communications with Ukrainian government officials related to Ukraine's alleged interference in the 2016 elections, Joe Biden, or Hunter Biden?

- a. Have you had any communications with Ukrainian government officials related to the President's request for investigations into Ukraine's alleged interference in the 2016 elections, Joe Biden, or Hunter Biden?
22. The President's scheme to pressure Ukraine to investigate his political rivals was exposed, in part, by a whistleblower complaint filed to the IC IG on August 12th.
- a. Was the whistleblower complaint referred to the FBI for an investigation?
 - b. Did the FBI contact the whistleblower to arrange for an interview?
 - c. It was reported that this request for an interview with the whistleblower was done without the Attorney General's knowledge. Was there any attempt by the Department of Justice or the White House to instruct or direct the FBI not to investigate the claims made in the whistleblower complaint?
 - i. Was there any attempt by the Department of Justice or the White House to instruct or direct the FBI not to investigate the misconduct at the heart of the impeachment inquiry?
 - ii. Was there any attempt by the Department of Justice or the White House to prevent the FBI from investigating the claims made in the whistleblower complaint?
 - iii. Was there any attempt by the Department of Justice or the White House to prevent the FBI from investigating the misconduct at the heart of the impeachment inquiry?
23. President Trump has repeatedly made disparaging remarks about the FBI. Most recently, after you confirmed the Inspector General's conclusion that the FBI's investigation into possible coordination in 2016 between the Trump campaign and Russia was opened with, quote, "appropriate predication and authorization," the President tweeted the following remark: "I don't know what report current Director of the FBI Christopher Wray was reading, but it sure wasn't the one given to me. With that kind of attitude, he will never be able to fix the FBI, which is badly broken despite having some of the greatest men & women working there!" Attorney General Barr also stated that the FBI may have acted in bad faith, despite the IG's conclusion that he found *no* evidence of political bias in the decision to open the investigation. It was recently reported that FBI officials are concerned that this harsh rhetoric about the FBI coming from President Trump and Attorney General Barr has created a, quote, "chilling effect" inside the FBI. For example, one FBI employee was quoted as saying, quote, "We're constantly told to be agile and use all the legal tools available to us. But who is going to risk sticking their neck out now only to have DOJ chop it off?"
- a. As director of the FBI, what steps are you taking to ensure that our nation's security is not jeopardized because FBI personnel feel a chilling effect by the President and Attorney General's statements? Have you reassured the men and women of the Bureau that their work is valued and critically important to our national security?
 - b. What steps have you taken to ensure that the FBI remains impartial and that its investigations are not driven by any political agenda?
 - c. What reporting mechanisms are available for FBI officials to report concerns if they believe that the agency is being asked to pursue politically motivated investigations?

**Questions for the Record of Congressman Ted Deutch
House Judiciary Committee
Hearing on Oversight of the Federal Bureau of Investigation
February 5, 2020**

1. In your testimony on February 5, 2020, you stated that “the FBI is most concerned about lone offender attacks, primarily shootings, as they have served as the dominant lethal mode for domestic violent extremist attacks.”
 - a. Please identify any gaps in federal law governing the sale and transfer of firearms that make it more difficult to prevent these attacks.
 - b. Do you believe that requiring background checks before the sale of firearms by private sellers who do not have a Federal Firearms License will reduce violent crime?
 - c. Do you believe that extending the current three-day minimum waiting period before a Federal Firearms Licensee may proceed with a legal transfer after a NICS delay has the potential to reduce violent crime?

2. Since 1984, the United States Department of State has designated Iran as a state sponsor of terrorism. Iran was deemed by a U.S. federal judge as responsible for the 1998 United States embassy bombings in Kenya and Tanzania; Iran was complicit in the 2000 USS Cole bombings by al Qaeda; in 2011 the Department Enforcement Administration foiled a plan by operatives of the Iranian government to murder Saudi ambassador Adel al-Jubeir in a restaurant in Washington, D.C. In July 2018, an Iranian diplomat was charged in conspiracy to commit murder in the foiled Paris terror plot. In August 2018, two Iranian agents were arrested in the United States for surveilling potential terrorist targets, including Israeli and Jewish targets in Chicago. The trend of Iranian terrorist cells continues all over the world, from the Middle East to North and South America, as Iran remains the number one sponsor of terror.
 - a. What measures is the FBI taking to identify and counter these threats?
 - b. Can you outline the level of threat that Iran and its terrorist operatives pose to Americans both here and abroad?

