

United States Senate

March 31, 2022

The Honorable Dick Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Durbin:

I write to you today to request a hearing of the full Senate Judiciary Committee regarding reporting about the widespread rule-breaking on the part of the Federal Bureau of Investigation (FBI) that has recently been brought to light.

As revealed earlier this month in an audit obtained by *The Washington Times*, “FBI agents violated agency rules at least 747 times in 18 months while conducting investigations involving politicians, candidates, religious groups, news media, and others.”¹ The audit focused on a particular type of investigation, known as sensitive investigation matters or SIMs, which concern the activities of domestic public officials, political candidates, and religious organizations—exactly the sort of cases in which meticulous compliance with the rules is demanded.

Additionally, the sorts of errors being made are cause for concern. As the report details, of the 997 non-compliance errors made, 79% were substantial in nature, meaning they were “of significance to the matter and...more than a minor deviation from a ... requirement.”² Notably among those is the failure to obtain authorization in opening an investigation, which is “about as radical as it gets.”³ Further, several portions of the audit, including those regarding investigative methods, search warrants, and recommendations were redacted, presumably to shelter the FBI from public criticism.⁴

It has been nearly two weeks since this information was revealed, and the FBI has thus far declined to comment or provide additional transparency.⁵ I commend you and Ranking Member Grassley for your efforts in calling on the FBI and the DOJ Inspector General to provide further transparency on this topic, but I am concerned about Director Wray’s FBI and its pattern of stonewalling. For

¹ Ryan Lovelace, *Audit reveals FBI rule-breaking in probes involving politicians, religious groups, media*, Wash. Times (Mar. 11, 2022) <https://www.washingtontimes.com/news/2022/mar/11/fbi-audit-reveals-agents-rule-breaking-investigati/>.

² 2019 *Domestic Investigations and Operations Guide Audit*, FED. BUREAU OF INVESTIGATION (January 10, 2020) <https://media.washtimes.com/media/misc/2022/03/11/audit.pdf>.

³ Lovelace, *supra* note 1.

⁴ *Id.*

⁵ *Id.*

example, the FBI declined to provide responsive information regarding its 2016 probe of Concerned Women for America⁶ as requested by Chairman Grassley and similarly declined to provide simple answers in my recent questioning⁷ of Director Sanborne, regarding the FBI's degree of involvement in January 6th.

I believe that the Senate would benefit from hearing directly from Inspector General Horowitz, FBI Director Wray, as well as any division directors with knowledge of the audit or the errors detailed in it. I, therefore, call on you to convene a full Committee hearing, or to the extent necessary, a closed hearing of the full Committee, to ensure transparency and accountability. I hope you will support this request and look forward to working with you to conduct proper oversight of the Federal Bureau of Investigation.

Sincerely,



Ted Cruz
Member, Senate Judiciary Committee

⁶ Ryan Lovelace, *Biden administration stonewalls Grassley on FBI's 2016 probe of conservative group*, Wash. Times (Jan. 14, 2022) <https://www.washingtontimes.com/news/2022/jan/14/biden-administration-stonewalls-fbis-2016-probe-co/>.

⁷ Tristan Justice, *FBI Refuses To Say How Many Informants Were Involved In Jan. 6 Violence*, The Federalist (Jan. 11, 2022) <https://thefederalist.com/2022/01/11/fbi-refuses-to-say-how-many-informants-were-involved-in-jan-6-violence/>.