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Republican Representative from Ohio Jim Jordan speaks during the House Judiciary Committee hearing on Policing Practices and Law Enforcement Accountability at the U.S. Capitol in Washington, D.C. on June 10, 2020. (Michael Reynolds/Pool/Getty Images)

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# Report Shows FBI Spied on 3.3 Million Americans Without a Warrant, GOP Demands Answers

By [Joseph Lord](#) | May 25, 2022 Updated: May 25, 2022

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Top House Republicans are demanding answers from the [FBI](#) after court-ordered information came to light showing that the federal agency had collected the information of over 3 million Americans without a warrant.

In a May 25 letter to FBI Director Christopher Wray, Reps. Jim Jordan (R-Ohio) and Mike Turner (R-Ohio) asked Wray to explain why his agency had wiretapped and gathered personal information on over 3.3 million Americans without a warrant ([pdf](#)).

Limited authority to gather foreign intelligence information is granted by the Foreign Intelligence Surveillance Act ([FISA](#)).

Specifically, section 702 of the bill says: “the Attorney General (AG) and the Director of National Intelligence (DNI) may jointly authorize the targeting of (i) non-U.S. persons (ii) who are reasonably believed to be outside of the United States (iii) to acquire foreign intelligence information.”

However, this power can grant an expanding circle of possible searches to the FBI and other intel agencies, who can use the same power against American citizens who had any interaction with targeted foreigners.

Historically, insight into how FISA has been used against American citizens has been limited and hidden behind classified reports.

However, a November 2020 decision by the Foreign Intelligence Surveillance Court (FISC)—which serves as a watchdog for U.S. intelligence agencies—required that the Office of the Director of National Intelligence (ODNI) report “the number of U.S. person queries run by the FBI against Section 702-acquired information.”

In accordance with these new requirements, ODNI’s recently-released Annual Statistical Transparency Report included data on how often the FBI gathered information on American citizens using section 702 in 2021.

In total, queries against U.S. citizens came out to a jaw-dropping 3,394,053 searches. By comparison, only 1,324,057 such queries were made in 2020, representing around a 250 percent increase during President Joe Biden’s first year in office.

According to ODNI more than half of these queries—approximately 1.9 million—were part of the larger investigation of alleged Russian attempts to target or weaken U.S. critical infrastructure.

The ODNI report also admitted that on at least four occasions, the FBI failed to get FISC approval before accessing the contents of information collected under section 702.

This is not the first time the FBI has been caught red-handed overstepping its legal authority under section 702.

In November 2020, the FISC announced that “the government … reported numerous incidents” in which the FBI reviewed information gathered under section 702 without obtaining proper permission from the court.

On other occasions, the FISC noted, the FBI used section 702 for issues entirely unrelated to foreign intelligence. These included queries for criminal investigations about healthcare fraud, transnational organized crime, violent gangs, domestic terrorism involving racially motivated violent extremists, as well as investigations relating to public corruption and bribery.”

“None of these queries was related to national security, and they returned numerous Section 702-acquired products in response,” the FISC noted.

“Rigorous Congressional oversight of the FBI’s Section 702-related activities is essential given FBI’s track record utilizing its FISA authorities,” Jordan and Turner ruled in view of the FBI’s past overreach.



FBI Director Christopher Wray testifies before the Senate Judiciary Committee on Capitol Hill, in Washington, on March 2, 2021. (Mandel Ngan-Pool/Getty Images)

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In their letter to Wray, Jordan and Turner laid out a laundry list of questions about the report, demanding further transparency and explanations on the revelation that the FBI has often overstepped its legal authority to spy on American citizens.

Among other questions, they requested a full accounting of all 3,394,053 citizens who showed up in FBI queries and “[the] number of preliminary or full investigations into any U.S. citizens the FBI has initiated as a result of information obtained through any of these U.S. person queries, and the nature of the predication for each such investigation.”

They also asked for information on the 1.9 million Americans queried over alleged Russian efforts to compromise U.S. critical infrastructure. Specifically, they asked for, “The rationale for why these queries were found to be compliant with the FBI’s Section 702 querying procedures [and the] total number of U.S. citizens the FBI identified as victims of these compromises(s) pursuant to these queries.”

In addition, they demanded “A detailed statement about the FBI’s investigation, including the status of the investigation and any information uncovered about the identity of the Russian actors and their involvement with or connection to the Russian government, if any.”

Additionally, they asked for information gathered under FISA rules in the years between 2015 and 2020, as well as for an explanation of the FBI’s overreach of authority on various occasions.

The letter demands that Wray provide a written response by no later than 5 p.m. on June 7.

FISA Section 702 was last authorized by Congress for a six-year period in 2018 and will be up for reauthorization in 2024.

The FBI could not be immediately reached for comment.