

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

September 19, 2023

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

Dear Director Wray:

The Committee on the Judiciary is continuing to investigate allegations of politicization and bias at the Federal Bureau of Investigation (FBI). On February 2, 2023, we wrote to you requesting documents and information regarding the federal indictment of Charles McGonigal, the former Special Agent in Charge (SAC) of the New York FBI Counterintelligence Division.¹ To date, the Bureau has failed to voluntarily cooperate with the Committee's request. In light of McGonigal's recent plea deal, in which the government agreed to drop several more serious charges against him,² we write to reiterate our requests.

On August 15, 2023, in accordance to an agreement reached with federal prosecutors, McGonigal pleaded guilty to conspiracy to violate the International Emergency Economic Powers Act and to commit money laundering.³ McGonigal admitted to performing research for Russian oligarch Oleg Deripaska on a rival, Vladimir Potanin, in an attempt to get Potanin added to U.S. "blacklists."⁴ McGonigal also admitted to accepting—and concealing—a \$17,500 payment from Deripaska in 2021 knowing that the payment violated sanctions the U.S. had placed on the oligarch in 2018.⁵ Prosecutors agreed to drop other charges against McGonigal stemming from his collusion with Deripaska to violate U.S. sanctions.⁶

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

² Jody Godoy, *Ex-FBI agent pleads guilty over illegal work for Russian oligarch under US sanctions*, REUTERS (Aug. 15, 2023).

³ *Id.*

⁴ Seth Wenig, *Former FBI agent Charles McGonigal pleads guilty to helping Russian oligarch*, WALL ST. J. (Aug. 15, 2023).

⁵ *Id.*

⁶ United States Attorney Southern District of New York, *Re: United States v. Charles McGonigal*, S1 23 Cr. 16 (JHR), U.S. DEPT. OF JUSTICE (Jul. 14, 2023)

In addition to the ongoing case in New York, McGonigal also faces separate charges in Washington, D.C. for “concealing his relationship with a former employee of an Albanian intelligence agency.”⁷ While the payment McGonigal received from the former Albanian official is considerably larger than what he received from Deripaska—over \$225,000—McGonigal is reportedly working to reach a similar plea deal with federal prosecutors in Washington.⁸

Both McGonigal’s serious misconduct as a senior, high-level FBI official, and the possibility of McGonigal receiving generous plea deals from the Justice Department in both cases, raise significant concerns that the FBI and the Department may be attempting to hide the true extent of McGonigal’s misconduct to avoid further reputational harm to the Bureau. The Committee must fully understand the nature and extent of McGonigal’s misconduct. We therefore reiterate the requests for documents and information in our February 2, 2023, letter as well as our request for a briefing on the matter. Please provide the requested information and arrange for this briefing to occur as soon as possible, but no later than October 3, 2023.

The Committee on the Judiciary has oversight jurisdiction over the Department of Justice and the FBI pursuant to Rule X of the Rules of the House of Representatives.⁹ If you refuse to voluntarily produce the requested documents and information, the Committee may be forced to consider use of compulsory process.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold Nadler, Ranking Member

Enclosure

⁷ *Id.*

⁸ *Id.*

⁹ Rules of the U.S. House of Representatives, R. X (2023).

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February 2, 2023

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

Dear Director Wray:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁶ *Id.*

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

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

⁹ Cleveland, *supra* note 7.

The Honorable Christopher A. Wray

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

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

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

Sincerely,



Jim Jordan
Chairman



Matt Gaetz
Member of Congress

cc: The Honorable Jerrold Nadler, Ranking Member

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