

# **EXHIBIT 1**

**SENT VIA: <https://efoia.fbi.gov>**

April 26, 2023

Michael G. Seidel, Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Department of Justice  
200 Constitution Drive  
Winchester, VA 22602

Dear FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Justice (“DOJ”), 28 CFR Part 16, I respectfully request the following from the Federal Bureau of Investigation (“FBI”):

- 1) All records preparing for, notating, memorializing, or summarizing the August 6, 2020 FBI briefing to Senator Charles Grassley and Senator Ron Johnson.
- 2) All communications between the FBI and Congress referring to the August 6, 2020 FBI briefing to Senator Charles Grassley and Senator Ron Johnson.
- 3) All communications between the FBI and the press relating to the August 6, 2020 FBI briefing to Senator Charles Grassley and Senator Ron Johnson.
- 4) All records relating to the responses to letters from Senator Charles Grassley or Senator Ron Johnson about the August 6, 2020 FBI briefing to Senator Charles Grassley and Senator Ron Johnson.
- 5) Records sufficient to show why the FBI offered the briefing to Senator Charles Grassley and Senator Ron Johnson that occurred on August 6, 2020.

- 6) All communications between the FBI employees assigned to the Foreign Influence Task Force and the following members of Congress or their staff:
  - a. Representative Nancy Pelosi;
  - b. Representative Adam Schiff;
  - c. Senator Charles Schumer;
  - d. Senator Ron Wyden;
  - e. Senator Mark Warner; and
  - f. Senator Gary Peters.
  
- 7) All records referring or relating to an alleged assessment opened by FBI Supervisory Intelligence Analyst Brian Auten about Hunter Biden.
  
- 8) All records from the following custodians containing the term “Grassley” or “Johnson”:
  - a. Christopher Wray
  - b. Timothy Thibault
  - c. Nikki Floris
  - d. Bradley Benavides
  - e. Brian Auten
  - f. Elvis Chan
  - g. Laura Dehmlow; and
  - h. Jill Tyson

Please limit all searches in response to this Request from January 1, 2020, to present. Please include the following Department components in any search: Office of the Director, Washington Field Office, Foreign Influence Task Force, Counterintelligence Division, Office of the General Counsel, Office of Congressional Affairs, and the Office of Public Affairs.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic

mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as ‘encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc’d or bcc’d, both parties are cc’d or bcc’d, or some combination thereof.

The term “employee” means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “Congress” refers to any person elected to the House of Representatives or United States Senate, or assigned a “.senate.gov” or “.house.gov” email address.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce

responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please do not produce press clippings, except for those specifications that indicate applicable custodians. Press clippings alone are not responsive.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

### **Fee Waiver Request**

This request is primarily and fundamentally for non-commercial purposes. I am an investigative columnist for the Heritage Foundation's national news outlet, *The Daily Signal*. As part of a 501(c)(3) nonprofit, *The Daily Signal* does not have a commercial purpose and the release of the information requested is not in the Heritage Foundation or *The Daily Signal's* commercial interest. The Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,<sup>1</sup> broadcast media<sup>2</sup> (traditional and nontraditional) and press releases.<sup>3</sup> The Oversight Project is an initiative aimed at obtaining information via Freedom of Information Act requests and other means in order to best inform the public and Congress for the purposes of Congressional oversight. The requests and analysis of information are informed by Heritage's deep policy expertise. By function, the Oversight Project primarily engaged in disseminating information to the public.

The requested information is in the public interest for several reasons. First, the question of the FBI's motives in offering the briefing remains unanswered and

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<sup>1</sup> Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

<sup>2</sup> Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

<sup>3</sup> Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press>.

has been covered extensively by national broadcast media and national print media.<sup>4</sup> Second, there remain questions on whether the contents of the briefing to the Senators was leaked to the news media.<sup>5</sup> Third, the question of whether and why the FBI sought to discredit an investigation led by two Senate Committee Chairmen into the Biden Family remains unanswered.<sup>6</sup> Fourth, Senators Johnson and Grassley have repeatedly raised concerns with the FBI in congressional testimony and oversight letters about this briefing and have not received adequate responses.<sup>7</sup> Fifth, the August 2020 briefing was a focus in the 2022 Wisconsin United States

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<sup>4</sup> The Editorial Board, *The FBI's Dubious Briefing*, Wall Street Journal (May 4, 2021), <https://www.wsj.com/articles/the-fbis-dubious-briefing-11620168038>.

<sup>5</sup> Ellen Nakashima, Shane Harris, and Tom Hamburger, *FBI was aware prominent Americans, including Giuliani, were targeted by Russian influence operation*, The Washington Post (May 1, 2021), [https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489\\_story.html](https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489_story.html).

<sup>6</sup> Frank Fang, *FBI Likely Did 'Intentionally Undermine' a Congressional Probe on Hunter Biden: Senator*, The Epoch Times (updated July 28, 2022), [https://www.theepochtimes.com/fbi-likely-did-intentionally-undermine-a-congressional-probe-on-hunter-biden-senator\\_4625026.html](https://www.theepochtimes.com/fbi-likely-did-intentionally-undermine-a-congressional-probe-on-hunter-biden-senator_4625026.html); Letter from Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Attorney General Garland, Directors Haines and Wray, and Inspector General Horowitz, (July 26, 2022), <https://www.ronjohnson.senate.gov/services/files/065351CE-066C-449A-A9E5-23C5B737001A>; Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Attorney General Garland and Director Wray, (July 25, 2022), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptfbipoliticalbiasfollowup.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf).

