

United States Senate

WASHINGTON, DC 20510

April 14, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Michael Horowitz
Inspector General
Department of Justice

Dear Inspector General Horowitz:

On December 16, 2024, we wrote to you requesting more information about your report that analyzed the Federal Bureau of Investigation's (FBI) direction and handling of its confidential human sources (CHS) leading up to and on January 6, 2021 (J6).¹ Because your April 7, 2025 response failed to address all our questions and requests on this matter, we write to you again seeking transparency and clarity about your office's work.²

The Department of Justice (DOJ) Office of Inspector General's (OIG) December 12, 2024 report revealed that 26 FBI CHSs traveled to Washington, D.C. on J6.³ Of the 26 FBI CHSs present at the Capitol on J6, a total of four CHSs entered the Capitol, 13 CHSs entered the restricted area, and 9 CHSs attended the event but neither entered the Capitol or the restricted area.⁴ The report also found three of the 26 FBI CHSs were tasked by their respective FBI handlers to report on individuals traveling to Washington, D.C. for the J6 event.⁵ While the report stated that "[n]one of these three CHSs were authorized by the FBI to engage in illegal activity, including to enter the Capitol or a restricted area, or to otherwise break the law on January 6" two of the FBI CHSs entered the restricted area around the Capitol and one entered the Capitol.⁶

Because the DOJ OIG report appeared to be narrowly focused on FBI's use of CHSs on J6, our December 16, 2024 letter specifically asked whether your office obtained evidence indicating whether other DOJ components had tasked or untasked CHSs in the Washington D.C.

¹ Letter from Charles E. Grassley, Ranking Member, Comm. on the Budget, and Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Michael Horowitz, Inspector General, Office of Inspector General, Dep't of Justice, Dec. 16, 2024 (enclosed).

² Letter from Michael Horowitz, Inspector General, Office of Inspector General, Dep't of Justice, to Charles E. Grassley, Chairman, Comm. on the Judiciary, and Ron Johnson, Chairman, Permanent Subcomm. on Investigations, Apr. 7, 2025 (enclosed).

³ Department of Justice Office of the Inspector General, *A 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*, 77, (Dec. 12, 2024), <https://oig.justice.gov/reports/review-federal-bureau-investigations-handling-its-confidential-human-sources-and>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* 77-78.

area, at the Capitol Building, and in restricted areas on J6.⁷ Your April 7, 2025 response provided clarity for part of this request regarding *tasked* CHSs. You wrote:

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.⁸

However, with respect to our question about whether *untasked* CHSs from DOJ components other than FBI were in Washington, D.C. on J6 in connection with the events of that day, your response was less definitive. You wrote:

[U]nlike 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.⁹

In addition to seeking clarity about tasked and untasked CHSs from DOJ components other than FBI in Washington D.C. on J6, we also asked you whether DOJ component agencies had undercover agents in the Washington D.C. area, at the Capitol Building, and in restricted areas on J6.¹⁰ Your response stated:

[W]e 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.¹¹

Although this part of your response seems conclusive, it does not completely satisfy our inquiry. On February 28, 2025, our staff noted in an email to your Counselor that because the term “undercover agent” can mean many things, our offices requested that the DOJ OIG address

⁷ Letter from Charles E. Grassley, Ranking Member, Comm. on the Budget, and Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, Dec. 16, 2024 (enclosed).

⁸ Letter from Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, to Charles E. Grassley, Chairman, Comm. on the Judiciary, and Ron Johnson, Chairman, Permanent Subcomm. on Investigations, Apr. 7, 2025 (enclosed).

⁹ *Id.* (emphasis added).

¹⁰ Letter from Charles E. Grassley, Ranking Member, Comm. on the Budget, and Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, Dec. 16, 2024 (enclosed).

¹¹ Letter from Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, to Charles E. Grassley, Chairman, Comm. on the Judiciary, and Ron Johnson, Chairman, Permanent Subcomm. on Investigations, Apr. 7, 2025 (enclosed).

whether any federal law enforcement components, including FBI, ATF, DEA, USMS, or BOP, had employees or contractors wearing civilian clothing in the Washington D.C. area; at the Capitol Building; and in restricted areas on J6 in an official or unofficial capacity.¹² We reiterate this specific request.

We also reiterate other requests from our December 16, 2024, letter that are still outstanding. For example, in our letter we asked whether your office obtained, during the course of its investigation into this matter, all communications, including text messages, between and among all DOJ component agency handlers and the CHSs/undercover agents.¹³ Your April 7, 2025, response confirmed that your office “did not request all of the text messages for all of the 26 CHSs and their handlers.”¹⁴ Your April 7, 2025, response also noted that your office obtained classified communications; however, it failed to answer whether it obtained all classified communications.¹⁵

Further, we did not receive all requested records, including text messages and similar communications, as well as the FD-1023 forms connected to your office’s review.¹⁶

We hope your office will be responsive to our outstanding requests from nearly four months ago and provide all requested records on this matter. Thank you for your attention.

