

# Congress of the United States

Washington, DC 20515

August 14, 2024

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

Dear Secretary Blinken:

We write to you with the gravest of concerns regarding the continued detention of Marc Fogel, a U.S. citizen, native of Southwestern Pennsylvania, and international educator, and ask that you do everything in your power to bring Marc home. In furtherance of that goal, we once again urge you to designate Marc as “wrongfully detained.” We also ask that you redouble your efforts to ensure that Marc has access to the medical care and consular services he needs as his health continues to deteriorate.

As you know, on August 14, 2021, Russian authorities detained Marc at Sheremetyevo International Airport in Moscow after they found slightly more than a half ounce of medical marijuana prescribed by his doctor in his luggage.<sup>1</sup> A Russian court later sentenced him to 14 years for drug smuggling, and higher courts rejected his appeals.<sup>2</sup> As of today, three long and torturous years have passed with Marc imprisoned in a penal colony, separated from his family.

While three years have passed since Marc’s arrest, almost two years have passed since we first wrote to you asking that you designate Marc as “wrongfully detained” under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. We appreciate the State Department’s recent decision to focus more on Marc’s case publicly.<sup>3</sup> However, the Department has not provided Marc with the “wrongfully detained” designation, even after National Security Advisor Jake Sullivan clarified that the category of “those who are held hostage or wrongfully detained around the world... includes Marc Fogel.”<sup>4</sup>

Circumstances of Marc’s case relevant to the Levinson factors have changed since we last wrote. It has become clearer that diplomatic engagement will be necessary to secure Marc’s release and that Russia hopes to use Marc as a bargaining chip. Additionally, if Marc were a Russian national, he would have received a prison sentence, but for significantly less time. The Russian supreme court’s upholding of Marc’s 14-year sentence is substantially due to Marc’s U.S. passport.

---

<sup>1</sup> Christopher Cann, *After Gershkovich and Whelan freed, this American teacher remains in Russian custody*, USA TODAY (Aug. 1, 2024), <https://www.usatoday.com/story/news/nation/2024/08/01/whelan-gershkovich-prisoner-swap-marc-fogel-remains/74630506007/>.

<sup>2</sup> Ian Ward, *The Other American Jailed in Russia on Marijuana Charges*, POLITICO (Dec. 10, 2022), <https://www.politico.com/news/magazine/2022/12/10/marc-fogel-russia-brittney-griner-00073363>.

<sup>3</sup> Casey, *Colleagues Push to Reclassify Marc Fogel’s Case as ‘Wrongfully Detained’*, U.S. SENATOR BOB CASEY (Aug. 23, 2022), <https://www.casey.senate.gov/news/releases/casey-colleagues-push-to-reclassify-marc-fogels-case-as-wrongfully-detained>.

<sup>4</sup> *Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan*, THE WHITE HOUSE (Aug. 1, 2024), <https://www.whitehouse.gov/briefing-room/press-briefings/2024/08/01/press-briefing-by-press-secretary-karine-jean-pierre-and-national-security-advisor-jake-sullivan-18/>.

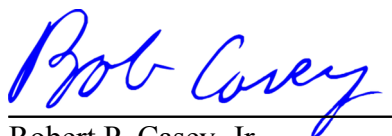
Designating Marc as “wrongfully detained” will underscore the political nature of his continued detention by the Russian government and the failure of humanitarian and other efforts thus far to bring about Marc’s release. It will also demonstrate that the U.S. government considers his case to be of equal importance to similar cases, such as Brittney Griner, who was both designated and brought home to the United States. Finally, it will bring to the family resources, such as a Family Engagement Team, that can consistently support and communicate with Marc’s family.

While efforts to bring about Marc’s release continue, we are urgently concerned about Marc’s declining health. He has lived with chronic pain for decades, having undergone three back surgeries, a spinal fusion, a hip replacement, and two knee surgeries. Without access to the medical marijuana and other specialized treatments necessary to subdue his pain, Marc’s condition has progressively worsened. While in prison, he has spent 101 days in hospitals, including a three-week stay in July.<sup>5</sup> He has received over 300 injections and taken over 1,000 pills, often without knowledge of the reason for his treatment.<sup>6</sup> Partly due to neuropathy in one of his feet, Marc has fallen multiple times.<sup>7</sup> Every fall heightens the risk of a broken hip or other severe injury that he will struggle to recover from in prison. Unsurprisingly, his mental health has declined as well. In a recent call to his family Marc describes himself as being “in a bottomless pit” and “not even a shell of the person that [he] was.”<sup>8</sup>

We know that you have requested consular visits from the U.S. Embassy in Russia to check in on Marc every three months. We also know that Russia denied your most recent request to visit Marc in June. Marc needs more attention and services than younger or healthier prisoners. We urge you to resubmit a request every month to visit Marc and to use your influence to help ensure Russian officials approve those requests. We also urge you to arrange to bring a doctor on those visits to evaluate Marc’s condition and to provide the prison’s medical staff with any specialized medications Marc may require.

Thank you for your swift consideration of these requests. We look forward your response.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Marco Rubio  
United States Senator

<sup>5</sup> Lori Falce, *Distraught Marc Fogel speaks from Russian prison after being left out of prisoner swap deal*, PITTSBURGH TRIBUNE REVIEW (Aug. 4, 2024), <https://triblive.com/local/regional/distraught-marc-fogel-speaks-from-russian-prison-after-being-left-out-of-prisoner-swap-deal/>.

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

<sup>7</sup> *Marc Fogel*, Congressional Record (Jun. 5, 2024), <https://www.congress.gov/congressional-record/volume-170/issue-96/senate-section/article/S3996-1>.

<sup>8</sup> Falce, *Distraught Marc Fogel speaks from Russian prison after being left out of prisoner swap deal*.



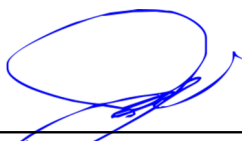
---

Chris Deluzio  
Member of Congress



---

Guy Reschenthaler  
Member of Congress



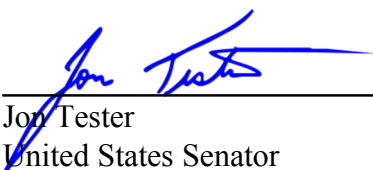
---

John Fetterman  
United States Senator



---

Summer L. Lee  
Member of Congress



---

Jon Tester  
United States Senator



---

Glenn "GT" Thompson  
Member of Congress



---

Madeleine Dean  
Member of Congress



---

Mike Kelly  
Member of Congress



---

Chrissy Houlahan  
Member of Congress



---

Susan Wild  
Member of Congress



---

Mary Gay Scanlon  
Member of Congress



---

Christopher A. Coons  
United States Senator