<sup>7</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, and Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Intelligence Analyst in Charge Floris and Deputy Assistant Director Benavides, (Aug. 25, 2022), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_fbi\\_-\\_august\\_2020\\_briefing.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_fbi_-_august_2020_briefing.pdf); Letter from Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Attorney General Garland, Directors Haines and Wray, and Inspector General Horowitz (July 26, 2022), <https://www.ronjohnson.senate.gov/services/files/065351CE-066C-449A-A9E5-23C5B737001A>; Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Attorney General Garland and Director Wray (July 25, 2022), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptfbipoliticalbiasfollowup.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf); S. Comm. on Homeland Sec. and Governmental Aff., Full Committee Hearing: Threats to the Homeland (Nov. 17, 2022), <https://www.hsgac.senate.gov/hearings/11-16-2022-threats-to-the-homeland/>.

Senate race.<sup>8</sup> The purpose of this Freedom of Information Act request is to examine this controversial issue.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for *The Daily Signal*<sup>9</sup> (a major news outlet<sup>10</sup>), as an investigative columnist, I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts<sup>11</sup> or articles<sup>12</sup>. I request that you waive all applicable fees associated with this request.

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<sup>8</sup> Lawrence Andrea, *Ron Johnson said, 'The FBI set me up.' Here is what's behind the comment made during Wisconsin's Senate debate*, Milwaukee Journal Sentinel (Oct. 14, 2022), <https://www.jsonline.com/story/news/politics/elections/2022/10/14/wisconsin-sen-ron-johnson-said-during-debate-fbi-set-him-up/10495277002/>.

<sup>9</sup> Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>.

<sup>10</sup> Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>.

<sup>11</sup> Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>.

<sup>12</sup> The Daily Signal. (Accessed: 2023, March 27). *EXCLUSIVE: FBI Devoted at Least 16,000 More Hours to Jan. 6 Riot Than to BLM Riots in DC*. <https://www.dailysignal.com/2023/03/20/exclusive-fbi-devoted-at-least-16000-more-hours-to-jan-6-riot-than-to-blm-riots-in-d-c/>. The Daily Signal. (Accessed: 2023, March 27). *Archives Lawyer Won't Say Who Blocked Statement on Biden Classified Documents*. <https://www.dailysignal.com/2023/03/09/archives-lawyer-cant-say-who-blocked-statement-on-biden-classified-documents/>. The Daily Signal. (Accessed: 2023, March 27). *7 Facts I Discovered During My Visit to East Palestine*. <https://www.dailysignal.com/2023/03/01/7-facts-i-discovered-during-my-visit-to-east-palestine/>. The Daily Signal. (Accessed: 2023, March 27) *Biden Picks Major Recipient of Pfizer Research Dollars to Oversee Cancer Institute*. <https://www.dailysignal.com/2022/08/22/biden-picks-major-recipient-of-pfizer-research-dollars-to-oversee-cancer-institute/>. The Daily Signal. (Accessed: 2023, March 27). *DC's Solution to Illegal Immigrants Bused From Texas: 'Put Them on Train to Miami'*. <https://www.dailysignal.com/2022/07/22/dcs-solution-to-illegal-immigrants-bused-from-texas-put-them-on-train-to-miami/>. The Daily Signal. (Accessed: 2023, March 27). *Well-Intentioned AmeriCorps Now Rotten to Core After Falling to Woke Left*. <https://www.dailysignal.com/2023/02/22/well-intentioned-ameri-corps-now-rotten-core-falling-woke-left/>. The Daily Signal. (Accessed: 2023, March 27). *What the New Document Dump Says About Biden's VP Papers*. <https://www.dailysignal.com/2023/02/13/were-more-biden-classified-documents-stored-in-boston/>. The Daily Signal. (Accessed: 2023, March 27). *FBI Had Investigative Interest in Protests at Justices' Homes, but Apparently Took No Action, Document Reveals*. <https://www.dailysignal.com/2023/01/17/document-reveals-fbis-investigative-interest-in-protests-at-justices-homes-although-no-action-taken/>. The Daily Signal. (Accessed: 2023, March 27). *Democrat on House Financial Services Committee Hired FTX Crypto Kingpin's Brother*. <https://www.dailysignal.com/2022/11/15/democrat-on-house-financial-services-committee-hired-ftx>.



If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

**Request for Expedited Processing:**

Pursuant to 28 C.F.R. § 16.5(e)(1)(iv), I request expedited processing for this request. I certify the following statement of facts in support of expedited processing to be true and correct pursuant to 28 C.F.R. § 16.5(e)(3).

**Background:**

1. During the 116<sup>th</sup> Congress, the Committees on Finance and Homeland Security and Governmental Affairs investigated potential conflicts of interest associated with Hunter Biden’s business dealings. The investigation culminated with a joint majority staff report issued on September 23, 2020 entitled, “*Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns.*”<sup>13</sup>. On November 18, 2020, Senators Grassley and Johnson released a supplemental document “based on new records that confirm the connection between the Biden family and the communist Chinese government, as well as the links between Hunter Biden’s business associates and the Russian government. . . .”<sup>14</sup>

On July 17, 2020 Speaker of the House Nancy Pelosi, along with Senators

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[crypto-kingpins-brother/](https://www.dailysignal.com/2022/10/20/these-6-gop-senators-who-voted-to-confirm-mayorkas-wont-condemn-him-after-revelation-in-false-whipping-charge/). The Daily Signal. (Accessed: 2023, March 27). *These 6 GOP Senators Who Voted to Confirm Mayorkas Won’t Condemn Him After Revelation in False ‘Whipping’ Charge*. <https://www.dailysignal.com/2022/10/20/these-6-gop-senators-who-voted-to-confirm-mayorkas-wont-condemn-him-after-revelation-in-false-whipping-charge/>. The Daily Signal. (Accessed: 2023, March 27). *6 Takeaways to Know on Newly Released Trump, National Archives Documents*. <https://www.dailysignal.com/2022/10/04/6-takeaways-to-know-on-newly-released-trump-national-archives-documents/>. The Daily Signal. (Accessed: 2023, March 27). *By the Numbers: How Many Men in California Prisons Identify as Women*. <https://www.dailysignal.com/2022/06/14/by-the-numbers-how-many-men-in-california-prisons-identify-as-women/>.

