



**THE FBI'S BREACH OF RELIGIOUS FREEDOM:
THE WEAPONIZATION OF LAW ENFORCEMENT AGAINST CATHOLIC
AMERICANS**

Interim Staff Report of the
Committee on the Judiciary
and the
Select Subcommittee on the Weaponization of the Federal Government

U.S. House of Representatives



December 4, 2023

EXECUTIVE SUMMARY

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government have been investigating the Federal Bureau of Investigation’s (FBI) categorization of certain Catholic Americans as potential domestic terrorists. While the FBI claims it “does not categorize investigations as domestic terrorism based on the religious beliefs—to include Catholicism—of the subject involved,” an FBI-wide memorandum originating from the FBI’s Richmond Field Office did just that.¹ Under the guise of tackling the threat of domestic terrorism, the memorandum painted certain “radical-traditionalist Catholics” (RTCs) as violent extremists and proposed opportunities for the FBI to infiltrate Catholic churches as a form of “threat mitigation.”² The FBI’s Richmond memorandum is a startling reminder that Americans’ civil liberties and core Constitutional rights must be vigorously guarded against government overreach, including in this case from an overzealous law enforcement agency.

In February 2023, the Committee began its oversight after whistleblower Kyle Seraphin revealed the existence of the Richmond memorandum in internal FBI systems.³ In April 2023, after the FBI failed to fully cooperate with the oversight, Chairman Jordan issued a subpoena to Director Christopher Wray, requesting documents related to the memorandum.⁴ The Committee and Select Subcommittee’s oversight shows that the FBI abused its counterterrorism tools to target Catholic Americans as potential domestic terrorists. The Committee and Select Subcommittee discovered that the FBI relied on at least one undercover agent to develop its assessment and the FBI even proposed developing sources among the Catholic clergy and church leadership.⁵ Not only did the FBI propose to develop sources, but it already interviewed a priest and choir director affiliated with a Catholic church in Richmond, Virginia for the memorandum.⁶ Most concerning of all, without the disclosure of the brave whistleblower, the Richmond memorandum would still be operative in FBI systems, violating the religious liberties of millions of Catholic Americans.

From witness testimony and FBI internal documents, the Committee and Select Subcommittee have learned that there were errors at every step of the drafting, review, approval, and removal process of the memorandum. For example:

¹ Letter from Christopher Dunham, Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. Mike Johnson, Chairman, Subcomm. on the Const. and Limited Gov’t at 1 (Mar. 23, 2023) (on file with the Comm.) [hereinafter March 23 Letter].

² Fed. Bureau of Investigation, U.S. Dep’t of Justice, Domain Perspective, Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities at FBI-HJC118-DP-000282 (Jan. 23, 2023) (on file with the Comm.) [hereinafter Catholic Memorandum].

³ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. Mike Johnson, Chairman, Subcomm. on the Const. and Limited Gov’t, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Feb. 16, 2023) [hereinafter February 16 Letter].

⁴ See Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Apr. 10, 2023) [hereinafter April 10 Subpoena].

⁵ Catholic Memorandum at FBI-HJC118-DP-000282 and FBI-HJC118-DP-000285.

⁶ Whistleblower disclosure to Committee.

- The documents received pursuant to the Committee’s subpoena show there was no legitimate basis for the memorandum to insert federal law enforcement into Catholic houses of worship.
- The basis for the Richmond memorandum relied on a single investigation in the Richmond Field Office’s area of responsibility in which the subject “self-described” as a “radical-traditionalist Catholic” (RTC).⁷ However, FBI employees could not define the meaning of an RTC when preparing, editing, or reviewing the memorandum. Even so, this single investigation became the basis for an FBI-wide memorandum warning about the dangers of “radical” Catholics.
- Whistleblower disclosures reveal that the FBI interviewed a priest and choir director affiliated with a Catholic church in Richmond, Virginia while preparing the memorandum to inform on the parishioner under investigation.⁸
- In addition to the investigation in Virginia, FBI Richmond relied on reporting from other field offices across the country, including FBI Los Angeles, FBI Milwaukee, and FBI Portland in making its assessment.⁹
- The two FBI employees who co-authored the memorandum later told FBI internal investigators that they knew the sources cited in the memorandum had a political bias—sources including the Southern Poverty Law Center, *Salon*, and *The Atlantic*.¹⁰
- The documents received pursuant to the Committee’s subpoena show that the FBI singled out Americans who are pro-life, pro-family, and support the biological basis for sex and gender distinction as potential domestic terrorists. The memorandum recognized “the run-up to the next general election cycle”¹¹ as a key time frame and cited the *Dobbs v. Jackson Women’s Health Organization* decision that overturned *Roe v. Wade* as a flash point.
- Without considerable criticism in the wake of the disclosure of the memorandum, the document would have remained in an FBI-wide system. At the time of the memorandum’s disclosure, FBI officials were discussing turning the memorandum into an external, public-facing document highlighting the threats of “radical” Catholics. Most concerning, FBI Richmond still desires to convey this information to other field offices about “radical-traditionalist Catholics.”¹²

⁷ Inspection Div., Fed. Bureau of Investigation, U.S. Dep’t of Justice, *Strategic Review Report: Richmond Field Office – Domain Perspective Strategic Review* at FBI-HJC118-DP-000294 (2023) (on file with the Comm.) [hereinafter Strategic Review Report].

⁸ Whistleblower disclosure to Committee.

⁹ Strategic Review Report at FBI-HJC118-DP-000297.

¹⁰ *Id.* at FBI-HJC118-DP-000298.

¹¹ Catholic Memorandum at FBI-HJC118-DP-000281 – FBI-HJC118-DP-000282.

¹² Transcribed Interview with Stanley Meador, Special Agent in Charge, Fed. Bureau of Investigation at 115-116 (Aug 24, 2023) (on file with the Comm.) [hereinafter Meador Interview].

- FBI Richmond’s senior leadership saw the memorandum as an opportunity to insert federal law enforcement into places of worship and support outreach efforts to the Diocese of Richmond and other Catholic parishes.¹³
- Following public criticism about the memorandum, FBI Richmond’s Special Agent in Charge Stanley Meador met with members of the clergy, including the Most Reverend Barry Knestout, Bishop of the Diocese of Richmond, and a Cardinal of the Catholic Church to mend the FBI’s relationship with the Catholic community.
- Whistleblower disclosures to the Committee further reveal that the memorandum was accessible to other field offices across the country. However, the FBI still has no idea how many FBI employees accessed the memorandum before its removal and cannot confirm whether any outreach occurred to Catholic parishes as a result of the memorandum.

The Committee on the Judiciary, through and with its Select Subcommittee on the Weaponization of the Federal Government, is charged with investigating “violations of the civil liberties of citizens of the United States.”¹⁴ This interim staff report fulfills the ongoing obligation to identify and report on instances of the weaponization of the federal government—here, the FBI’s mishandling of domestic violent extremism investigations against Catholic Americans exercising their First Amendment rights. While the documents and information received to date help to better understand what transpired, they do not tell the whole story. The Committee and the Select Subcommittee will continue to pursue the relevant facts to inform legislative reforms and to protect American civil liberties from government overreach.

¹³ Catholic Memorandum at FBI-HJC118-DP-000286.

¹⁴ H. Res. 12, 118th Cong. § 1(b)(D) (2023).

TABLE OF CONTENTS

Executive Summary 1

Table of Contents 4

Background 5

New Information about the FBI’s Targeting of Catholic Americans 10

 I. The FBI’s own internal review identified errors at every step of the drafting, review, and approval of Richmond’s Catholic “intelligence product.” 10

 II. Without widespread criticism from other agents and public reporting about the Richmond memorandum, the document would have remained in FBI systems. 19

 III. SAC Meador met with several members of the clergy to mend the FBI’s relationship with the Catholic community. 24

Conclusion 29

BACKGROUND

On January 23, 2023, the FBI's Richmond Field Office published an eleven-page document, known as a domain perspective, that linked “racially or ethnically motivated violent extremists” (RMVEs) with individuals who hold a “radical-traditionalist Catholic” (RTC) ideology.¹⁵ In this memorandum, the FBI purported to distinguish what it called “traditional Catholics” from the RTC adherents, whom the FBI characterized as embracing “anti-Semitic, anti-immigrant, anti-LGBTQ, and white supremacist ideology.”¹⁶ The FBI identified certain public policy issues—such as conservative stances on immigration, affirmative action, and life issues—that it believed would “catalyz[e]” RTC adherents.¹⁷ In addition to attempting to separate and categorize Catholic Americans based on theological distinctions, the FBI underscored the political nature of its actions: “FBI Richmond assesses RMVE interest in RTCs is likely to increase over the next 12 or 24 months in the run-up to the next general election cycle.”¹⁸

The memorandum cited biased and partisan sources, including the Southern Poverty Law Center (SPLC), *Salon*, and *The Atlantic*, to support its assessment.¹⁹ For example, the SPLC misleadingly defines RTCs as “the largest single group of serious antisemites in America” and claims to have identified nine RTC “hate groups” across the United States.²⁰ The SPLC also identifies the broad term “Christian identity” as a hate group—a term that could arguably encompass millions of Americans with sincerely held religious beliefs.²¹ In addition, the SPLC routinely maligns several mainstream conservative and religious organizations as “hate” groups, simply because the SPLC disagrees with their views.²² The fact that the FBI would accept and circulate the SPLC’s partisan spin is highly concerning and undercuts the FBI’s assertion that it is unbiased and politically neutral.

