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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 3, 2021

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

Dear Director Wray:

I write to request more information about deeply troubling reports suggesting that the Federal Bureau of Investigation (FBI) failed to use its sources in the Proud Boys to develop intelligence about the January 6, 2021 insurrection.

In your recent appearance before the Senate Judiciary Committee, you testified that the January 6 insurrection was an act of “domestic terrorism” whose perpetrators included violent white supremacists and “a large and growing number” of militia violent extremists who associate with militias such as the Proud Boys and Oath Keepers. Following your appearance, evidence has continued to mount that adherents of these violent right-wing militias coordinated in advance to attack the Capitol on January 6. For example, prosecutors have alleged that Oath Keepers members trained in advance, acted “in an organized and practiced fashion” once they arrived at the Capitol, and had an armed “quick reaction force” on standby to ferry weapons to the Capitol.¹ Prosecutors have produced evidence of coordination between the Oath Keepers and the Proud Boys, several of whose members have also been indicted for conspiracy.²

Despite clear evidence that these violent extremists coordinated in advance, the FBI does not appear to have warned of potential violence targeting the January 6 Joint Session of Congress until January 5, 2021—and even then, the FBI’s warning was limited to a Situational Information Report that you have characterized as “raw, unverified” intelligence. The FBI’s failure to issue a formal intelligence bulletin or other finished intelligence product addressing potential violence on January 6 is deeply concerning, particularly given the prevalence of publicly available social

¹ Second Superseding Indictment, *United States v. Caldwell et al.*, No. 21-cr-28 (D.D.C. Mar. 12, 2021); [Armed ‘Quick Reaction Force’ was Waiting for Order to Storm Capitol, Justice Dept. Says](#), Wash. Post, Apr. 14, 2021.

² Opp’n to Def.’s Renewed Request for Pretrial Release at 8, *United States v. Meggs*, No. 21-cr-28 (Mar. 23, 2021); First Superseding Indictment, *United States v. Pezzola et al.*, No. 21-cr-52 (D.D.C. Apr. 21, 2021); Indictment, *United States v. Nordean et al.*, No. 21-cr-175 (D.D.C. Mar. 19, 2021).

media posts discussing plans to “occupy” and “storm” Congress.³ To date, the FBI has not offered a defensible explanation for this intelligence failure.

I appreciate your acknowledgment that the FBI is “focused very, very hard on how can we get better sources, better information, [and] better analysis.” According to recent reports, however, the FBI did have sources in the Proud Boys before January 6. Starting as early as 2019, at least four Proud Boys reportedly provided information to the FBI, including a self-described Proud Boys organizer and “thought leader” whose court filings indicate that in July 2020 the FBI asked him to share information on Antifa networks—and who told a reporter two days before the Capitol attack that he would tell his FBI contact about his plans for January 6 if asked.⁴

These reports raise further concerns about the FBI’s failure to detect and develop intelligence concerning the threat that the Proud Boys and other violent right-wing extremists posed to the Capitol on January 6. I understand that the FBI is in the process of responding to my February 24, 2021 letter requesting information concerning the FBI’s handling of the domestic terrorism threat, and to a February 8, 2021 joint letter from the Judiciary Committee and other committees requesting information about the January 6 attack. In addition to the requests in these letters, please also address the following:

1. Given the FBI’s apparent relationship with Proud Boys sources, why did the FBI fail to detect the threat that the Proud Boys and similar militia violent extremists posed to the Capitol on January 6?
2. One member of the Proud Boys has indicated in court filings that he regularly informed FBI personnel about Proud Boys activities in Portland, Oregon, “to ask for advice on planned marches or demonstrations, i.e., what march routes to take ... where to go, where not to go,” and that he had similar discussions with the FBI about Proud Boys events in other cities.⁵ Did the FBI ask its Proud Boys sources about their plans for January 6? If not, why not?

Please respond as soon as possible, and no later than May 24, 2021. I appreciate your prompt attention to this important request.

³ [Capitol Siege Was Planned Online. Trump Supporters Now Planning the Next One](#), Wash. Post, Jan. 9, 2021; [Pro-Trump Forums Erupt With Violent Threats Ahead of Wednesday’s Rally Against the 2020 Election](#), Wash. Post, Jan. 5, 2021.

⁴ [Before Jan. 6, FBI Collected Information from at Least 4 Proud Boys](#), Reuters, April 27, 2021; Def.’s Opp’n to Mot. to Revoke Pretrial Release at 5-6, *United States v. Biggs*, No. 21-cr-175 (D.D.C. Mar. 29, 2021) (“Pretrial Release Opposition”).

⁵ *Biggs*, Pretrial Release Opposition at 5.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is written in a cursive, flowing style.

Richard J. Durbin
Chair

cc: The Honorable Charles E. Grassley
Ranking Member