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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 9, 2018

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

### VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Ave., N.W.  
Washington, D.C. 20535

Dear Director Wray:

We write to request a briefing for Senate Judiciary and Senate Commerce Committee staff regarding the FBI's investigation into gymnasts' sexual abuse allegations against former gymnastics team doctor, Larry Nassar.

We are concerned with the FBI's handling of sexual abuse allegations lodged by athletes and individuals affiliated with USA Gymnastics. According to several gymnasts, many months elapsed between the time when these gymnasts initially reported Nassar's misconduct and the FBI's investigation of these allegations. The delay raises questions about whether the FBI treated this investigation with the urgency the allegations warranted.

Nassar joined the national staff of USA Gymnastics in 1986.<sup>[1]</sup> In later decades, he sexually abused countless young athletes under his care. On November 16, 2016, Nassar was indicted by the Michigan Attorney General's Office on multiple counts of criminal sexual conduct with a person younger than 13.<sup>[2]</sup> Shortly thereafter, he was arrested by the FBI and charged with possession of child pornography. Nassar pled guilty to various child pornography charges, and he was sentenced to 60 years in federal prison.<sup>[3]</sup> He later pled guilty to state sexual misconduct charges and eventually was sentenced to 40 to 175 years in prison.<sup>[4]</sup> During his trial, over 150 women testified that they had been sexually abused by Nassar. Since then, the total

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<sup>[1]</sup> *Who is Larry Nassar?*, USA Today, available at <https://www.usatoday.com/pages/interactives/larry-nassar-timeline/>.

<sup>[2]</sup> Matt Mencarini, *Larry Nassar indicted on federal child porn charges*, USA Today (Dec. 16, 2016), available at <https://www.lansingstatejournal.com/story/news/local/2016/12/16/attorney-larry-nassar-arrested-federal-officials/95529364/>.

<sup>[3]</sup> Elizabeth Joseph, Ray Sanchez, Eric Levenson, *Ex-USA Gymnastics doctor sentenced to 60 years on child porn charges*, CNN (Dec. 7, 2017), available at <https://www.cnn.com/2017/12/07/us/larry-nassar-usa-gymnastics-sentence/index.html>.

<sup>[4]</sup> Scott Cacciola, Victor Mather, *Larry Nassar sentencing: 'I Just Signed Your Death Warrant'*, New York Times (Ja. 24, 2018), available at <https://www.nytimes.com/2018/01/24/sports/larry-nassar-sentencing.html>.

number of women who have publicly accused Nassar of sexually abusing them has grown to 265.<sup>[5]</sup>

On July 27, 2015, officials from USA Gymnastics reportedly reached out to the FBI field office in Indianapolis, where USA Gymnastics is headquartered,<sup>[6]</sup> to provide FBI investigators with the names and contact information of three competitive gymnasts who allegedly had experienced sexual abuse while under Nassar's care.<sup>[7]</sup> Two such gymnasts, McKayla Maroney and Aly Raisman, were Olympic gold medalists.

The USA Gymnastics officials who approached the FBI field office on this date reportedly also furnished copies of videos displaying Nassar performing questionable medical procedures.<sup>[8]</sup> W. Jay Abbott, then Special Agent in charge of the FBI field office in Indianapolis, reportedly described the "disgust" experienced by FBI special agents who watched this video.<sup>[9]</sup> Mr. Abbott noted that the discovery of this video was among the reasons they "worked [the case] with such urgency."<sup>[10]</sup>

Shortly after the FBI was made aware of these sexual abuse allegations they reached out to McKayla Maroney and asked her if she could travel from her home in California, to the FBI field office in Indianapolis, for an interview.<sup>[11]</sup> She declined, and instead of sending an investigator to her home, the FBI interviewed her over the telephone.<sup>[12]</sup> By late summer, the FBI field office in Indianapolis had transferred the case over to the field offices in Michigan and Los Angeles due to jurisdictional issues.