<sup>13</sup> Joint Report, *Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns*, S. Comm. on Homeland Sec. and Governmental Aff. and S. Comm. on Fin. Majority Staff (Sept. 23, 2020), [https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Ukraine%20Report\\_FINAL.pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Ukraine%20Report_FINAL.pdf).

<sup>14</sup> Press release, Grassley, Johnson release supplement to report on potential conflicts of interest stemming from Biden family foreign business arrangements, S. Comm. On Finance and S. Comm. on Homeland Security and Governmental Affairs (Nov. 18, 2020), <https://www.finance.senate.gov/chairmans-news/grassley-johnson-release-supplement-to-report-on-potential-conflicts-of-interest-stemming-from-biden-family-foreign-business-arrangements>. The supplemental report itself can be accessed here, <https://www.finance.senate.gov/imo/media/doc/2020-11-18%20HSGAC%20-%20Finance%20Joint%20Report%20Supplemental.pdf>.

Charles Schumer, Mark Warner, and Representative Adam Schiff sent a letter to the FBI requesting a defensive counterintelligence briefing for all members of Congress “regarding foreign efforts to interfere in the 2020 presidential election.”<sup>15</sup> The members wrote that they were “gravely concerned, in particular, that Congress appears to be the target of a concerted foreign interference campaign, which seeks to launder and amplify disinformation in order to influence congressional activity, public debate, and the presidential election in November.”<sup>16</sup>

After the public letter, the FBI offered a defensive briefing to Senators Johnson and Grassley on behalf of the FBI and Intelligence Community. The FBI briefed Senators Grassley and Johnson on August 6, 2020. According to Senators Grassley and Johnson, the unsolicited briefing was “unnecessary and was only done because of pressure from [their] Democratic colleagues, including Democratic Leadership, to falsely attack [their] Biden investigation as advancing Russian disinformation.”<sup>17</sup> According to Senator Johnson, the briefing was a “setup” in which the senators learned “no new information whatsoever” about purported links to the Senate investigation into Hunter Biden and Russian disinformation briefing.<sup>18</sup>

On September 23, 2020, Senator Ron Wyden, then-Ranking Member of the Finance Committee and Senator Gary Peters, then-Ranking Member of the Committee on Homeland Security and Governmental Affairs issued a press release attacking the report released by Senators Grassley and Johnson on that day.<sup>19</sup> In the press release, Senator Peters said the Grassley-Johnson report was “rooted in Russian disinformation and intended to influence the presidential election.” Further, Senator

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<sup>15</sup> Letter from Speaker Nancy Pelosi, S. Minority Leader Chuck Schumer, Chairman Adam Schiff, H. Select Comm. on Intelligence, and Vice Chairman Mark Warner, S. Select Comm. on Intelligence, to Fed. Bureau of Investigation (July 13, 2020), <https://www.warner.senate.gov/public/index.cfm/2020/7/pelosi-schumer-schiff-warner-send-letter-to-fbi-director-requesting-defensive-counterintelligence-briefing-for-all-members>.

<sup>16</sup> *Id.*

<sup>17</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, and Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Intelligence Analyst in Charge Floris and Deputy Assistant Director Benavides, (Aug. 25, 2022), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_fbi\\_-\\_august\\_2020\\_briefing.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_fbi_-_august_2020_briefing.pdf).

<sup>18</sup> S. Comm. on Homeland Sec. and Governmental Aff., Full Committee Hearing: Threats to the Homeland (Nov. 17, 2022), <https://www.hsgac.senate.gov/hearings/11-16-2022-threats-to-the-homeland/>.

<sup>19</sup> Press Release, *Peters, Wyden Respond to Republican Effort to Amplify Russian Disinformation & Manufacture Dirt on Vice President Biden*, S. Comm. on Homeland Sec. and Governmental Aff. (Sept. 23, 2020), <https://web.archive.org/web/20201001133040/https://www.hsgac.senate.gov/media/minority-media/peters-wyden-respond-to-republican-effort-to-amplify-russian-disinformation-and-manufacture-dirt-on-vice-president-biden>.

Peters accused Senators Grassley and Johnson of “amplify[ing] a known Russian attack on our election, and have used the credibility of the United States Senate to advance these discredited narratives, *despite warnings from the Intelligence Community*, the national security experts they interviewed over the course of their investigation, and Trump Administration officials.”<sup>20</sup> It is unclear what “warnings from the Intelligence Community” Senator Peters was referring to in the press release. The briefing to Senators Grassley and Johnson occurred prior to Senators Wyden and Peters issuing the press release.

Approximately nine months after the briefing, the contents of the briefing reportedly leaked to the *Washington Post*.<sup>21</sup> The story used the briefing to “smear [Senator] Johnson and his report on the Hunter Biden foreign business dealings, suggesting that he ignored FBI warnings and thus may have been manipulated by the Kremlin. The newspaper cited only anonymous ‘current U.S. officials.’”<sup>22</sup>

Senators Grassley and Johnson have repeatedly sought information from the FBI about this briefing in oversight letters and congressional testimony. They have made clear in their considered opinions that based on all available evidence, the FBI has acted in extreme bad faith in delivering the August 6, 2020 briefing and in responding to their oversight efforts following the briefing. At a minimum, the Senators believe the briefing was irrelevant to their Hunter Biden investigation and designed to mislead the Committees and American public about their work. At the worst, it was a deliberate “set up” according to Senator Johnson.