3. The Anti-Defamation League (ADL) reported the number of hate crime murders in 2018 was the highest since the Bureau began tracking them in 1991. According to ADL, between 2009 and 2018, domestic extremists killed 427 people. Three hundred-thirteen of those individuals were killed by right-wing extremists with 76 percent of those deaths carried out by white supremacists.
 - a. Do you believe there is a disparity between the level of violent crime motivated by white supremacy and the resources dedicated to investigating and prosecuting those crimes?
 - b. If so, what is the FBI doing to close that disparity?

- c. If not, is the FBI monitoring these issues so that you will know if a disparity emerges so that FBI resources can be properly deployed?
- 4. On January 16, 2020, the FBI announced a new policy for notifying state and local election officials of cyber intrusions affecting election infrastructure.
 - a. Please explain how cyber intrusion information was handled in 2016 and how the new policy will change how similar intrusion information would be handled today.
 - b. Under what circumstances will the public be notified of a cyber intrusion in election systems?
 - c. Under what circumstances will Congress be notified of a cyber intrusion in election systems?

**QUESTIONS FOR THE RECORD – REP. SYLVIA GARCIA
HOUSE JUDICIARY COMMITTEE
OVERSIGHT HEARING
“OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION”
FEBRUARY 5, 2020 AT 10:00 AM**

- The FBI conducts thousands of face recognition searches each month. What are the full list of crimes that the FBI uses facial recognition to investigate, including requests from state and local police? Does it include nonviolent crimes?
 - *Please provide a written answer by Thursday, February 20, 2020.*
- Face recognition is already prone to misidentification, but some departments are employing [highly unreliable methods](#), such as using police sketches instead of photos, or filling in portions of a face not captured in a photo with computer-generated imaging: Does the FBI ever conduct facial recognition searches based on police sketches instead of photos? Does the FBI ever conduct facial recognition searches based on celebrity lookalikes? Does the FBI ever conduct facial recognition searches based on faces that are partially computer generated images? Does the FBI believe these methods would be an acceptable investigative technique?
 - *Please provide a written answer by Thursday, February 20, 2020.*

**Questions for the Record of Congressman Ted W. Lieu
House Judiciary Committee
Hearing on Oversight of the Federal Bureau of Investigation
February 5, 2020**

1. Director Wray, as a Member of the Congressional Asian Pacific American Caucus I'd like to follow-up regarding a question I submitted following your December 7, 2017 testimony before the Judiciary Committee. On June 27, 2016, the Department of Justice announced new Department-wide implicit bias training for all of its law enforcement agents and prosecutors. The training was supposed to be administered to more than 23,000 agents employed by the Federal Bureau of Investigation (FBI), Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, and U.S. Marshals Service, as well as the approximately 5,800 attorneys working in the 94 U.S. Attorney's Offices across the country. **What is the status of this training program and what metrics are being used to measure the cultural competency of these agents?**

2. The FBI has long struggled with recruiting special agents of color into its ranks. What steps, if any, is the FBI taking to increase diversity?

QUESTIONS FOR THE RECORD - CONGRESSMAN JOE NEGUSE
HOUSE JUDICIARY COMMITTEE
OVERSIGHT HEARING
“OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION”
FEBRUARY 5, 2020 AT 10:00 AM

- On April 17, 2019, schools across the Front Range in Colorado, including several in my district were closed due to threats made by an 18-year old woman who had purchased a shotgun in Colorado after flying to the state from Florida. The woman was reportedly “infatuated” with the Columbine High School massacre and led authorities on a manhunt that ended when she was found dead from an apparent self-inflicted gunshot wound.
- The Colorado gun shop that sold the woman the shotgun stated she passed the required criminal background check, but a review of federal law shows that the transaction should not have been allowed to take place. Individuals are prohibited from buying a rifle or shotgun outside of their state of residence unless “the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States.” While Colorado allows the purchase of a long gun for individuals ages 18 and older, Florida law mandates that an individual must be age 21 or older to purchase a firearm. The sale in Colorado of a shotgun to the Florida woman violated this requirement and should have been blocked by a background check.
- The Colorado Bureau of Investigation is responsible for running a background check on all firearm sales in the state. That makes us one of 13 so-called “point of contact” or “POC” states for all firearm background checks. As you know, in other states, the FBI is responsible for running background checks on some or all gun sales from licensed dealers.
- Unfortunately, there is a lack of publicly available information about the effectiveness of POC background checks, which is why last summer I led a bipartisan letter to Inspector General Horowitz asking him to investigate FBI audits of the POC system.
- In addition to the lack of publicly available information on the effectiveness of POC background checks, recent reports from the GAO and Department of Justice OIG - as well as the failure to block the aforementioned sale of a shotgun to the Florida woman - indicate that POC systems may be improperly allowing prohibited persons to obtain firearms.

