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One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

February 15, 2023

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C NW
Washington, D.C. 20520

Dear Secretary Blinken:

We write regarding Pennsylvania resident Marc Fogel, who has been detained in Russia for a year and a half. We have serious and growing concerns that the Department has not been able to provide information on why Mr. Fogel has not been classified as “wrongfully detained” under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act and urgently request more information from the State Department regarding his case.

As you know, Mr. Fogel taught history courses at schools attended by children of U.S. diplomats in Colombia, Venezuela, Oman, Malaysia, and Russia. Upon his return to Moscow in August 2021 to continue his decade-long position at an Anglo-American school, Mr. Fogel was detained in the Sheremetyevo Airport with slightly more than half an ounce of medical marijuana, which he was prescribed.

Since his arrest, numerous members of Congress – both Republican and Democrat – in the House and Senate have highlighted this issue for the Department and have received no pertinent details from the Bureau of Consular Affairs and the Special Presidential Envoy for Hostage Affairs (SPEHA). Based on our own knowledge of the case, we believe Mr. Fogel may meet six of the eleven established Levison criteria, including:

- (2) the individual is being detained solely or substantially because he or she is a United States national;
- (3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

- (8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;
- (9) the individual is being detained in inhumane conditions;
- (10) due process of law has been sufficiently impaired so as to render the detention arbitrary;
- (11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

Although Brittney Griner’s case is nearly identical in certain respects, there is an apparent disparity of treatment between Ms. Griner and Mr. Fogel by the Biden Administration, especially when it comes with the apparent urgency with which the Department briefs the Hill and reaches key decisions internally. The State Department has had ample opportunity to consider the designation of Mr. Fogel and communicate with Congress in a classified setting. And yet, virtually nothing of substance has been shared, and Mr. Fogel still languishes in prison.

We respectfully request the State Department immediately transmit to Congress copies of all documents, memoranda, advisory legal opinions, notes from meetings, audio recordings, correspondence, and any other communications relating to the review conducted by the State Department of whether Mr. Fogel is “wrongfully detained.” For any documents that are classified, please coordinate transmittal with relevant House Foreign Affairs Committee staff. Please produce these materials no later than March 1, 2023.

Thank you for your attention to this matter.

Very Respectfully,



Michael T. McCaul
Chairman
House Foreign Affairs Committee



Guy Reschenthaler
Member of Congress



Brian Fitzpatrick
Member of Congress



Dan Meuser
Member of Congress



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Member of Congress



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