On February 8, 2023, whistleblower Kyle Seraphin published a redacted version of the memorandum, condemning its partisan content.²³ The following day, news outlets immediately began reporting on the memorandum and its dangerous effect on protected First Amendment activity.²⁴ Virginia Attorney General Jason Miyares and 19 other state attorneys general even

¹⁵ Catholic Memorandum at FBI-HJC118-DP-000281. A Domain Perspective is “an operational or strategic level product that focuses on how a shift in, or new development related to, an environmental variable (EV) or EVs may affect threat(s) or the FBI’s effort to mitigate those threats” at FBI-HJC-000001 (on file with the Comm.).

¹⁶ *Id.*

¹⁷ *Id.* at FBI-HJC118-DP-000284.

¹⁸ *Id.* at FBI-HJC118-DP-000281 – FBI-HJC118-DP-000282.

¹⁹ *Id.* at FBI-HJC118-DP-000291.

²⁰ Southern Poverty Law Center, Radical Traditional Catholicism, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/radical-traditional-catholicism> (last visited September 19, 2023).

²¹ *Id.*

²² See Susan Ferrechio, *SPLC finds fewer hate groups but still targets evangelicals, conservatives as haters*, WASH. TIMES (Mar. 10, 2022).

²³ Kyle Seraphin, *The FBI Doubles Down on Christians and White Supremacy in 2023*, UNCOVERDC (Feb. 8, 2023), <https://www.uncoverdc.com/2023/02/08/the-fbi-doubles-down-on-christians-and-white-supremacy-in-2023/>.

²⁴ See e.g. Tyler Arnold and Joe Bukuras, *FBI retracts leaked document orchestrating investigation of Catholics*, CATHOLIC NEWS AGENCY (Feb. 9, 2023); Evita Duffy, *FBI Retracts Memo Labeling Traditional Catholics ‘Violent White Supremacists,’ Pushing Infiltration Of Christian Communities*, THE FEDERALIST (Feb. 9, 2023); Michael Katz, *FBI Retracts Internal Memo Targeting Traditional Catholic Ideology*, NEWSMAX (Feb. 9, 2023); Kayla

wrote a letter to Attorney General Garland and FBI Director Wray calling the memorandum “un-American and unconstitutional.”²⁵ Another whistleblower further told the Committee that the memorandum was available to FBI employees in field offices across the country, and many of these employees were “uniformly disappointed” that the memorandum was published in the first place.²⁶ Not only did these FBI employees recognize the memorandum’s clear constitutional breach, but they also feared that the document could have potentially served as the basis for future intelligence products.²⁷



In the wake of widespread criticism about the memorandum, the FBI withdrew the memorandum and blamed the Richmond Field Office for its creation and dissemination. On February 9, 2023, the FBI released a public statement to supplement its retraction of the memorandum:

While our standard practice is to not comment on specific intelligence products, this particular field office product—disseminated only within the FBI—regarding racially or ethnically motivated violent extremism does not meet the exacting standards of the FBI. Upon learning of the document, FBI Headquarters quickly began taking action to remove the document from FBI systems and conduct a review of the basis for the document. The

Bailey, *FBI labeling Catholics as possible violent extremists is an excuse to oppress 'political enemies'*: Evita Duffy, FOX NEWS (Feb. 12, 2023).

²⁵ Letter from Hon. Jason Miyares, Att’y Gen. of Va., et al., to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Justice and Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Feb. 10, 2023).

²⁶ Whistleblower disclosure to Committee.

²⁷ *Id.*

FBI is committed to sound analytic tradecraft and to investigating and preventing acts of violence and other crimes while upholding the constitutional rights of all Americans and will never conduct investigative activities or open an investigation based solely on First Amendment protected activity.²⁸

In response to these revelations, the Committee and Select Subcommittee began oversight into how the FBI could allow such a memorandum to be prepared, reviewed, approved, and disseminated. Although the FBI claims that it “will never conduct investigative activities or open an investigation based solely on First Amendment protected activity,” this memorandum itself is proof that the FBI has done just that, using taxpayer dollars. The FBI’s intrusion on Americans’ First Amendment rights demands that the Committee and Select Subcommittee conduct oversight into the circumstances of the memorandum’s creation and distribution, and to consider potential legislative reforms to ensure the FBI upholds the First Amendment.

Accordingly, on February 16, 2023, the Committee wrote to FBI Director Wray requesting documents and information regarding the FBI’s targeting of a set of Catholic Americans for their religious beliefs.²⁹ After receiving no response, the Committee sent a second letter on March 20, 2023.³⁰ On March 23, 2023, the Committee received a partial response consisting of only 18 pages—many with significant redactions—that prevented the Committee and Select Subcommittee from fully assessing the content and context of the documents.³¹

From this limited production, however, it was clear that the FBI, relying on information derived from at least one undercover employee, sought to use local religious organizations as “new avenues for tripwire and source development.”³² For example, in a section of the memorandum entitled “Opportunities,” the FBI wrote:

In addition to [redaction], engage in outreach to the leadership of other [Society of Saint Pius X (SSPX)] chapels in the FBI Richmond [area of responsibility] to sensitize these congregations to the warning signs of radicalization and **enlist their assistance to serve as suspicious activity tripwires.**³³

The FBI similarly noted two other opportunities to engage in outreach with “mainline Catholic parishes,” including St. Joseph Parish leadership and the local “diocesan leadership[.]”³⁴ The FBI also expressed an interest in “leverag[ing] existing sources and/or initiat[ing] Type 5 Assessments to develop new sources with the placement and access” to report on suspicious activity.³⁵

²⁸ Arnold and Bukuras, *supra* note 24.

²⁹ See February 16 Letter.

³⁰ See March 23 Letter.

³¹ *Id.*

³² Catholic Memorandum at FBI-HJC118-DP-000281.

³³ *Id.* at FBI-HJC118-DP-000285 (emphasis added).

³⁴ *Id.* at FBI-HJC118-DP-000286.

³⁵ *Id.*

Although the FBI claimed in its response to the Committee and Select Subcommittee to have “numerous” and “rigorous” policies to protect First Amendment rights,³⁶ the memorandum was reviewed and approved by two senior intelligence analysts and the Chief Division Counsel—the FBI’s top lawyer in the Richmond Field Office.³⁷ There are no indications that any FBI employees in Richmond had any concern with the content of the memorandum until after it was disclosed publicly.

This shocking, but limited, information reinforced the need for all material responsive to the Committee’s requests. To that end, on April 10, 2023, Chairman Jordan issued a subpoena to compel Director Wray to produce additional material regarding the memorandum.³⁸ On April 28, 2023—the day the FBI was due to comply in full with the subpoena—the Bureau produced an additional 248 pages of documents in response to the subpoena.³⁹

On July 25, 2023, the FBI produced a version of the memorandum with fewer redactions than the two previous versions it had produced for the Committee.⁴⁰ This new version showed that the FBI’s actions were not limited to “a single field office” as Director Wray testified to the Committee on July 12, 2023.⁴¹ Rather, the FBI relied on reporting from field offices around the country, including FBI Los Angeles and FBI Milwaukee, and in “[c]oordinat[ion] with” FBI Portland in making the assessment that led to the creation of the memorandum.⁴²

Since then, the Committee has received additional information about the genesis, review, and approval of the Richmond memorandum. On August 22, 2023, the Committee received a briefing from the FBI’s Inspection Division (INSD) about the FBI’s internal review of the memorandum. Following the briefing, the FBI produced another 31 pages of documents, including a redacted version of its report findings and another less-redacted version of the memorandum.⁴³ The Committee also conducted a transcribed interview with the Special Agent in Charge of the Richmond Field Office, Stanley Meador. Two months later, on October 27, the FBI produced an additional 261 pages of documents in response to the subpoena.⁴⁴

While this information sheds some light on how the FBI could abuse civil liberties so egregiously, the FBI’s responses remain deficient. The FBI has failed to produce the names of the FBI employees who were involved in drafting, reviewing, approving, or disseminating the

³⁶ March 23 Letter at 2.