- The FBI is responsible for maintaining the National Instant Criminal Background Check System (NICS) and making sure that prohibited persons are not passing background checks - both in POC and non-POC states.
 - That leads me to my question: **Director Wray** – Does the FBI conduct audits into point of contact background check systems?
 - **IF YES** – When and how often does the FBI conduct such audits?
 - If Congress appropriated more funds to the FBI for this purpose, could such audits be conducted with more regularity?
 - Will you commit to releasing those audits in order to help policymakers and the public evaluate the efficacy of the POC system?
 - **IF NO** – How does the FBI ensure that the POC systems are operating properly if it does not regulatory audit them?
 - If Congress appropriated funds to the FBI for this purpose, could such audits be regularly conducted, and shared to help policymakers evaluate the efficacy of the POC system?

**Representative Eric Swalwell
House Committee on the Judiciary
Wednesday, February 5, 2020; 10:00 AM**

Hearing – *Oversight of the Federal Bureau of Investigation (Director Christopher Wray)*

Questions for the Record

1. Director Wray, at our February 5 oversight hearing I asked you if the FBI is seeing the Russians working to help or hurt any particular campaign through social media amplification. You answered that you would have to think about whether or not you can say anything in an open setting before noting that, in general, Russian efforts to sow discord in our country and distrust in our democratic institutions continues.

Having had time to reflect on what can be said publicly, please provide an answer on the extent to which the FBI has evidence of the Russians actively working through social media amplification to help or hurt current political candidates or campaigns. If the answer is “yes,” please provide details about these efforts that can be shared publicly. And, please let me know whether or not there is additional information you can provide in a classified setting.

2. Director Wray, at our February 5 oversight hearing I asked you about the extent to which the current DOJ policy which states that a president cannot be indicted while in office limits the ability of the FBI to investigate a president if there is a claim of misconduct. You said you did not have an answer at the time and would have to give it more thought.

Having had time to think about this issue, please explain to what extent the DOJ policy that a president cannot be indicted while he or she is in office affects the ability of the FBI to investigate a president during their term with respect to an allegation of criminal wrongdoing. For example, if the conduct of any U.S. person other than the president would justify opening a formal investigation, would that apply to the president as well?

Rep. Ken Buck

**Questions for the Record for FBI Director Christopher Wray
February 5, 2020 Oversight Hearing**

1. Was the FBI ever directed to obtain information about investigative journalists by the Obama White House, including for purposes of creating or maintaining an enemies list?
2. Has the FBI ever attempted to retrieve data from any electronic device used by Sharyl Attkisson, James Rosen or anyone journalists with the Associated Press without that individual's consent?
3. If you answered "yes" to either of the prior questions, please identify under what legal authority such actions took place.

U.S. Congressman Mike Johnson
U.S. House Committee on the Judiciary
Questions for the Record
February 12, 2020

Hearing—“Oversight of the Federal Bureau of Investigation”

Director Wray, as you are aware Former Special Counsel Mueller brought on members of the FBI onto the Special Counsel’s team when Crossfire Hurricane was transferred from the FBI to the Special Counsel. In Mr. Mueller’s subsequent appearance before this Committee he refused to answer any questions related to the Steele Dossier. With that in mind, I would like to ask you a few questions regarding this phase of the investigation:

1. To your knowledge did Former Special Counsel Mueller ever question any of the Steele Dossier origins after or during the transition of Crossfire Hurricane from the FBI to the Special Counsel’s team?
2. Are you aware of any FBI personnel that were not part of the Mueller team being asked by Former Director Mueller to carry out tasks during his tenure as Special Counsel?
3. In addition to addressing the relevant deficiencies found in the IG report, are you internally examining FBI protocols surrounding the transfer of investigations to a Special Counsel, particularly in instances where FBI staff are used by the Special Counsel?
4. Have you considered updating any sections of relevant Policy Implementation Guides or the Domestic Investigations Operations Guide (DIOG) regarding FBI interactions, or the transfer of investigations, to a Special Counsel?