For example, on August 12, 2020—six days after the briefing at issue—Senator Grassley requested the FBI and DOJ produce intelligence products referenced in the briefing and the FD-302 or similar summary document memorializing the briefing.<sup>23</sup> He requested the materials be produced to him by August 17, 2020.<sup>24</sup>

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<sup>20</sup> *Id.*

<sup>21</sup> Ellen Nakashima, Shane Harris, and Tom Hamburger, *FBI was aware prominent Americans, including Giuliani, were targeted by Russian influence operation*, *The Washington Post* (May 1, 2021), [https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489\\_story.html](https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489_story.html).

<sup>22</sup> The Editorial Board, *The FBI's Dubious Briefing*, *Wall Street Journal* (May 4, 2021), <https://www.wsj.com/articles/the-fbis-dubious-briefing-11620168038>.

<sup>23</sup> Letter from Charles Grassley, Chairman, S. Comm. On Finance, to William Barr, Attorney Gen., and Christopher Wray, Director, Fed. Bureau on Invest., (Aug 12, 2020), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptfbibriefing.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbibriefing.pdf).

<sup>24</sup> *Id.*

On May 3, 2021 Senators Grassley and Johnson wrote to Director Wray and Director of National Intelligence (“DNI”), Avril Hines, about the leak of the August 6, 2020 briefing. The Senators wrote, “we made clear to the FBI briefers on August 6, 2020, that the briefing was not relevant to the substance of our work. We also made clear our concern that the briefing would be subject to a leak that would shed a false light on the focus of our investigation. Indeed, last week’s article did exactly that.”<sup>25</sup> The letter highlighted the promises the Senators received that the briefing would remain confidential and expressed displeasure the FBI and DNI allegedly broke those promises.<sup>26</sup> The Senators requested a meeting with the FBI Director and DNI as well as a series of documents connected to the briefing including briefing notes, intelligence products, and information related to the decision to offer the briefing to the senators.<sup>27</sup> They requested the information be provided by May 10, 2021.

On July 25, 2022, Senator Grassley—for the third time—requested information and documents about the August 6, 2020, briefing.<sup>28</sup> He also raised serious concerns he received from FBI whistleblowers about FBI conduct. Senator Grassley wrote, in part:

The information provided to my office involves concerns about the FBI’s receipt and use of derogatory information relating to Hunter Biden, and the FBI’s false portrayal of acquired evidence as disinformation. The volume and consistency of these allegations substantiate their credibility and necessitate this letter.

*First, it’s been alleged that the FBI developed information in 2020 about Hunter Biden’s criminal financial and related activity. It is further alleged that in August 2020, FBI Supervisory Intelligence Analyst Brian Auten opened an assessment which was used by a FBI Headquarters (“FBI HQ”) team to improperly discredit negative Hunter Biden information as disinformation and caused investigative activity to cease.*

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<sup>25</sup> Letter from Sen. Charles Grassley, Ranking Member, Comm. On the Judiciary, and Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, Comm. on Homeland Security and Gov’t Affairs, to Christopher Wray, Director, Fed. Bureau of Investigations, and Avril Haines, Director of National Intelligence (May 3, 2021)

[https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_fbi\\_odni\\_-\\_briefing.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_fbi_odni_-_briefing.pdf).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Attorney General Garland and Director Wray (July 25, 2022),

[https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptfbipoliticalbiasfollowup.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf).

*Based on allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation.*

The basis for how the FBI HQ team selected the specific information for inclusion in Auten's assessment is unknown, but in more than one instance the focus of the FBI HQ team's attention involved derogatory information about Hunter Biden. Accordingly, the allegations provided to my office appear to indicate that there was a scheme in place among certain FBI officials to undermine derogatory information connected to Hunter Biden by falsely suggesting it was disinformation.

*Importantly, it's been alleged to my office that Auten's assessment was opened in August 2020, which is the same month that Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI that purportedly related to our Biden investigation and a briefing for which the contents were later leaked in order paint the investigation in a false light.*

As Senator Johnson and I have publicly noted, on July 13, 2020, then-Minority Leader Chuck Schumer, Senator Mark Warner, Speaker Nancy Pelosi and Representative Adam Schiff sent a letter, with a classified attachment, to the FBI to express a purported belief that Congress was the subject of a foreign disinformation campaign. The July 13, 2020, letter included unclassified elements that, among other things, unsuccessfully attempted to tie our investigative work to foreign disinformation. Those unclassified elements were later leaked to the press to try and smear our Biden investigation as unrelated foreign disinformation. Then, on July 16, 2020, then-Ranking Member Peters and then-Ranking Member Wyden requested a briefing on matters related to my and Senator Johnson's Biden investigation from the very same FBI HQ team that discredited the derogatory Hunter Biden information. The concurrent opening of Auten's assessment, the efforts by the FBI HQ team and the efforts by the FBI to provide an unnecessary briefing to me and Senator Johnson that provided our Democratic colleagues fodder to falsely accuse us of advancing foreign disinformation draws serious concern.

*Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Auten's*

*assessment.* The FBI HQ team’s investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

*Third, in October 2020, an avenue of additional derogatory Hunter Biden reporting was ordered closed at the direction of ASAC Thibault.* My office has been made aware that FBI agents responsible for this information were interviewed by the FBI HQ team in furtherance of Auten’s assessment. It’s been alleged that the FBI HQ team suggested to the FBI agents that the information was at risk of disinformation; however, according to allegations, all of the reporting was either verified or verifiable via criminal search warrants. *In addition, ASAC Thibault allegedly ordered the matter closed without providing a valid reason as required by FBI guidelines. Despite the matter being closed in such a way that the investigative avenue might be opened later, it’s alleged that FBI officials, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.*

The aforementioned allegations put a finer point on concerns that I have raised for many years about political considerations infecting the decision-making process at the Justice Department and FBI. If these allegations are true and accurate, *the Justice Department and FBI are—and have been—institutionally corrupted to their very core to the point in which the United States Congress and the American people will have no confidence in the equal application of the law.* Attorney General Garland and Director Wray, simply put, based on the allegations that I’ve received from numerous whistleblowers, *you have systemic and existential problems within your agencies.* You have an obligation to the country to take these allegations seriously, immediately investigate and take steps to institute fixes to these and other matters before you.<sup>29</sup>

The next day, July 26, 2022, Senator Johnson sent a letter of his own to Attorney General Garland, DNI Haines, Director Wray, and DOJ Inspector General

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<sup>29</sup> *Id.* Emphasis added.

Michael Horowitz.<sup>30</sup> Senator Johnson’s letter discussed the whistleblower allegations outlined in Senator Grassley’s July 25 letter and wrote,

“If these recent whistleblower revelations are true, it would strongly suggest that the FBI’s August 6, 2020 briefing was indeed a targeted effort to intentionally undermine a congressional investigation. The FBI being weaponized against two sitting Chairmen of U.S. Senate committees with constitutional oversight responsibilities would be one of the greatest episodes of Executive Branch corruption in American history.”<sup>31</sup>

Senator Johnson lambasted the recipients’ lack of cooperation with his oversight efforts writing, “the inability of the FBI and ODNI to be transparent with Congress on this matter and other matters relating to Hunter Biden is deeply concerning. Once again, the FBI’s integrity has been called into question. . .”<sup>32</sup>

On August 11, 2022, Director Wray testified before the Senate Judiciary Committee.<sup>33</sup> In post-hearing questions for the record, Senator Grassley again requested information and material about the August 6, 2020 briefing.<sup>34</sup>

On August 26, 2022, Senators Grassley and Johnson wrote to the two individuals that provided the August 6, 2020 briefing to them—Nikki Floris, Intelligence Analyst in Charge of the FBI’s Washington Field Office, and Bradley Benevides, Deputy Assistant Director of the Counterintelligence Division—requesting they sit for transcribed interviews with their two committees.<sup>35</sup> The Senators wrote further:

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<sup>30</sup> Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, S. Comm. on Homeland Security & Gov’t Affairs, to Merrick Garland, et. al. (July 26, 2022), <https://www.ronjohnson.senate.gov/services/files/065351CE-066C-449A-A9E5-23C5B737001A>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Oversight of the Federal Bureau of Investigation*, Hearing before the S. Comm. on the Judiciary, 117th Cong., Aug. 11, 2022.

<sup>34</sup> *Oversight of the Federal Bureau of Investigation*, Hearing before the S. Comm. on the Judiciary, 117th Cong., Aug. 11, 2022, post hearing questions for the record from Ranking Member Charles Grassley, [https://www.grassley.senate.gov/imo/media/doc/fbi\\_oversight\\_hearing\\_questions\\_for\\_the\\_record\\_-\\_senator\\_grassley.pdf](https://www.grassley.senate.gov/imo/media/doc/fbi_oversight_hearing_questions_for_the_record_-_senator_grassley.pdf).

<sup>35</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, and Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Intelligence Analyst in Charge Floris and

FBI officials initiated a scheme to downplay derogatory information on Hunter Biden for the purpose of shutting down investigative activity relating to his potential criminal exposure by labeling it ‘disinformation’ and “whistleblowers have also alleged that local FBI leadership instructed employees not to look at the Hunter Biden laptop immediately after the FBI had obtained it.”<sup>36</sup>

Finally, on November 17, 2022 Director Wray testified before the Senate Committee on Homeland Security and Governmental Affairs.<sup>37</sup> At that hearing, Senator Johnson asked Director Wray who directed the August 6, 2020 briefing.<sup>38</sup> Director Wray declined to answer citing longstanding FBI practice not to discuss specific defensive briefings.<sup>39</sup> Senator Johnson asked Director Wray if he has looked into the leaking of the briefing to the *Washington Post*. Director Wray declined to answer citing the practice not to discuss specific investigations.<sup>40</sup>

The August 6, 2020 briefing also played a role in the 2022 Wisconsin U.S. Senate election. At a debate on October 13, 2022, Democratic candidate Mandela Barnes claimed that Senator Johnson, “had to be sat down by the FBI and warned that he may be a Russian asset. . .”<sup>41</sup> Senator Johnson replied that the FBI “set [Senator Johnson] up and leaked that to smear [Senator Johnson].”<sup>42</sup>

Senators Grassley and Johnson testified at a February 9, 2023 hearing of the House Judiciary Committee, Select Subcommittee on the Weaponization of the Federal Government entitled “Hearing on the Weaponization of the Federal

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Deputy Assistant Director Benavides (Aug. 25, 2022),

<https://www.ronjohnson.senate.gov/services/files/9BA06EDA-298E-4A6D-977A-9DD4EF1ABCEC>.