³⁷ Catholic Memorandum at FBI-HJC118-DP-000286.

³⁸ See April 10 Subpoena.

³⁹ See Letter from Mr. Christopher Dunham, Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Apr. 28, 2023) (on file with the Comm.).

⁴⁰ See Letter from Christopher Dunham Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (July 25, 2023) (on file with the Comm.). This letter and production were in response to the Committee’s letter to Director Wray dated July 17, 2023, noting that the Committee may seek to enforce the subpoena through contempt proceedings.

⁴¹ *Oversight of the Federal Bureau of Investigation: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. at 68 (2023) (testimony of Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation) (on file with the Comm.).

⁴² Catholic Memorandum at FBI-HJC118-DP-000283 and FBI-HJC118-DP-000286.

⁴³ See Letter from Christopher Dunham, Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 23, 2023) (on file with the Comm.).

⁴⁴ See Letter from Mr. Christopher Dunham, Acting Asst. Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Oct. 27, 2023) (on file with the Comm.).

memorandum. Furthermore, the FBI's internal review is not a substitute for the Committee's independent and constitutional duty to oversee the FBI and to ensure the First Amendment's guarantee of the free exercise of religion is protected from government overreach.

NEW INFORMATION ABOUT THE FBI'S TARGETING OF CATHOLIC AMERICANS

The Committee and Select Subcommittee's oversight reveals how the FBI abused its federal law-enforcement resources to single out a specific sect of Catholic Americans because of their religious beliefs. The documents and testimony recently obtained shed new light on the genesis, review, and approval of the Richmond memorandum that equated "racially or ethnically motivated violent extremists" (RMVEs) with persons holding a "radical-traditionalist Catholic" (RTC) ideology. It is evident that the FBI violated the First Amendment, and without widespread criticism, the memorandum may have remained in an FBI-wide system indefinitely.

I. The FBI's own internal review identified errors at every step of the drafting, review, and approval of Richmond's Catholic "intelligence product."

Even after the Committee's subpoena, the FBI neglected to fulfill the Committee's requests, and instead delayed its compliance until the conclusion of an internal review spearheaded by the FBI's Inspection Division (INSD). Several months later, the Committee finally received a briefing from the INSD, as well as the FBI's Directorate of Intelligence (DI) and the Counterterrorism Division (CTD), regarding its internal review of the Richmond memorandum. As a part of this internal review, the FBI conducted 26 interviews with employees involved in drafting, reviewing, and approving the memorandum. Following the briefing, the FBI made two additional document productions, including a redacted version of its internal review report, which provides additional details about the creation of the memorandum, and email communications between the co-authors, peer reviewers, and supervisory analysts before the memorandum was published. In addition, on August 24, 2022, the Committee conducted an interview with Special Agent in Charge (SAC) Stanley Meador regarding the memorandum.

A. The two experienced Intelligence Analysts who authored the memorandum knew they were citing unreliable sources with a political bias.

The FBI's internal review found that the idea of the memorandum was first conceived of in mid-September 2022 by two Richmond-based Intelligence Analysts (IA), whose names are redacted in the FBI's internal report. At that time, the analysts started to discuss potential intelligence products to support Richmond's outreach efforts in conjunction with the Richmond Field Office's Strategic Plan for the fiscal year. The strategic plan for the year recognized "RMVE [racially or ethnically motivated violent extremists] as a DT [domestic terrorism] National Threat Priority" and included the objective of "strengthen[ing] [liaison] relationships through outreach."⁴⁵

The analysts relied on a single investigation as an "opportunity" for FBI Richmond to conduct outreach with Catholic parishes in the Richmond area of responsibility.⁴⁶ The subject under investigation was "Richmond's highest priority DT [domestic terrorism] subject" and was ranked likely to mobilize to violence.⁴⁷ The analysts examined the subject's social media, where

⁴⁵ Strategic Review Report at FBI-HJC118-DP-000296.

⁴⁶ *Id.*

⁴⁷ *Id.*

he “self-identified” as a “radical traditionalist Catholic Clerical Fascist.”⁴⁸ According to the interviews conducted during the FBI’s internal review, this social media examination is how the analysts learned of the term “RTC”—the terminology they maintained in the subsequent memorandum without fully understanding its meaning.⁴⁹

A whistleblower also revealed that the FBI interviewed a priest and choir director of an SSPX-affiliated church in Richmond, Virginia.⁵⁰ The interviews appear to have occurred in November and December 2022—the same time the analysts started drafting the memorandum.⁵¹ This information, which the FBI has refused to disclose, confirms that the FBI directly communicated with Catholic clergy and staff about parishioners practicing their faith.

From November to December 2022, the analysts began researching and drafting the Richmond memorandum. On November 11, 2022, one analyst created a working document in an online collaborative platform for the Richmond Field Office.⁵² Meanwhile, the other analyst focused on finding “operational intelligence” reporting from other field offices, where he identified similar cases to the Richmond investigation in both the Milwaukee Field Office and the Portland Field Office—even though the Portland investigation was closed because the subject was recently deceased.⁵³ On December 30, 2022, the analyst contacted the case managers at FBI Milwaukee to confirm the details of its investigation.⁵⁴ Four days later, the analyst also reached out to the case managers at FBI Portland to coordinate an “evidence bullet point” that was eventually included in the final Richmond memorandum.⁵⁵ The FBI’s internal review maintained that “the agents and analysts in Milwaukee and Portland only reviewed the bullet points associated with their respective investigation and did not review or contribute to the broader [memorandum].”⁵⁶ To date, however, the FBI has been unable to confirm whether the investigations in Milwaukee and Portland also included self-described RTC subjects.⁵⁷ Instead, it appears that the Richmond analysts adopted the RTC term after use by a criminal in one case occurring in Richmond’s area of responsibility.

While one analyst led the effort to find operational intelligence from other field offices, the other analyst focused on gathering open-source information that would inform the memorandum’s narrative.⁵⁸ As previously known from public reporting on the memorandum, the analyst utilized sources such as the Southern Poverty Law Center (SPLC), *Salon*, and *The Atlantic*.⁵⁹ During an interview as part of the FBI’s internal review, one of the analysts even acknowledged that the “SPLC was known to have a political bias.”⁶⁰ Yet, the analysts did not

⁴⁸ *Id.* at FBI-HJC118-DP-000297.

⁴⁹ *Id.*

⁵⁰ Whistleblower disclosure to Committee.

⁵¹ *Id.*

⁵² Strategic Review Report at FBI-HJC118-DP-000302.

⁵³ *Id.* at FBI-HJC118-DP-000297.

⁵⁴ *See id.*; *See also* FBI-HJC118-DP-000303.

⁵⁵ *Id.* at FBI-HJC118-DP-000303.

⁵⁶ *Id.* at FBI-HJC118-DP-000297.

⁵⁷ Briefing with Fed. Bureau of Investigation before the H. Comm. on the Judiciary, 118th Cong. (Aug. 22, 2023) [hereinafter FBI Briefing].

⁵⁸ Strategic Review Report at FBI-HJC118-DP-000298.

⁵⁹ Catholic Memorandum at FBI-HJC118-DP-000291.

⁶⁰ Strategic Review Report at FBI-HJC118-DP-000298.

provide any caveats about the bias or credibility of the source in the memorandum. Instead, they wrote in the memorandum that “FBI Richmond makes this assessment *with high confidence*.”⁶¹ In other words, the analysts cited and relied on the SPLC, *Salon*, and *The Atlantic* knowing the sources were politically biased to support a false narrative.⁶²

During his transcribed interview with the Committee, SAC Meador testified about the experience levels of the analysts who co-authored the Richmond memorandum. Meador revealed that the primary author has been with the FBI for about 18 years, while the other analyst has been with the FBI for over 20 years. Meador testified:

Q: And how long had each of the intelligence analysts worked at Richmond at the time of the drafting of the—

A: I have general—I don’t know the specific in Richmond, but I know their – their approximate tenure in doing the job.

