



Congress of the United States
House of Representatives
Washington, DC 20515

January 14, 2019

The Honorable Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Mr. Attorney General and Director Wray:

The actions by Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) during the leadup to the 2016 presidential election continue to raise serious concerns. Last Congress, the Committees on Judiciary and Oversight and Government Reform initiated an investigation into the agencies' decision-making and actions, including compliance with the Foreign Intelligence Surveillance Act (FISA) process.¹ We are continuing this investigation in the new Congress.

As Chairman Goodlatte first requested over a month ago, we urge you to expeditiously propose redactions and corrections to the transcripts of the Committees' interviews with Department and FBI personnel.² The Bureau's delinquency here has not gone unnoticed.³ In the Bureau's December 21, 2018, request for additional time, it protested an initial deadline as too soon—despite possessing the transcript of interview of former Deputy Director McCabe for over a year, and nearly a year for others.⁴

We are puzzled by the FBI's position it needs more time to review the Committees' transcripts. Chairman Goodlatte made the remarkable accommodation of allowing several

¹ 50 U.S.C § 1801 *et seq.*

² Letter from Bob Goodlatte, Chairman, H. Comm. on Judiciary to Matthew Whitaker, Attorney Gen., Dep't of Justice and Christopher Wray, Dir., Fed. Bureau of Inv. (Dec. 28, 2018).

³ Letter from David L. Bowdich, Deputy Dir., Fed. Bureau of Inv. to Bob Goodlatte, Chairman, H. Comm. on Judiciary (Dec. 21, 2018).

⁴ *Id.*

lawyers to accompany each witness—sometimes three or more lawyers per witness. Presumably, these attorneys maintained detailed notes and conferred with one another during and shortly after each interview to identify problematic testimony.

The Department and FBI abused this accommodation, blocking questioning on a number of topics they argued were related to Mueller's or some other ongoing investigation, and citing the Privacy Act as a barrier to cooperation. The Department and FBI repeatedly instructed witnesses to limit their testimony or not to answer the questions altogether. During Peter Strzok's transcribed interview, for example, Department or FBI attorneys interrupted the questioning 36 times.⁵ The roster of lawyers who accompanied these witnesses is long:

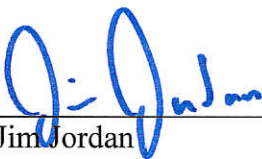

- The Committees interviewed former FBI Deputy Director Andrew McCabe on December 21, 2017. He was represented by three Department attorneys. The interview took place thirteen months ago.
- The Committees interviewed former Chief of Staff to the Director James Rybicki on January 18, 2018. He was represented by four Department attorneys. The interview took place nearly a year ago.
- The Committees interviewed FBI Assistant Director Bill Priestap on June 5, 2018. He was represented by one personal attorney and one FBI attorney. The interview took place over seven months ago.
- The Committees interviewed former FBI Executive Assistant Director John Giacalone on June 21, 2018. He was provided with an FBI attorney. The interview took place nearly seven months ago.
- The Committees interviewed former FBI special agent Peter Strzok on June 27, 2018. He was represented by three FBI attorneys and one personal attorney. The interview took place nearly seven months ago.
- The Committees interviewed former FBI Assistant General Counsel Lisa Page on July 13 and July 16, 2018. She was represented by three FBI attorneys and one personal attorney. The interviews took place nearly six months ago.
- The Committees interviewed Deputy Assistant Attorney General George Toscas on August 16, 2018. He was represented by two Department representatives. The interview took place nearly 5 months ago.
- The Committees interviewed FBI Deputy Assistant Director Jonathan Moffa on August 24, 2018. He was represented by three FBI attorneys. The interview took place nearly five months ago.

⁵ See Transcribed interview of Peter Strzok (June 27, 2018).

- The Committees interviewed former Associate Deputy Attorney General Bruce Ohr on August 28, 2018. He was represented by two Department attorneys and two personal attorneys. The interview took place over four months ago.
- The Committees interviewed former FBI Principal Deputy General Counsel Trisha Anderson on August 31, 2018. She was represented by three FBI attorneys and two personal attorneys. The interview took place over four months ago.
- The Committees interviewed FBI Assistant Director in Charge of New York Field Office William Sweeney on September 28, 2018. He was represented by three FBI attorneys. The interview took place over three months ago.
- The Committees interviewed former FBI General Counsel James Baker on October 3 and October 18, 2018. He was represented by three FBI attorneys and a personal attorney. The interviews took place approximately three months ago.
- The Committees interviewed FBI Assistant General Counsel Sally Moyer on October 23, 2018. She was represented by four FBI attorneys and two personal attorneys. The interview took place over two months ago.
- The Committees interviewed former Attorney General Loretta Lynch on December 19, 2018. She was represented by two Department attorneys and three personal attorneys. The interview took place nearly a month ago.

It strains credulity that after all the attempts to curtail testimony and block answers to questions purportedly close to the Mueller probe, the Department requires weeks more time to notify us of more information it believes must be withheld. We need to use these transcripts to advance our investigative work, including the potential disclosure of witness testimony. We remain committed to allowing the Department and FBI an opportunity to propose redactions for our consideration. This opportunity, however, is not open-ended and cannot be used as a pretext for more secrecy. Having not heard from the Department since your December 21, 2018, letter, we will operate under the presumption you have no further concerns. Should this change, and you need to propose redactions, please propose them. We cannot commit to be bound by your suggestions, but we will consider them.

Sincerely,


Jim Jordan
Mark Meadows

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cc: The Honorable Elijah E. Cummings, Committee on Oversight and Reform
The Honorable Doug Collins, Committee on the Judiciary
The Honorable Devin Nunes, Permanent Select Committee on Intelligence
The Honorable Lindsey Graham, Senate Committee on the Judiciary
The Honorable Ron Johnson, Senate Committee on Homeland Security and
Governmental Affairs