<sup>36</sup> *Id.*

<sup>37</sup> *Threats to the Homeland*, Hearing before the S. Comm. on Homeland Security & Governmental Affairs, 117th Cong., Nov. 17, 2022.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Lawrence Andrea, *Ron Johnson said, 'The FBI set me up.' Here is what's behind the comment made during Wisconsin's Senate debate*, Milwaukee Journal Sentinel (Oct. 14, 2022),

<https://www.jsonline.com/story/news/politics/elections/2022/10/14/wisconsin-sen-ron-johnson-said-during-debate-fbi-set-him-up/10495277002/>.

<sup>42</sup> *Id.*



Government.”<sup>43</sup> Senator Grassley testified that in the past few years, he had “never seen so much effort from the FBI, partisan media, and some of my Democratic colleagues to interfere and undermine very legitimate congressional inquiries.”<sup>44</sup> Senator Grassley’s testimony further stated, in part:

On July 16, 2020, mere days after the July 13 letter, then-Ranking Members Wyden and Peters wrote a letter to me and Senator Johnson asking for a briefing from the FBI’s Foreign Influence Task Force. Our staff, and the ranking members’ staff, had already received a briefing in March 2020 that put the issue to rest. So why another briefing?

The point being: there was no real purpose for another briefing, let alone a member-level one, other than to further undermine our investigation. Some of our Democratic colleagues weren’t interested in anything but using the briefing to try and destroy our investigation.

At these Democrats’ insistence, the FBI caved. In August 2020, Senator Johnson and I had that infamous briefing from the FBI. And then, as we had feared, the contents of that briefing were later leaked to the Washington Post even though the FBI had promised us confidentiality. That leak outrageously and inaccurately connected that FBI briefing to our investigation in another effort to falsely label our good government oversight work as Russian disinformation.

The Wall Street Journal editorial board did the right thing and wrote a piece about that briefing titled, “The FBI’s Dubious Briefing: Did the bureau set up two GOP Senators at the behest of Democrats?”

Simply put, the briefing was unnecessary and completely irrelevant to the substance of our investigation. It was only done because the Democrats wanted it done so they could try and smear us. And the FBI wrongly did their bidding.

To this day, Director Wray refuses to provide Senator Johnson and me – as constitutional officers – records relating to that briefing, including the

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<sup>43</sup> Hearing, H. Judiciary Comm. Select Subcomm. on the Weaponization of the Fed. Gov’t (Feb. 9, 2023), <https://judiciary.house.gov/committee-activity/hearings/hearing-weaponization-federal-government>.

<sup>44</sup> Prepared Remarks by Sen. Grassley, H. Select Subcomm. Hearing on the Weaponization of the Fed. Gov’t, H. Judiciary Comm. (Feb. 9, 2022), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/sen.-grassley-testimony.pdf>.

alleged intelligence basis for it. Director Wray has consistently failed to perform the duties required of his position.<sup>45</sup>

2. The following factual Appendices are attached and expressly incorporated herein and made part of this request (as are the factual sources cited therein).<sup>46</sup>

- Appendix A is a compilation of news articles detailing the August 6, 2020 briefing and Senators Grassley and Johnson’s oversight efforts about the briefing.<sup>47</sup>
- Appendix B is a September 23, 2020 Majority Staff report from the Senate Committees on Finance and Homeland Security and Governmental Affairs entitled, *“Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns.”*<sup>48</sup>
- Appendix C is a compilation of the testimony from Senators Grassley and Johnson at a February 9, 2023 hearing of the House Judiciary Committee, Select Subcommittee on the Weaponization of the Federal Government entitled *“Hearing on the Weaponization of the Federal Government.”*<sup>49</sup>
- Appendix D is a collection of letters from Senators Charles Grassley and Ron Johnson to the DOJ, FBI, and Director of National Intelligence regarding the August 6, 2020 briefing.<sup>50</sup>
- Appendix E is a compilation of hearings transcripts where Director Wray testified and post-hearing questions for the record containing questions

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<sup>45</sup> *Id.*

<sup>46</sup> [http://thf\\_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf)

<sup>47</sup> [http://thf\\_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf)

<sup>48</sup> [http://thf\\_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf)

<sup>49</sup> [http://thf\\_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf)

<sup>50</sup> [http://thf\\_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf_media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf)

from Senators Grassley or Johnson about the August 6, 2020 briefing.<sup>51</sup>

**Expedited Processing is Warranted under 28 C.F.R. § 16.5(e)(1)(iv).**

1. This provision provides that expedited processing shall be granted regarding: “A matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.”

Courts have held that the DOJ Regulation requires the requester to show: (1) that the request involves a “matter of widespread and exceptional media interest” (28 C.F.R. § 16.5(e)(1)(iv)); and (2) that the matter is one “in which there exists possible questions about the integrity of the government that affect public confidence” (*id.*). See *Edmonds v. FBI*, No. 02-cv-1294 (ESH), 2002 WL 32539613, \*3 (D.D.C. Dec. 3, 2002). It is not necessary to show “prejudice or a matter of current exigency to the American public.” *Id.*

First, the DOJ Regulation requires showing that the matter about which questions of integrity have been raised is the subject of widespread national media attention. See *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 507–508 (D.D.C. 2018) (denying motion for expedited processing because general media interest in Solicitor General’s nomination is insufficient to show media interest in possible ethics questions concerning the nomination). There need not be a showing that the disclosure would shed considerable light on agency operations; only that there is “exceptional” and “widespread” media interest. See *CREW v. DOJ*, 870 F.Supp.2d 70, 81 (D.D.C. 2012), *rev’d on other grounds*, 746 F.3d 1082 (D.C. Cir. 2014). While the media interest need be “widespread” and “exceptional” it need not be overwhelming. See *ACLU*, 321 F.Supp.2d at 31–32 (rejecting DOJ’s position that requester’s citation to what the court described as “only a handful of articles” was insufficient to show “widespread and exceptional media interest” because those articles “were published in a variety of publications and repeatedly reference the ongoing national discussion about the Patriot Act and Section 215” (second quotation added)); *Edmonds*, 2002 WL 32539613, at \*3 (numerous national newspaper and network television broadcasts concerning whistleblower’s allegations of security lapses in FBI translator program met test).<sup>52</sup>

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<sup>51</sup> [http://thf-media.s3.amazonaws.com/2023/Oversite Project/Grassley-Johnson Briefing Appendix A-E.pdf](http://thf-media.s3.amazonaws.com/2023/Oversite%20Project/Grassley-Johnson%20Briefing%20Appendix%20A-E.pdf)

<sup>52</sup> *Cf.* 28 C.F.R. § 16.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.”).