Q: Ten years in doing the—

A: Oh, no, no. The primary author is, I believe, 18 years, 18. The coauthor is—he may be upwards 20 plus years, maybe even as much as 25.

Q: And would they be considered senior intelligence analysts or just regular intelligence analysts?

A: . . . I don’t think we have a classification. We have supervisory intelligence analysts, but they’re—they’d be senior, the tenure they’d been doing it, yeah.⁶³

It is concerning that these “senior” analysts—having done the job for 18 and over 20 years, respectively—could produce a memorandum with such grave civil liberties concerns. Yet, Meador testified that the analysts are still responsible for drafting intelligence products.⁶⁴ If these seasoned analysts do not understand the parameters of the First Amendment, it raises concerns about the FBI’s training of its analysts and whether other such unconstitutional intelligence products exist on FBI systems—a question that the FBI could not answer to the Committee.⁶⁵

⁶¹ Catholic Memorandum at FBI-HJC118-DP-000281 (emphasis added).

⁶² Strategic Review Report at FBI-HJC118-DP-000298.

⁶³ Meador Interview at 64.

⁶⁴ *Id.* at 66.

⁶⁵ FBI Briefing.

B. The memorandum was peer-reviewed by other Richmond Field Office employees, who did not have any concerns about the substance of the memorandum.

During the FBI’s internal review, it found that FBI Richmond had no formal peer review process for intelligence products.⁶⁶ The general practice in the field office was to have other senior analysts review a draft of the document before the Supervisory Intelligence Analyst (SIA) reviewed it for final approval.⁶⁷ The FBI Richmond’s careless review process resulted in a prejudiced memorandum despite being reviewed by multiple employees in leadership positions. To date, these analysts who peer-reviewed the memorandum are still responsible for creating and peer-reviewing intelligence products.⁶⁸

When the draft of the memorandum was complete, the analysts requested that two other analysts—one familiar with the issue and one senior analyst—peer review the memorandum. This peer-review process occurred on January 12, 2023.⁶⁹ In particular, the primary authoring analyst specifically asked another analyst, “who had completed two years of Catholic seminary,” to review the memorandum for proper usage of “unique Catholic terms.”⁷⁰ In his email response to the co-authoring analysts, the peer reviewer wrote, “[g]reat product, I really enjoyed the read!”⁷¹ The peer-reviewing analyst did not comment on the substance of the memorandum and only suggested “some items” for clarification.⁷² Meador testified to the Committee that this analyst had worked at FBI Richmond for less than two years.⁷³

In addition, the co-authors also requested that a senior intelligence analyst peer review the memorandum. Although the senior analyst was trained as an “Analytical Tradecraft Reviewer,” bound by the Office of the Directorate of Intelligence’s (ODNI) Analytic Tradecraft Standards (ATS), she only edited the memorandum for “mechanical” and “structural” edits.⁷⁴ According to the FBI’s report, the senior reviewer “did not conduct a tradecraft review or edit for substance because the [memorandum] was not an external product,” which purportedly requires intelligence products to undergo more scrutiny.⁷⁵ Therefore, the memorandum contained issues regarding the “readability, main assessment, sourcing, assumptions, perspective, analysis, and outlook,” which the FBI asserted would have all been avoided by conducting a “tradecraft review.”⁷⁶ Meador testified to the Committee that this senior analyst who reviewed the memorandum had worked at FBI Richmond for approximately 18 years.⁷⁷ Perhaps most

⁶⁶ Strategic Review Report at FBI-HJC118-DP-000298.

⁶⁷ *Id.*

⁶⁸ Meador Interview at 70.

⁶⁹ Strategic Review Report at FBI-HJC118-DP-000298 and FBI-HJC118-DP-000303.

⁷⁰ *Id.* at FBI-HJC118-DP-000298.

⁷¹ FBI-HJC118-DP-000330.

⁷² *Id.*

⁷³ Meador Interview at 69.

⁷⁴ Strategic Review Report at FBI-HJC118-DP-000298. Analytic Tradecraft Standards “govern the production and evaluation of analytic products” and “articulates the responsibility of intelligence analysts to strive for excellence, integrity, and rigor in their thinking and work practices....” Office of the Director of National Intelligence, Analytic Standards, Intelligence Community Directive 203 (Jan. 2, 2015).

⁷⁵ *Id.*

⁷⁶ *Id.* at FBI-HJC118-DP-000309.

⁷⁷ Meador Interview at 64.

concerning, the FBI found that no Richmond employee reviewed the memorandum for substance or tradecraft standards, especially Meador.⁷⁸ In fact, Meador testified to the Committee that he does “not recall in [his] career . . . ever having seen . . . analytic tradecraft standards.”⁷⁹

The rubber-stamp peer review process does not appear to be limited to the Richmond Field Office. In fact, the FBI has no “delineated” roles and responsibilities in its policy that require intelligence products to undergo a more scrutinizing peer review process.⁸⁰ According to Meador, “some offices have [review processes] and “some don’t.”⁸¹ So when FBI Headquarters identified issues with the memorandum, Meador requested that a supervisory analyst, who was ultimately responsible for approving the memorandum, to “start finding those peer-review processes throughout the Bureau so that [FBI Richmond] could formalize a peer review process.”⁸² The fact that there is no instituted peer-review process for intelligence products that drive federal law-enforcement investigations raises the question of how many other unconstitutional intelligence products the FBI has allowed to remain in its systems. Even the FBI briefers to the Committee could not answer this question as they admitted that the FBI has not conducted an internal review of any other existing intelligence products in FBI systems.⁸³

C. FBI Richmond’s top lawyer had no concerns with the memorandum and did not believe its content was unconstitutional.

On January 12, 2023, the authoring analysts requested legal review from Richmond’s Chief Division Counsel (CDC)—the field office’s top lawyer tasked with providing legal advice and services. Although the CDC had been with the Richmond Field Office for over 15 years, the FBI’s report found that he had never reviewed a domain perspective in his entire career.⁸⁴ This revelation is antithetical to internal FBI documents indicating that CDCs are the primary resource for reviewing intelligence products, especially if they contain “certain legally sensitive categories of information.”⁸⁵ Given that FBI Richmond’s top lawyer did not see the memorandum as a violation of religious freedom, there seem to be serious shortcomings with respect to how the FBI institutionally views constitutional rights.

A day after receiving the draft memorandum, the CDC concluded his analysis and indicated that the memorandum “look[ed] good” and that there were “no legal issues” with the content.⁸⁶ The CDC’s main suggestion was that the final product should explicitly include a “First Amendment legal caveat.”⁸⁷ Other than that, the CDC had no other concerns with the document so long as the memorandum “remained an internal product”—the same perception

⁷⁸ Strategic Review Report at FBI-HJC118-DP-000298.

⁷⁹ Meador Interview at 33.

⁸⁰ *Id.* at 32.

⁸¹ *Id.* at 66.

⁸² *Id.* at 33.

⁸³ FBI Briefing.

⁸⁴ Meador Interview at 73; *see also* Strategic Review Report at FBI-HJC118-DP-000298.

⁸⁵ Fed. Bureau of Investigation, U.S. Dep’t of Justice, Domain Perspective Guidance at FBI-HJC118-DP-000005 (Oct. 10, 2022) (on file with the Comm.).

⁸⁶ FBI-HJC118-DP-000326.

⁸⁷ Strategic Review Report at FBI-HJC118-DP-000298.

held by the peer-reviewing senior analyst.⁸⁸ In this same email thread, the author thanked the CDC for his suggestions and replied, “[t]his product is internal, however, we plan to write an external product and will follow your guidance.”⁸⁹ The CDC also “did not review the terminology and deferred to the SIAs [supervisory intelligence analysts] to use accurate terminology.”⁹⁰ Ultimately, the FBI report found that the CDC did not believe “the information in the [memorandum] violated the law” and “was not based solely on First Amendment protected information” even after hearing the plans to make the document into an external product.⁹¹

During his transcribed interview, SAC Meador testified that following public reporting of the memorandum, he had a conversation with the CDC about the CDC’s legal review of the document.⁹² Meador testified that he told the CDC to use “more care and caution” when it comes to reviewing intelligence products, especially when First Amendment rights are on the line.⁹³ Meador further testified that before the memorandum, he never had any previous concerns about the CDC’s performance.⁹⁴ To this date, the CDC still maintains responsibility for reviewing intelligence products originating from the Richmond Field Office.⁹⁵

D. Two supervisory analysts approved the memorandum without providing feedback or making any substantive edits.

Following the CDC’s review, the authoring analysts requested approval of the memorandum from two supervisory analysts. On January 17, 2023, the authoring analysts provided the final draft to the supervisory analyst who oversees all of FBI Richmond’s intelligence analysts.⁹⁶ Meador testified to the Committee that this supervisory analyst had worked at FBI Richmond for approximately three years and is still approving intelligence products.⁹⁷ This supervisory analyst made “[m]ostly minor word changes and suggestions” to the draft memorandum before forwarding it to another supervisory analyst, known as the Intelligence Program Coordinator, who oversees the Richmond Field Office’s intelligence program, for final approval on January 20, 2023.⁹⁸

On January 20, 2023, the final supervisory analyst reviewed and approved the memorandum and opined the memorandum was “[n]icely done.”⁹⁹ Although this supervisory analyst holds a “fairly senior”¹⁰⁰ position at FBI Richmond, “he did not know where the term ‘RTC’ originated,” but he still maintained the terminology.¹⁰¹ Although the CDC indicated that

⁸⁸ *Id.*

⁸⁹ FBI-HJC118-DP-000324.