Sincerely,



Ron Johnson
Chairman
Permanent Subcommittee
on Investigations



Charles E. Grassley
Chairman
Committee on the Judiciary

Enclosure

¹² Email from staff to Adam Miles, Counselor, Office of Inspector General, Feb. 28, 2025 (on file).

¹³ Letter from Charles E. Grassley, Ranking Member, Comm. on the Budget, and Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, Dec. 16, 2024 (enclosed).

¹⁴ Letter from Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, to Charles E. Grassley, Chairman, Comm. on the Judiciary, and Ron Johnson, Chairman, Permanent Subcomm. on Investigations, Apr. 7, 2025 (enclosed).

¹⁵ *Id.*

¹⁶ If your office did not obtain all requested FD-1023 forms connected to its review, please inform our offices. Letter from Charles E. Grassley, Ranking Member, Comm. on the Budget, and Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Michael Horowitz, Inspector General, Office of Inspector General, Dep’t of Justice, Dec. 16, 2024 (enclosed).

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cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary

ENCLOSURE

United States Senate

WASHINGTON, DC 20510

December 16, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
Department of Justice

Dear Inspector General Horowitz:

On December 12, 2024, your office released a report that analyzed the Federal Bureau of Investigation's (FBI) direction and handling of its confidential human sources (CHSs) leading up to and on January 6, 2021 (J6).¹ Based on the report, it is unclear if your office also reviewed the use of CHSs by other Department of Justice (DOJ) components during that same time period. Based on the findings in the report, we also write to better understand whether the Justice Department produced all relevant records to your office.

According to your office's report, 26 FBI CHSs traveled to D.C. on January 6, 2021.² Of the 26 FBI CHSs present at the Capitol on J6, a total of four CHSs entered the Capitol, 13 CHSs entered the restricted area, and 9 CHSs attended the event but neither entered the Capitol or the restricted area.³ The report also found three of the 26 CHSs were tasked by their respective FBI handlers to report on individuals traveling to Washington, D.C. for the J6 event.⁴ While the report says that "[n]one of these three CHSs were authorized by the FBI to engage in illegal activity, including to enter the Capitol or a restricted area, or to otherwise break the law on January 6" two of the CHSs entered the restricted area around the Capitol and one entered the Capitol.⁵ None of those CHSs were subject to prosecution.

The report stated that your office received "more than 500,000 documents" from DOJ and its components as part of its investigation.⁶ According to the report your office obtained:

CHS reporting, thousands of tips provided to the FBI, investigative and intelligence records from the FBI case management system, emails, instant messages, and phone records; contemporaneous notes of meetings and telephone calls; chronologies concerning the lead-up of events to January 6; after-action assessments; training materials and policy guides; and preparatory materials for press conferences or congressional testimony as well as talking points.⁷

¹ Department of Justice Office of the Inspector General, *A 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*, (Dec. 12, 2024). <https://oig.justice.gov/reports/review-federal-bureau-investigations-handling-its-confidential-human-sources-and>.

² *Id.* at 77

³ *Id.* at 77

⁴ *Id.*

⁵ *Id.* at 77-78.

⁶ *Id.* at 7.

⁷ *Id.*

It is vital that your office more precisely explain what records it sought and received from all DOJ component agencies. To fully understand how this review was conducted, please respond to the following requests:

1. Did the DOJ Office of Inspector General (DOJ OIG) obtain evidence with respect to whether other DOJ component agencies had tasked or untasked CHSs or undercover agents a) in the Washington D.C. area; (b) at the Capitol Building; and (c) in restricted areas on January 6? If so, provide that information including which agency each CHS or undercover agent worked for. If not, why not? If not, we request that you seek that information and produce it to us.
2. Did the DOJ OIG obtain all communications, to include text messages, between and among all DOJ component agency handlers and the CHSs/undercover agents present (a) in the Washington D.C. area; (b) at the Capitol Building; and (c) in restricted areas on January 6? If yes, please provide those records. If not, why not?
3. Did DOJ provide all phone records, to include text messages, for the FBI handling agents of the 26 CHSs to the DOJ OIG? If not, why not?
4. With respect to "instant messages" that your office obtained, does this include classified and unclassified non-email communication platforms used by the FBI? Please explain.
5. Please provide all FD-1023 forms connected to the DOJ OIG's review.

Thank you for your prompt review and response.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget



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