Second, the DOJ Regulation requires showing that “there exists *possible* questions about the government’s integrity that affect public confidence.” *CREW v. DOJ*, 436 F.Supp.3d 354, 361 (D.D.C. 2020) (*quoting* 28 C.F.R. § 16.5(e)(1)(4)) (emphasis by Court).<sup>53</sup> It does not “require the requester to prove wrongdoing by the government in order to obtain documents on an expedited basis.” *Id.* at 362. “The primary way to determine whether such possible questions exist is by examining the state of public coverage of the matter at issue, and whether that coverage surfaces possible ethics issues so potentially significant as to reduce public confidence in governmental institutions.” *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 508 (D.D.C. 2018). This is not an extraordinarily high bar. *See, e.g., CREW*, 436 F.Supp.3d at 361 (complaint sufficient to survive a motion to dismiss where it alleged Attorney General’s action regarding disclosure of Mueller Report “supported an inference that at best, the Attorney General undertook to frame the public discussion on his own terms, and at worst that he distorted the truth”); *ACLU v. DOJ*, 321 F.Supp.2d 24, 32 (D.D.C. 2004) (allegations in press that Section 215 of the Patriot Act may be unconstitutional and reports that Members of Congress have alleged abuses of Section 215 “implicate[] government integrity” and hence are sufficient to meet test); *Edmonds*, 2002 WL 32539613, at \*3–4 (test met where plaintiff alleged security lapses in FBI translators program, national news covered the issue, and two Senators expressed concern regarding “the significant security issues raised by plaintiff’s allegations and the integrity of the FBI”).<sup>54</sup>

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<sup>53</sup> To be sure, this standard does not require expedition of any questions concerning government integrity. *See, e.g., White v. DOJ*, 16 F.4th 539, 544 (7th Cir. 2021) (test not met in case where records sought to cast doubt on requestors’ criminal conviction where requestor claimed he was subject to an elaborate government sting operation).

<sup>54</sup> DOJ has granted expedition under the DOJ Regulation in a number of circumstances. *See, e.g., CREW v. DOJ*, 870 F.Supp.2d at 81 n. 14 (expedition granted to request seeking records on FBI’s closed investigation of Congressman DeLay for misconduct which did not result in charges, but received considerable media attention (subsequent history omitted)); *CREW v. DOJ*, 820 F.Supp.2d 39, 42, 46 (D.D.C. 2011) (expedition granted to request seeking information concerning possible deletion of Office of Legal Counsel emails where the possible deletion was flagged as a hindrance in an internal investigation, covered in the media, and was the subject of Congressional concerns); *Elec. Frontier Found. v. DOJ*, 565 F.Supp.2d 188, 189–91 (D.D.C. 2008) (expedition granted to request seeking information regarding storage of information obtained by National Security Letters in FBI’s Data Warehouse); *CREW v. DOJ*, No. 05-cv-2078 (EGS), 2006 WL 1518964, \*1 (D.D.C. June 1, 2006) (expedition granted to request concerning government’s decision to seek a reduced penalty in tobacco litigation where government’s decision was subject to intensive news coverage and prompted concern from “several Congressman” which caused a request for an Inspector General investigation of “improper political interference” with the decision).

2. The facts amply support expedition here. Media coverage of Senator Grassley and Johnson’s investigation into Hunter Biden’s business practices has been widespread across multiple national media outlets. *See generally* App. A; App. B. In addition, there has been widespread media and congressional interest in efforts to discredit the investigation. *See* App. A 001–002, 004–005, 007–008, 009–010, 017, 024, 026, 029–031, 033, 045, 046–047, 049–052, 055, 061–063, 066, 070–075, 078–079, 082–083, 085, 086–088, 092–093, 102–103, 105–109, 112–116, 117–119, 129–132, 140, 142, 144–145, 148, 150–151, 152–156 162–163, 165–168, 170–171, 180–181, 204, 210, 213, 215–217, 219–220, 223–225, 228–229, 232, 235–236, 238–245, 247–248, 249, 252–253, 256–260, 262–269; App. C. Particularly important are the allegations by Senators Grassley and Johnson and the members of the news media that the August 6, 2020 briefing was a “set up.” The leaking of the briefing was used to potentially fuel an inaccurate narrative in Congress and the press to undermine legitimate congressional oversight.

The Senators have been clear in their belief that the FBI gave the August 6, 2020 briefing in bad faith. At a minimum, the Senators believe it was a briefing that was irrelevant to their Hunter Biden investigation. They have written the FBI that they believe the briefing was designed to mislead the Committees and American public about their work. At the worst, the Senators have explained their beliefs that the briefing was an intentional set up targeted at two senior United States Senators.