⁹⁰ Strategic Review Report at FBI-HJC118-DP-000298.

⁹¹ *Id.*

⁹² Meador Interview at 76.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.* at 73-74

⁹⁶ Strategic Review Report at FBI-HJC118-DP-000303.

⁹⁷ Meador Interview at 28.

⁹⁸ FBI-HJC118-DP-000357.

⁹⁹ FBI-HJC118-DP-000370.

¹⁰⁰ Meador Interview at 26.

¹⁰¹ Strategic Review Report at FBI-HJC118-DP-000299.

he deferred the accuracy of the memorandum's terminology to the final approvers, the supervisory intelligence analysts also apparently did not try to correct the biased terminology.¹⁰²

FBI Richmond published the memorandum on Sentinel—the FBI's official record keeping system—on January 24, 2023, and then added the memorandum to its online collaborative platform on January 26, 2023.¹⁰³ That same day, a redacted employee informed SAC Meador and eleven other employees about the new product. The individual stated:

FYI A new [Richmond] Domain Perspective posted to the [online collaborative platform] . . . IAs [redacted] and [redacted] published the DP titled, “. . . Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities.” Your feedback is appreciated.¹⁰⁴

While the FBI claims that all pre-existing information concerning the Richmond memorandum has been permanently deleted, the FBI was able to retrieve a comment from SAC Meador in response to this notification. In addition, despite its affirmation that documents referring to the memorandum had been deleted, the FBI produced more relevant documents in its most recent production.

E. SAC Meador viewed the memorandum as an opportunity to conduct outreach with the Diocese of Richmond and Catholic parishes.

A week after receiving an email notification about the memorandum, SAC Meador provided feedback about the document through FBI Richmond's internal collaborative site. On February 3, 2023, Meador made the following comment:

Appreciate the perspective, especially after what was gleaned from the [redacted] investigation. I plan to engage in additional conversation regarding engagement at the Dioceses of Richmond. I think there is an opportunity here to consider putting several folks in a room (from different locations) to have this conversation.¹⁰⁵

During his transcribed interview with the Committee, Meador testified that the investigation he referred to in his comment was the same Richmond case referenced in the memorandum.¹⁰⁶ He testified that he was familiar with that specific Richmond investigation because it was an “extremely” high-profile case.¹⁰⁷ According to the FBI, Meador's comment is the only one that exists in response to the Richmond memorandum because all references to the document were

¹⁰² *Id.* at FBI-HJC118-DP-000298.

¹⁰³ *Id.* at FBI-HJC118-DP-000299.

¹⁰⁴ FBI-HJC118-DP-000280 (on file with the Comm.).

¹⁰⁵ FBI-HJC118-DP-000279 (on file with the Comm.).

¹⁰⁶ Meador Interview at 80.

¹⁰⁷ *Id.* at 13.

removed from FBI systems.¹⁰⁸ The FBI explicitly maintained “it is unknown if any other feedback was provided on the [memorandum].”¹⁰⁹

During his transcribed interview, Meador testified that he did not read the memorandum in its entirety but wanted to show appreciation for his employees’ work.¹¹⁰ Meador testified that when he saw the memorandum for the first time, he “remember[ed] pulling it up and skimming some” of the document.¹¹¹ In addition, Meador testified that he made the comment because “one of the important things in the FBI is to have executive management engagement with the intelligence program.”¹¹² He explained further:

[O]nce a document has been approved and published, the supervisors will send . . . an email to supervisors and command staff letting us know a new product has been posted in the [online collaborative platform] For me, what’s important is that periodically I go in there so that my intelligence team knows that I pay attention and I care about their work, I appreciate their perspective.¹¹³

Thus, from his testimony, it appears that Meador did not perform any due diligence on the memorandum, but instead commented as a way of showing engagement with his team.

During his transcribed interview, Meador provided more detail about what he meant in his comment, making it clear that he wanted to conduct outreach with the Diocese of Richmond and local Catholic parishes. Meador testified that the memorandum was specifically “an outreach document.”¹¹⁴ He further testified that his goal with the memorandum would have been to “put [FBI] folks around the table and talk about this and what that outreach would look like.”¹¹⁵ However, he testified that “we didn’t even get to that point” before the memorandum was released publicly.¹¹⁶

Meador’s attempt to rationalize the purpose of the memorandum as simply a mechanism for community “outreach” is a weak effort to gloss over the concerning rhetoric directed towards Catholic sects and conservative viewpoints. During his transcribed interview, Meador repeatedly testified to the Committee that he was unable to conduct outreach with Catholic parishes because the memorandum was revealed to the public by a whistleblower.¹¹⁷ However, he later conceded that the existence of the memorandum was not a necessary condition for conducting outreach in the community.¹¹⁸ When asked if he needed a formal intelligence document to conduct outreach

¹⁰⁸ Strategic Review Report at FBI-HJC118-DP-000299.

¹⁰⁹ *Id.*

¹¹⁰ Meador Interview at 78.

¹¹¹ *Id.* at 77.

¹¹² *Id.* at 78.

¹¹³ *Id.*

¹¹⁴ *Id.* at 108.

¹¹⁵ *Id.* at 80.

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 51, 80, and 121.

¹¹⁸ *Id.* at 121-122.

in the community, he admitted “No, I can just do it.”¹¹⁹ Meador’s rationalization of the memorandum as a community engagement exercise defies belief.

F. The FBI acknowledged that the memorandum lacked “sufficient evidence” and any “articulable support.”

The FBI found that the authors of the memorandum first conceived of the idea for the intelligence product from a single investigation in the Richmond area. Because the subject under investigation identified as a “self-described” “radical-traditionalist Catholic” the memorandum’s authors kept the terminology and associated it with “racially or ethnically motivated violent extremists (RMVE).”¹²⁰ The FBI further concluded that this association between “radical-traditionalist Catholics” and RMVEs lacked “sufficient evidence or articulable support” to justify the FBI’s attempt to conduct investigative activity on Catholic parishes.¹²¹ The FBI also found that the memorandum “failed to consider the potential bias and credibility of open-source information cited in support of the [document’s] assessment” such as the Southern Poverty Law Center (SPLC), *Salon*, and *The Atlantic*.¹²²

The FBI also found that the employees involved in drafting, reviewing, and approving the memorandum failed to adhere to FBI standards. The employees “lacked professional judgement” and “lack[ed] . . . training and awareness” of Domestic Terrorism (DT) terminology, causing them to utilize amorphous and ill-defined terms such as “RTC” and “far-right.”¹²³ Furthermore, the FBI’s internal review found that the Richmond Field Office lacked a formal review process.¹²⁴ As a result, the reviewers used “less scrutiny because it was an internal intelligence product.”¹²⁵ Ultimately, according to the FBI, this “lack of adherence” to FBI standards “led to the creation of the final version” of the Richmond memorandum.¹²⁶

In response to the problems with the Richmond memorandum, the FBI proposed a few corrective actions to address the deficiencies identified in the document. The FBI’s internal review concluded that all employees involved in drafting, reviewing, and approving the memorandum “shall be admonished” and “their respective supervisors will engage with [the] Human Resources Division to ensure deficiencies are addressed.”¹²⁷ The review also required additional training on “analytical tradecraft standards” and “DT [Domestic Terrorism] terminology.”¹²⁸ Furthermore, the FBI indicated that it will now require “heightened approval,” which now requires the SAC and FBI Headquarters to review and approve intelligence products involving “sensitive investigative matter[s]” such as protected First Amendment activity.¹²⁹ Lastly, the FBI promised to update its policy regarding the use of third-party sources, which will

¹¹⁹ *Id.* at 122.

