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Biden administration stonewalls Grassley on FBI's 2016 probe of conservative group

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Republican Sen. Charles E. Grassley of Iowa says the Biden administration is refusing to answer his questions about the FBI's 2016 targeting of the conservative group Concerned Women for America, which has sparked concerns of political bias in the bureau's ranks.

"The FBI's failure to fully answer Congress' questions about its activity to secretly examine Concerned Women for America is totally unacceptable, especially when the bureau has already acknowledged the existence of its activities in response to [Freedom of Information Act] inquiries," Mr. Grassley said in a statement to The Washington Times.

The FBI revealed last year that it determined in July 2016 that there was nothing to pursue at the prominent pro-life group after conducting an assessment.

But the agency told Mr. Grassley last December that the bureau did not need to explain its probe of Concerned Women for America and declined to answer the lawmaker's questions about the reasoning for the probe.

"We know that the FBI was abusing its intelligence authorities to target conservatives around the same time that it was examining CWA. Americans deserve to know just how far the FBI's politically charged abuse went, and whether CWA was also in the FBI's crosshairs," Mr. Grassley told the Times.

The FBI's "charity assessment" of CWA for potential "embezzlement of nonprofit organizations/corporate fraud" that yielded no investigation was revealed by the FBI in response to a FOIA request from the Cato Institute.

Such assessments may lead to investigations, and can include surveillance not requiring a court order, the usage and recruitment of human sources, and the examination of publicly available information about a target and data collected by federal, state and local governments on the target, according to the Attorney General's Guidelines for Domestic FBI Operations.

Mr. Grassley wrote to the FBI director and Attorney General Merrick B. Garland in July 2021 asking for an explanation and its records detailing its actions involving the conservative group.

The FBI has declined to provide its records or its reasoning to Mr. Grassley. FBI assistant director Jill C. Tyson replied in a December 2021 letter that although the bureau's assessments "do not require a particular factual predication, they do require an authorized purpose."

"With respect to your questions regarding particular assessments, longstanding Department of Justice and FBI policy preclude the sharing of criminal subject, witness, or victim information, including confirming or denying the existence of an investigation," Ms. Tyson wrote in a letter to Mr. Grassley obtained by The Washington Times. "Therefore, the FBI cannot comment on public reporting regarding Concerned Women of [sic] America."

But the FBI already acknowledged the existence of its assessment of CWA in response to a FOIA from Cato Institute senior fellow Patrick Eddington, who first uncovered the FBI's monitoring of CWA.

Mr. Eddington has continued to push the federal government for answers, and the Cato Institute sued the FBI and Justice Department last year to access records about whether and when the FBI has gone too far in investigating Americans.

The Justice Department told Mr. Eddington that the FBI was right to withhold information about records relating to CWA. The Justice Department's Office of Information Policy cited laws protecting "intelligence sources and methods" as among the rules that gave the FBI the legal ground to keep information about the conservative group hidden, according to a November letter to Mr. Eddington.

Mr. Eddington said the Justice Department's answer was very alarming, especially because he viewed it as confirmation that the FBI used classified databases and methods in targeting CWA.

"The very fact that they would be invoking a national security-related statute involving intelligence collection, which invariably is supposed to be directed outwards against entities like Russia, like China, like North Korea, like Iran, et cetera — that's very disturbing," Mr. Eddington said. "And it's, in my view, clearly beyond the pale, it's clearly, totally inappropriate and it's something that absolutely needs to be examined from a congressional investigative standpoint."

Concerned Women for America said it is talking with its lawyers about what, if anything, it will do next and the group plans to continue working with lawmakers seeking to understand what happened.

The conservative group is not alone in coming under scrutiny from FBI via its assessments. Mr. Eddington has previously estimated that the FBI has made hundreds of thousands of assessments, based upon data obtained in 2011 by The New York Times suggesting that the FBI conducted more than 82,000 assessments of individuals and groups for potential wrongdoing in the previous two years.

Mr. Eddington wrote last year that the Cato Institute also had gathered evidence that the FBI opened assessments on the Muslim Justice League in Massachusetts, a chapter of the League of Women Voters in New York, and a Colorado chapter of the International Rescue Committee.

The Justice Department declined to comment for this story. The FBI did not respond to request for comment, and it has previously directed The Washington Times to the information it released under FOIA.

The FBI told Mr. Grassley that its assessments are not unsupportable. Ms. Tyson cited the FBI Domestic Investigations Operations Guide and said assessments may be used to check out matters through “less intrusive methods” than through full-scale investigations.

“Importantly, according to the [guidelines], the basis of an assessment cannot be arbitrary or groundless speculation, nor can an assessment be based solely on the exercise of First Amendment protected activities or on the race, ethnicity, national origin, or religion of the subject,” she wrote.