Senators Johnson and Grassley have sought answers about the August 6, 2020 briefing for more than two years. *See generally*, App. D. The FBI’s refusal to provide two senior senators answers about a briefing the Bureau gave them raise serious questions about the integrity of the FBI. Not only is the FBI’s apparent refusal to cooperate with congressional oversight concerning, the Senators revealed through that oversight, alarming allegations they received from whistleblowers that further calls into question the integrity of the FBI.

For example, Senator Grassley’s July 25, 2022 letter highlights allegations from FBI whistleblowers that, if true, would destroy the public credibility of the FBI. First, the letter discussed an alleged assessment opened in August 2020 (the same month as the briefing to Senators Grassley and Johnson) by FBI Supervisory Intelligence Analyst Brian Auten that was “used by a FBI Headquarters team to improperly discredit negative Hunter Biden as disinformation *and caused*

*investigative activity to cease.*<sup>55</sup> The Senator further alleged, based off whistleblower information he received, that there was a “scheme in place among certain FBI officials to undermine derogatory information connected to Hunter Biden by falsely suggesting it was disinformation.”<sup>56</sup> Senator Grassley further alleged that FBI investigators engaging in the scheme took steps to insulate themselves from oversight and supervision within FBI.<sup>57</sup> Finally, Senator Grassley relayed information he received from whistleblowers highlighting potential misconduct and partisan application of the law by Assistant Special Agent in Charge of the Washington Field Office, Timothy Thibault.<sup>58</sup>

The allegations in Senator Grassley’s July 25, 2022 letter are damning. The Senator and American people deserve answers as to whether those allegations are true.

Senators Grassley and Johnson raised additional concerns that raise questions about the FBI’s integrity. In an August 26, 2022 letter to FBI officials, Senators Grassley and Johnson wrote:

FBI officials initiated a scheme to downplay derogatory information on Hunter Biden for the purpose of shutting down investigative activity relating to his potential criminal exposure by labeling it ‘disinformation’” and “whistleblowers have also alleged that local FBI leadership instructed employees not to look at the Hunter Biden laptop immediately after the FBI had obtained it.<sup>59</sup>

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<sup>55</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Attorney General Garland and Director Wray (July 25, 2022),

[https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptfbipoliticalbiasfollowup.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* “Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Auten’s assessment. The FBI HQ team’s investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.”

<sup>58</sup> *Id.*

<sup>59</sup> Letter from Ranking Member Charles Grassley, S. Comm. on the Judiciary, and Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Intelligence Analyst in Charge Floris and Deputy Assistant Director Benavides (Aug. 25, 2022),

<https://www.ronjohnson.senate.gov/services/files/9BA06EDA-298E-4A6D-977A-9DD4EF1ABCEC>.

Two senior Senators have directly called into question the integrity of the FBI. They have accused the agency of initiating a “scheme” to undermine congressional oversight for political purposes. For over two years, the FBI has refused to appropriately cooperate with the senators’ oversight efforts. They have written multiple letters and asked Director Wray about the briefing at multiple hearings. These allegations are serious and warrant investigation. The FBI’s apparent refusal to cooperate with legitimate and lawful congressional oversight is both newsworthy and calls into question the FBI’s motives.

In addition, Senators Grassley and Johnson testified at a February 9, 2023 hearing of the House Judiciary Committee, Select Subcommittee on the Weaponization of the Federal Government entitled “Hearing on the Weaponization of the Federal Government.”<sup>60</sup> Senator Grassley testified that in the past few years, he had “never seen so much effort from the FBI, partisan media, and some of my Democratic colleagues to interfere and undermine very legitimate congressional inquiries.”<sup>61</sup> He testified at length about how the August 6, 2020 briefing was weaponized to label their investigation as Russian disinformation.

The FBI’s apparent refusal to properly respond to legitimate congressional oversight inquiries about the briefing further calls into question the integrity of the Bureau. Senator Grassley testified before the House of Representatives, “to this day, Director Wray refuses to provide Senator Johnson and me – as constitutional officers – records relating to that briefing, including the alleged intelligence basis for it. Director Wray has consistently failed to perform the duties required of his position.”<sup>62</sup> The FBI should answer the Senators and their failure to do so calls into question the FBI’s motives for not answering them.

The media interest in the August 6, 2020 briefing influenced the 2022 Wisconsin U.S. Senate election. The topic came up in the debate between Senator Johnson and his Democratic opponent, Mandela Barnes. Multiple articles in Wisconsin and nationally referenced the briefing discussion at the Senate debate.

Public confidence in the government suffers tremendously whenever there is the possibility that the government is weaponized against elected officials performing

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<sup>60</sup> Hearing, H. Judiciary Comm. Select Subcomm. on the Weaponization of the Fed. Gov’t (Feb. 9, 2023), <https://judiciary.house.gov/committee-activity/hearings/hearing-weaponization-federal-government>.

<sup>61</sup> Prepared Remarks by Sen. Grassley, H. Select Subcomm. Hearing on the Weaponization of the Fed. Gov’t, H. Judiciary Comm. (Feb. 9, 2022), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/sen.-grassley-testimony.pdf>.

<sup>62</sup> *Id.*

their constitutional duties. The FBI's commitment to non-transparency about the events surrounding the August 6, 2020 briefing to Senators Grassley and Johnson is alarming. The establishment of the Select Subcommittee on the Weaponization of Government and the Subcommittee's calling of Senators Grassley and Johnson as their first witnesses at the Subcommittee's first hearing demonstrate the extraordinary seriousness of concerns related to the weaponization of government. This FOIA request directly pertains to these concerns by seeking records related to any FBI communications surrounding the August 6, 2020 briefing to Senators Johnson and Grassley. Expedition is warranted.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [Reporter2023@proton.me](mailto:Reporter2023@proton.me)

Sincerely,

Kim Lain  
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