¹²⁰ Strategic Review Report at FBI-HJC118-DP-000294.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.* at FBI-HJC118-DP-000295.

¹²⁴ *Id.* at FBI-HJC118-DP-000298.

¹²⁵ *Id.* at FBI-HJC118-DP-000295.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

include “consideration and documentation of the access, reliability, bias, and other factors affecting the credibility of all sources cited” in future intelligence documents.¹³⁰

Although these corrective measures are warranted, they alone are not sufficient. The FBI must be held accountable for its actions. It is not enough for the FBI to investigate itself and remedy its own wrongdoings, especially when it involves law-enforcement overreach involving fundamental religious freedoms. While the FBI’s internal report affirmed the Committee’s and Select Subcommittee’s suspicions of the Richmond memorandum, the report does not encompass the complete picture of the memorandum’s inception and fallout. For example, following news reporting, FBI Deputy Director Paul Abbate ordered a permanent removal of the memorandum, as well as any edits or references, from all FBI systems.¹³¹ The FBI asserts that due to this order, there is no other communication or documentation about the memorandum, other than what has been already given to the Committee. The redactions in the FBI report also leave gaps in the information provided, such as the names of the employees responsible for drafting, reviewing, and approving the memorandum. It seems clear, then, that the FBI’s internal report, in addition to its latest document production, does not encompass the entire picture.

II. Without widespread criticism from other agents and public reporting about the Richmond memorandum, the document would have remained in FBI systems.

Shortly after the memorandum was published on an FBI-wide system, an intelligence analyst with the FBI’s Milwaukee Field Office sent an email announcement to agents across the other field offices about recently published intelligence products, including the Richmond memorandum.¹³² One agent, whose name was redacted by the FBI, responded to the email thread: “Is anyone really asking for a product like this? Apparently we are at the behest of the SPLC [Southern Poverty Law Center]”¹³³ Another agent who appears to be from the Milwaukee Field Office replied, “yeah, our overreliance on the SPLC for hate designations is . . . problematic.”¹³⁴ From these comments, it is apparent that some line agents disagreed with the content of the memorandum, especially for its reliance on biased information. These documents also directly show that the memorandum was spread throughout the FBI, which is contrary to previous assertions that the memorandum was limited to the Richmond Field Office.

On February 8, 2023, news organizations started to report on a redacted version of the Richmond memorandum.¹³⁵ In the wake of backlash against the content of the memorandum, the FBI ordered the Richmond Field Office to withdraw it.¹³⁶ While the FBI’s internal review sheds some light on how the memorandum was removed, it does not show the complete picture, especially as the FBI alleges it permanently deleted the memorandum. The transcribed interview with SAC Meador, however, highlighted some details that were omitted or neglected in the FBI internal report provided to the Committee.

¹³⁰ *Id.* at FBI-HJC118-DP-000296.

¹³¹ *Id.* at FBI-HJC118-DP-000299 and FBI-HJC118-DP-000304.

¹³² FBI-HJC118-DP-000536.

¹³³ FBI-HJC118-DP-000558.

¹³⁴ FBI-HJC118-DP-000561.

¹³⁵ Arnold and Bukuras, *supra* note 24.

¹³⁶ *Id.*

A. Meador coordinated with FBI Headquarters leadership to immediately and permanently delete the memorandum.

On the same day that the memorandum became publicly available, Deputy Director Abbate ordered Meador to “pull it down.”¹³⁷ Meador interpreted Abbate’s instruction as an order to expunge the memorandum from all FBI Richmond systems.¹³⁸ Soon after, Meador notified two Assistant Special Agents in Charge (ASAC) of the news reporting on the memorandum and how to facilitate its removal.¹³⁹ On February 9, 2023, Meador conducted a morning meeting with his Executive Management, Supervisory Intelligence Analysts (SIAs), and CDC to discuss the news reporting on the memorandum and how to remove the document, and any references made to the document, from FBI Richmond’s online collaborative platform.¹⁴⁰ Following the meeting, Meador ordered another intelligence analyst, who had no earlier involvement with the memorandum, to remove the document from FBI Richmond’s online collaborative platform, including any edits and references made to it.¹⁴¹ The analyst deleted everything associated with the memorandum that same day, and “ensured the deleted [memorandum] was removed from the site’s recycle bin.”¹⁴²

Meanwhile, Meador tasked the CDC to work with the FBI’s Office of General Counsel (OGC) to facilitate the memorandum’s removal from the FBI-wide Sentinel program.¹⁴³ To do so, the Richmond Field Office had to perform a process called a “Permanent Charge-Out” (PCO), which “refers to a deletion of a record from all [FBI] electronic recordkeeping systems.”¹⁴⁴ An ASAC was assigned to oversee the removal of the memorandum from FBI systems.¹⁴⁵ To justify the removal, the ASAC noted in a “lead” that the memorandum contained information that “should have been restricted or prohibited” and indicated that OGC “concurred” with the need for removal.¹⁴⁶ On February 10, 2023, the removal process was officially completed.¹⁴⁷

Meador’s testimony provides more information about how FBI Executive Management directed and monitored the removal process. Meador testified that the decision to pull the memorandum off FBI systems “was made after” public reporting and after he received direction from Deputy Director Abbate to “pull it down” he also received a “follow-up call” from Tonya Ugoretz, the FBI’s Assistant Director of the Directorate of Intelligence.¹⁴⁸ According to Meador, Ugoretz told Meador that he needed to notify both the Deputy Director and herself “when [he] had taken the necessary steps” to remove the memorandum, and anything referring to the document, from FBI systems.¹⁴⁹

¹³⁷ Strategic Review Report at FBI-HJC118-DP-000299 and FBI-HJC118-DP-000304.

¹³⁸ *Id.*

¹³⁹ *Id.* at FBI-HJC118-DP-000304.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.* at FBI-HJC118-DP-000300.

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* at FBI-HJC118-DP-000304.

¹⁴⁷ *Id.*

¹⁴⁸ Meador Interview at 97.

¹⁴⁹ *Id.*

B. There were no prior concerns about the memorandum before news reporting. In fact, Meador was interested in quickly effectuating the memorandum.

If the memorandum had not become public knowledge, the document would have remained in an FBI-wide system. During his transcribed interview, Meador testified that the Richmond Field Office had received no concerns about the contents of the memorandum until it became public. Meador testified:

Q: And prior to February 8th, when the existence of the domain perspective hit the news, had anyone raised concerns to you about the propriety of the domain perspective?

A: “Propriety” meaning what?

Q: Whether or not it held up to the exacting standards of the FBI?

A: No.

Q: Had you had any discussions with anyone at headquarters prior to February 8th about the domain perspective?

A: No.¹⁵⁰

Meador also testified that if the memorandum did not become public, it would still be in FBI systems.¹⁵¹ In fact, Meador testified that he would have prioritized outreach to the Diocese of Richmond as a result of the memorandum.¹⁵² He stated:

Q: Do you know, if the domain perspective had not been . . . made public, would it still be in FBI systems?

A: Yes.

Q: Would outreach have been conducted based upon the domain perspective?

A: . . . I would’ve prioritized and had the discussion. Quite likely, I would’ve reached out to the Diocese.¹⁵³

It is concerning that if a whistleblower had not disclosed the existence of the memorandum, then an official FBI document of its nature—one that infringes on religious

¹⁵⁰ *Id.* at 97-98.

¹⁵¹ *Id.* at 98.

¹⁵² *Id.*

¹⁵³ *Id.*

liberties—would still be in effect. During the briefing, the Committee asked the FBI whether it conducts periodic reviews of other intelligence products to see if other concerning memorandums may be in existence.¹⁵⁴ The FBI’s briefers responded that the FBI does not conduct periodic reviews, and if it were to do reviews, they were doubtful they would have caught the memorandum.¹⁵⁵ This information, coupled with Meador’s testimony, is alarming, especially as Meador maintained that “the purpose of [the memorandum] was to engage in outreach to [the Diocese of Richmond].”¹⁵⁶

C. The memorandum originated as an internal product but was proposed to leadership to become an external, FBI-wide product, and discussions toward that goal are ongoing.

The FBI’s report revealed that the FBI had plans for an external, FBI-wide product based on the Richmond memorandum.¹⁵⁷ Not only is this concerning because other field offices around the country would effectuate the memorandum by using federal law enforcement resources to surveil Catholic parishes, but it would also allow other intelligence products to build upon the unconstitutional foundation of the Richmond memorandum. The Committee and Select Subcommittee have also learned that the FBI may still be attempting to fashion information from the Richmond memorandum into an external-facing document.

