



April 7, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Building Washington, DC 20510

The Honorable Ron Johnson
Chairman
Permanent Subcommittee on Investigations
United States Senate
340 Dirksen Senate Office
Washington, DC 20510

Dear Chairman Grassley and Chairman Johnson:

I am writing in response to your letter of December 16, 2024, to the Department of Justice (DOJ) Office of the Inspector General (OIG), in which you asked for additional information in connection with the OIG's "Review of the Federal Bureau of Investigation's Handling of its Confidential Human Sources and Intelligence Collection Efforts in the Lead Up to the January 6, 2021 Electoral Certification" (January 6th Review).

As requested by multiple Members of Congress, and consistent with the OIG's mission, the OIG's January 6th Review detailed for Congress and the public the specific number of FBI Confidential Human Sources (CHS) that were present in Washington, D.C. on January 6 in connection with the events of January 6. The OIG worked to ensure that the details about these CHSs were made available publicly, and as your letter notes, our report included information about the number of FBI CHSs that were present (26), the number of FBI CHSs (three) who had been tasked by the FBI to report on domestic terrorism case subjects who were possibly attending the events of January 6, the number of FBI CHSs (four) who entered the Capitol building, the number of tasked FBI CHSs (two) who entered the restricted area around the Capitol, and the number of FBI CHSs (none) who had been present at the Capitol on January 6 and been prosecuted (as of the publication date of our report).

Your letter recognized these details and asked for additional information about the use of CHSs by other DOJ components during that same time period. You also asked whether the Justice Department produced all relevant records to my office. Since receiving your request, my office has had several conversations with your staff to provide interim updates and information and to clarify the scope of your request.

As a result of inquiries we made in response to receiving your December 16, 2024 letter, we can confirm that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Administration (DEA), the U.S. Marshals Service (USMS), and the Federal Bureau of Prisons (BOP) did not have any undercover employees in Washington, D.C. on January 6 in connection with the events of January 6. This includes in or around the Capitol or in the restricted area of the Capitol. We can also confirm that the ATF, DEA, USMS, and BOP did not have any tasked CHSs in Washington, D.C. on January 6 in connection with the events of January 6. This includes in or around the Capitol or in the restricted area of the Capitol.

With respect to whether any DOJ law enforcement components other than the FBI had untasked CHSs in Washington, D.C. on January 6 in connection with the events of January 6, unlike the FBI, we have no information at this time as to whether the ATF, DEA, USMS, or BOP conducted a post-January 6 canvass to determine if any of their CHSs traveled on their own initiative (untasked) to D.C. in connection with the January 6 events. However, based on further conversations with your staff, we have contacted the ATF, DEA, USMS, and BOP to inquire whether they received reporting from any CHSs indicating that any of their CHSs were in Washington, D.C. on their own initiative (untasked) for the events on January 6. We will supplement this response when we receive that information.

We provide the following information in response to your questions about materials that the OIG reviewed:

- We reviewed the relevant portions of CHS files in the FBI's electronic record-keeping system for CHS management.
- The OIG then requested and obtained relevant portions of those files, including CHS reporting, approvals for the tasked CHSs, and underlying text messages, photographs, and videos in those files.
- We obtained emails documenting the FBI's Washington Field Office (WFO) communications with the CHS handlers of the tasked CHSs.
- We obtained emails of CHS handling agents of untasked CHSs who contacted WFO during the events of January 6.
- We obtained FBI and DOJ reports that documented information related to each of the CHSs and obtained relevant underlying information. As the OIG's January 6 Review indicates, the FBI did not conduct a formal or informal canvass for CHS reporting about January 6 until after the events of that day. The starting point for the FBI's efforts to systematically gather the CHS materials was then Deputy Director Abbate's data call to all Field Offices (which did not occur until August 2021), asking whether any Field Office had any tasked or untasked CHSs or undercovers in or around the Capitol on January 6. After receiving this information in response to the Deputy Director's data call, FBI headquarters compiled an executive summary and

produced individualized reports on each CHS. These reports referenced CHS reporting (FD-1023s), CHS interviews, and other CHS information. Each CHS was also run against investigative results and the video repository from the criminal investigations. Subsequently, the FBI incorporated and expanded the above findings into a report on CHSs and January 6. The OIG reviewed these materials, as well as the relevant portions of each CHS file.

- We flagged certain additional documents to be produced, including 1023s, documentation of unauthorized illegal activity (which generated a negative response), approvals for the tasked CHSs, and some underlying text messages and photographs referenced in 1023s, including text messages sent and shared between CHSs and their handlers.
- We obtained instant messages from the FBI's classified and unclassified communication platforms.
- As with all reviews, we sought the information that was most relevant to our review, one aspect of which was to confirm that no FBI handling agent, FBI Headquarters personnel, or WFO personnel authorized any CHS to engage in illegal activity on January 6, 2021. Given this scope, and the fact that the OIG did not receive any information indicating that any individual handling agent had inappropriate communications with a CHS, the OIG requested and reviewed relevant text messages between handling agents and CHSs, but did not request all of the text messages for all of the 26 CHSs and their handlers. As noted in the report, for many of the CHSs who were in Washington, D.C. on January 6, the handling agents did not know of the CHSs' presence in Washington, D.C. until after the events of that day. We further note that, in the hundreds of prosecutions that took place in connection with the events at the Capitol on January 6, 2021, and the extensive discovery that took place during those prosecutions, we are not aware that any CHS (or other person) provided text messages to a Court indicating that a FBI agent had encouraged or instructed (with or without authorization from their Field Office, WFO, or FBI headquarters) anyone to engage in illegal activity on January 6, 2021.
- In addition to the documents we reviewed, we interviewed FBI employees, including then Deputy Director Abbate, then WFO ADIC Steven D'Antuono, WFO and FBI Headquarters Counterterrorism Division management, and Special Agents and Agent Supervisors who handled CHSs.

Thank you for your interest in and support for the OIG's work. If you have any questions, please feel free to contact me or Adam Miles, Counselor to the Inspector General, at (202) 514-3435.

Sincerely,

Michael E. Horowitz
Inspector General

Cc: The Honorable Dick Durbin,
Ranking Member, Committee on the Judiciary

The Honorable Richard Blumenthal,
Ranking Member, Permanent Subcommittee on Investigations