In May 2016, nearly a year after the initial complaint was lodged in Indianapolis, officials from USA Gymnastics visited the FBI's field office in Los Angeles to inquire about the status of the case.<sup>[13]</sup> The meeting appears to have resulted in the FBI taking action, and on May 17, 2016, the FBI interviewed Ms. Maroney in person. A few weeks later, the FBI also reached out to the other two gymnasts named in the initial complaint.<sup>[14]</sup>

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<sup>[5]</sup>Dan Barry, Serge F. Kovaleski, Juliet Macur, *As F.B.I. Took a Year to Purse the Nassar Case, Dozens Say They Were Molested*, New York Times (Feb. 3, 2018), available at <https://www.nytimes.com/2018/02/03/sports/nassar-fbi.html>

<sup>[6]</sup> *Id.*

<sup>[7]</sup> *Id.*

<sup>[8]</sup> *Id.*

<sup>[9]</sup> *Id.*

<sup>[10]</sup> *Id.*

<sup>[11]</sup> *Id.*

<sup>[12]</sup> *Id.*

<sup>[13]</sup> *Id.*

<sup>[14]</sup> *Id.*

According to the *New York Times*, approximately 40 athletes were sexually abused by Nassar between July 2015, when the FBI was first made aware of these allegations, and September 2016, when allegations of his abuse became public.<sup>[15]</sup> Since then, we have met several gymnasts who expressed concern about FBI delays in responding to their allegations against Nassar. Our staffs have also reached out to the FBI for information related to these requests, but were not provided any information.

To better understand the steps the FBI took to investigate allegations of sexual abuse made by athletes who were affiliated with USA Gymnastics, and to examine whether FBI protocols were followed and/or should be reformed, please provide a briefing and a written response to the following questions by no later than July 20, 2018:

1. When did the FBI first open an investigation into these allegations? Was a preliminary investigation ever opened? If so, when?
2. How many FBI field offices were assigned to work on this investigation? Please identify each office that was assigned to work on this investigation, along with the date that the investigation was assigned to that office. Please identify when each office closed the investigation, if applicable.
3. How many agents were assigned to work on this investigation? Also, identify what percentage of their time was spent working on this investigation.
4. Did the FBI assign a primary case agent to oversee and coordinate investigatory efforts between the multiple offices?
5. Identify all actions taken by each field office in conducting this investigation, including when contact was initiated and made with relevant parties.
6. Identify the primary assignment of the agents who were working on this case. (i.e. was the case assigned to an FBI agent who works on child pornography cases, sexual abuse cases, etc.)
7. What efforts did the FBI undertake to coordinate with local law enforcement on this investigation?
8. What are the specific protocols the FBI follows when provided with information indicating that sexual abuse is ongoing? Please explain whether specific protocols were followed in this case, and if not, how and why they were not followed.

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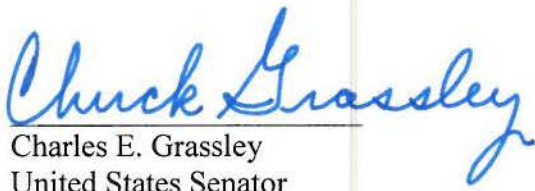
<sup>[15]</sup> *Id.*

9. What is the FBI's policy for interviewing individuals, including minors, who report alleged abuse? Were USAG or USOC officials allowed to sit in on questioning? Are parents allowed to sit in? Are individuals able to have a lawyer present?
10. Were there any instructions from the FBI that USAG officials, affected athletes, parents, and coaches should not speak on this matter? Please explain.
11. Did USAG influence in any way when or where interviews with athletes would be scheduled? In particular, did USAG play any role in FBI's delay in contact athletes? Please explain.

I anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents; provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

Should you have any questions, please contact Evelyn Fortier of Chairman Grassley's Judiciary Committee staff at (202) 224-5225 or Peter Hyun from Ranking Member Feinstein's Judiciary Committee staff at (202) 224-7703.

Sincerely,

  
Charles E. Grassley  
United States Senator

  
Dianne Feinstein  
United States Senator

  
Richard Blumenthal  
United States Senator