During his transcribed interview, Meador provided information about the differences between an internal and external intelligence product. Meador testified that an external product is “Bureau-wide” and “all external products go through headquarters” for review.¹⁵⁸ On the other hand, internal products do not go to headquarters for review.¹⁵⁹ However, an internal product does not mean that it stays solely within the Richmond Field Office. Meador testified that although the memorandum was an internal product, “it could be [used] to inform . . . management in the Richmond Field Office, but it also could be [used] to inform . . . other intelligence analysts across the country.”¹⁶⁰

As the first draft of the memorandum was nearly completed, the co-authors began informing leadership of its contents.¹⁶¹ On January 5, 2023, one of the authoring analysts emailed the Richmond’s domestic terrorism supervisory agent that an “internal intelligence product” was being written.¹⁶² In the same email, the analyst also informed the supervisory agent that the other co-authoring analyst was coordinating with the Counterterrorism Division on an “external product” known as a Strategic Perspective Executive Analytic Report (SPEAR).¹⁶³ On January 12, the supervisory analyst received a draft of the memorandum for his awareness.¹⁶⁴

¹⁵⁴ FBI Briefing.

¹⁵⁵ *Id.*

¹⁵⁶ Meador Interview at 121.

¹⁵⁷ Strategic Review Report at FBI-HJC118-DP-000303.

¹⁵⁸ Meador Interview at 74.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* at 74-75.

¹⁶¹ Strategic Review Report at FBI-HJC118-DP-000303.

¹⁶² *Id.*

¹⁶³ *Id.* at FBI-HJC118-DP-000304.

¹⁶⁴ *Id.* at FBI-HJC118-DP-000303.

After FBI Richmond published the memorandum internally, a subsequent draft of the memorandum was proposed to leadership to become an external product.¹⁶⁵ By February 2, 2023, an FBI employee sent a draft of the external-facing SPEAR report to the Counterterrorism Division.¹⁶⁶ In the FBI's latest production, the draft of the external SPEAR report had a pending release for February 2023, suggesting an interest for a prompt release.¹⁶⁷ On February 6, 2023, the Counterterrorism Division viewed the draft of the report and suggested making the document into an Emerging Intelligence Report (EIR).¹⁶⁸ During his transcribed interview, Meador described his awareness of the interest in making the memorandum into an external product. He testified:

A: Post the leak and the discussions I did learn . . . as I was having conversations, asking questions, that there . . . had been communication with [the Counterterrorism Division] on the release of this information in an external product, in a SPEAR, and that the response from them based on the [memorandum] was that the information should go into a different type of product, which is called an EI—for an external release, an EIR, emerging intelligence report, . . . versus a SPEAR.

Q: And was the topic of the external product, whatever the form, the SPEAR or the EIR, what was the topic going to be for that external product?

A: I don't know. I know—I think I would have to defer back to the inspection, because I think there's an indication that it was based on the [memorandum].¹⁶⁹

SAC Meador gleaned that the proposed external product was going to be based on the memorandum.¹⁷⁰ While this is concerning, knowing that the FBI wanted to further infringe on religious liberties Bureau-wide, equally concerning is that there are discussions still taking place with FBI Richmond on how to effectuate this external memorandum. Meador further testified:

Q: Do you know if the FBI is still pursuing an external product based upon the [memorandum]?

A: There—I know internally there have been some discussions . . . throughout the months of a desire to still try and get this information out somehow, but . . . I've not seen anything as

¹⁶⁵ *Id.* at FBI-HJC118-DP-000304.

¹⁶⁶ *Id.*

¹⁶⁷ FBI-HJC118-DP-000474.

¹⁶⁸ Strategic Review Report at FBI-HJC118-DP-000304.

¹⁶⁹ Meador Interview at 115.

¹⁷⁰ *Id.*

a result of that.

Q: What information [about]?

A: The subject—I think just a general subject, RMVE connection—

Q: An RTC?

A: Yeah.¹⁷¹

Despite all the problems that the FBI found with the memorandum, FBI Richmond still “desires” to get this information out about “radical-traditionalist Catholics.” This revelation is disturbing because the memorandum relied on biased sources and a single investigation, suggesting that the memorandum and its contents are not fully supported. Yet, despite the shortcomings of the Richmond memorandum and the widespread criticism for its creation, the FBI still apparently desires to convey the outrageous message that some Catholic Americans with traditional beliefs pose a domestic terror threat to our country.

III. SAC Meador met with several members of the clergy to mend the FBI’s relationship with the Catholic community.

After the leak of the Richmond memorandum and the ensuing backlash from the religious community, leaders of the Catholic faith, and news outlets, SAC Meador sought to repair the FBI’s relationship with leaders of the Diocese of Richmond. In particular, SAC Meador requested a meeting with the Bishop of the Diocese of Richmond and attended a meeting with a Cardinal of the Catholic Church to discuss issues with the Richmond memorandum.¹⁷² During these meetings, SAC Meador claimed that the purpose of the memorandum was to promote outreach by the FBI and offered private apologies for the “negative light that it had placed the organization in,” but not for the memorandum’s content.¹⁷³ Despite SAC Meador’s efforts, many in the religious and Catholic community continue to have concerns that the FBI is targeting them because of their sincerely held beliefs and that the FBI has shown an alarming disregard for religious liberty rights as protected by the First Amendment of the Constitution.¹⁷⁴

A. SAC Meador reached out to the Catholic Diocese of Richmond to meet with the Bishop and apologize for the memorandum.

After the disclosure of the memorandum began receiving coverage in news media outlets, the Catholic Diocese of Richmond issued a public statement about it on February 13, 2023.¹⁷⁵ In his statement, Bishop Knestout wrote that he was “alarmed” to read the memorandum and that it

¹⁷¹ *Id.* at 115-116.

¹⁷² *Id.* at 119-124.

¹⁷³ *Id.* at 120-121.

¹⁷⁴ U.S. Const. amend. I.

¹⁷⁵ Press Release, Catholic Diocese of Richmond, Bishop Knestout’s Statement Following Leaked Internal Memo from the FBI Richmond Field Office about Traditional Catholics and the Virginia Attorney General’s Response (Feb. 13, 2023).

“should be troubling and offensive to all communities of faith, as well as Americans.”¹⁷⁶ Bishop Knestout further wrote: “A preference for traditional forms of worship and holding closely to the Church’s teachings on marriage, family, human sexuality, and the dignity of the human person does not equate with extremism.”¹⁷⁷ Bishop Knestout also specifically recognized the duty of the Commonwealth of Virginia and Congress “to exercise their role of oversight, to publicly condemn this threat to religious liberty, and to ensure that such offenses against the constitutionally protected free exercise of religion do not occur again.”¹⁷⁸ The Committee and Select Subcommittee have done just that.

Bishop Knestout's Statement Following Leaked Internal Memo from the FBI Richmond Field Office about Traditional Catholics and the Virginia Attorney General's Response

For Immediate Release: February 13, 2023

Bishop Knestout's Statement Following Leaked Internal Memo from the FBI Richmond Field Office about Traditional Catholics and the Virginia Attorney General's Response

On Monday, Feb. 13, 2023, Bishop Knestout issued a statement following a Joint memorandum generated by the Richmond Field Office made public last week that targeted Virginia Catholics, specifically traditional Catholics, some of whom are not in full communion with the Roman Catholic Church. On Feb. 10, 2023, Virginia's Attorney General's Office released a statement that included multiple attorneys general from other states.

"People of all faith groups have long found refuge in the constitutional protections of our great nation. We all seek to share in God's gift of life, enjoy the fruits of liberty that our nation offers and assist one another in ensuring the common good.

"I was alarmed to read the reports written late last week about the contents of the internal memo created by the Richmond Field Office of the Federal Bureau of Investigation.

"The leaked document should be troubling and offensive to all communities of faith, as well as all Americans. I am grateful for the Virginia Attorney General and 19 attorneys general who have called upon the government to publicly release all materials related to the production of this memo.

"Religious freedom is an important matter acknowledged every June by the U.S. Catholic Bishops (USCCB) in which my brother bishops and I value and celebrate. Most recently, on Jan. 16, 2023, the U.S. celebrated Religious Freedom Day with USCCB Chair for Religious Liberty, Cardinal Timothy M. Dolan, noting "there is no freedom without the truth." It is my hope we get to the truth of the memo published last week.

"Our faith and our Church instruct us to be a people of peace and to uphold human dignity. As Pope Francis wrote in his 2017 letter for the celebration of World Day of Prayer for the Unity of Religions, "the name of God cannot be used to justify violence. Peace is the name of God."

"I call on all national representatives from the Commonwealth of Virginia in the House and Senate to exercise their role of oversight, to publicly condemn this threat to religious liberty, and to ensure that such offenses against the constitutionally protected free exercise of religion do not occur again."

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Within the memo, it mentioned the targeting of Virginia Catholics, specifically traditional Catholics, some of whom are not in full communion with the Roman Catholic Church.

"I was alarmed to read the reports written late last week about the contents of the internal memo created by the Richmond Field Office of the Federal Bureau of Investigation.

"The leaked document should be troubling and offensive to all communities of faith, as well as all Americans. I am grateful for the Virginia Attorney General and 19 attorneys general who have called upon the government to publicly release all materials related to the production of this memo.

"I call on all national representatives from the Commonwealth of Virginia in the House and Senate to exercise their role of oversight, to publicly condemn this threat to religious liberty, and to ensure that such offenses against the constitutionally protected free exercise of religion do not occur again."

On March 9, 2023, after receiving permission from the Deputy Director of the FBI, SAC Meador went to the Diocese of Richmond to meet with clergy officials to apologize for the memorandum, including the Vicar General, the general counsel, and the Bishop of the Diocese of Richmond.¹⁷⁹ During his transcribed interview, SAC Meador testified that although he had never met with anyone from the Diocese of Richmond prior to the disclosure of the memorandum, he wanted to offer “an apology on behalf of the field office for the negative attention . . . and inform them as to why—and give them what information I could as to why this—what it was and what it wasn’t and help inform them.”¹⁸⁰ However, it does not appear that SAC Meador offered an apology for the content of the memorandum or for his role in approving it, despite the memorandum failing to meet the “exacting standards” of the FBI.¹⁸¹ SAC Meador did

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Meador Interview at 120.

¹⁸⁰ *Id.*

¹⁸¹ Joe Bukuras, *U.S. bishops: FBI document targeting Catholics is religious profiling*, CATHOLIC NEWS AGENCY (Feb. 17, 2023).

acknowledge that the Diocese of Richmond took issue with the memorandum, testifying that “common sense, to me, is that they would’ve been concerned.”¹⁸² SAC Meador went on to say that he wanted to explain through his conversation with the Bishop that “the purpose of [the memorandum] was to engage in outreach to them.”¹⁸³

After their meeting, on March 13, 2023, SAC Meador reached out to the Diocese of Richmond again, thanking it for the opportunity to meet.¹⁸⁴ He wrote the following email:

Father [redacted],

Thank you for allowing me the opportunity to meet with you and Bishop Knestout. I sincerely appreciate you taking the time to meet and do hope the discussion was helpful. I wanted to follow up and extend an open invitation to you and Bishop Knestout to visit our Richmond FBI Field Office. In addition to showing you around, I think it would be a great opportunity to have you both meet some of our team members, who could also, if you like, provide a short briefing on some of our priority threats. My team and I would be happy to host so please feel free to reach out to me directly if you feel this would be of interest.... Look forward to hearing from you. In the interim, if you need anything from my direction, please do not hesitate to reach out anytime.¹⁸⁵

SAC Meador later extended an invitation for a second meeting with the Diocese at the FBI Richmond Field Office.¹⁸⁶ In response, a diocesan attorney accepted the invitation, but advised SAC Meador that:

Bishop Knestout recognizes that a cooperative relationship with law enforcement could prove useful to protect the diocese and its parishioners from current threats and any identified in the future. However, he would prefer that any such cooperation occur through his legal team, to that end, the diocesan attorney, including myself and [redacted], would make ourselves available to come to your office.¹⁸⁷

Routing all communications through his legal team may be evidence of the Bishop’s reluctance to engage with the FBI directly and further evidence of the FBI’s strained relationship with religious leaders in the community as a result of the memorandum. However, Diocesan attorneys still coordinated a visit to the field office on March 24, 2023, during which FBI Richmond briefed officials from the Diocese on domestic terrorism, international terrorism, and

¹⁸² Meador Interview at 120.

¹⁸³ *Id.* at 121.

¹⁸⁴ FBI-HJC118-DP-000217 (on file with the Comm.).

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ FBI-HJC118-DP-000218 (on file with the Comm.).

hate crimes.¹⁸⁸ The Bishop did not attend the briefing.¹⁸⁹ Since that meeting, SAC Meador has not had any contact with the Diocese of Richmond.¹⁹⁰

B. SAC Meador also met with a Cardinal of the Catholic Church to discuss the memorandum.

As part of more outreach to the Catholic community, SAC Meador informed the Committee during his transcribed interview that he also met with a Cardinal of the Catholic Church, along with the Assistant Director in Charge (ADIC) of the Washington Field Office (WFO).¹⁹¹ Meador testified:

A: I learned of the meeting from one of the special agents in charge of the Washington Field Office. He had told me that he was coordinating that meeting and wanted me to know. And I asked if I could attend to help with that meeting, and they said, of course. . . .

Q: Did the cardinal request that meeting, or did WFO reach out to the cardinal?

A: That's in WFO's territory.

Q: What was discussed at the meeting?

A: . . . I presented similar information that I did with the Bishop.

Q: Did you get the sense that the cardinal was concerned about the domain perspective?

A: Well, I think they were just concerned at large. I don't have any information expressed to me from the cardinal on his thoughts, on his stance related to it. I was there in a proactive sense and to help the ADIC because I had more of the firsthand information on the product.¹⁹²

Despite the apparent efforts at mending the FBI's relationship with the Catholic community, the memorandum has clearly created a lasting cause for concern. An FBI visit alone falls far short of the action necessary to repair the damage that is caused by a federal law enforcement intelligence product, such as the Richmond memorandum, that demonstrates an animus towards a particular faith group. FBI Richmond's failure to issue a public apology for the

¹⁸⁸ Meador Interview at 123.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 124-25.

¹⁹¹ *Id.* at 125-26.

¹⁹² *Id.* at 126-27.

content of the memorandum will only delay the process of rebuilding trust in communities of faith.

CONCLUSION

“Religious Liberty is under attack in many places because it is dangerous to those who want to hold complete power.”
– Justice Samuel Alito, July 28, 2022

Religious liberty is enshrined in the First Amendment to the Constitution.¹⁹³ Accordingly, the FBI’s own policy claims it “never conduct[s] investigative activities or open[s] an investigation based solely on First Amendment protected activity.”¹⁹⁴ The Richmond memorandum, however, paints a different picture. It is a stark reminder that sincerely held religious beliefs must be vigorously protected or be subjugated to an overzealous federal law enforcement focused on the ends, with little regard for the means. In the words of Stanley Meador, the Special Agent in Charge in Richmond, when he first “saw the document, I did not give it the review that it’s being given today.”¹⁹⁵ This ill-conceived and ill-administered memorandum is a stark warning of the need for scrupulous review of FBI documents with the potential to circumvent Americans’ civil liberties and the right to free exercise of religion.

Under the guise of domestic terrorism, the Richmond memorandum cast swaths of Catholic Americans as “radical-traditionalist Catholics” and those practicing it as ripe opportunities for FBI “threat mitigation.”¹⁹⁶ Due to the actions of a brave whistleblower, this document was introduced into the public eye largely before it could be acted on. Perhaps most concerning is that without the whistleblower, this document would still be actionable in FBI systems, potentially endangering the religious liberties of countless Americans who might be investigated simply for espousing certain sincerely held views.¹⁹⁷ That is unacceptable and antithetical to the protections of the First Amendment.

In the interim, the FBI must take decisive action to rebuild public trust. FBI Richmond has not issued a public apology or removed any of the employees involved in creating the document.¹⁹⁸ Moreover, the FBI continues to resist several of the Committee’s requests for transparency and answers.¹⁹⁹ While the Committee’s and Select Subcommittee’s oversight continues, this work will continue to inform potential legislative reforms that are necessary to protect the right to religious liberty from government overreach.

¹⁹³ U.S. Const. amend. I.

¹⁹⁴ Bukuras, *supra* note 181.

¹⁹⁵ Meador Interview at 21.

¹⁹⁶ Catholic Memorandum at FBI-HJC118-DP-000281.

¹⁹⁷ *See id.*; *See also* Meador Interview at 98.

¹⁹⁸ Meador Interview at 67-68.

¹⁹⁹ *See* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 9, 2023).