

United States Senate
WASHINGTON, DC 20510

November 10, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

Dear Attorney General Garland:

At the Senate Judiciary Committee’s October 27, 2021, oversight hearing, you stated that Susan Hennessey, an employee in the National Security Division, “has nothing whatsoever to do with the [Special Counsel] Durham investigation.”¹ As you are aware, on June 29, 2021, we sent you a letter that raised concerns about Ms. Hennessey’s political bias against the Durham investigation based on negative public comments she made about it and asked whether or not she had been recused from the matter.² In your July 13, 2021, response letter you failed to say that Ms. Hennessey “has nothing whatsoever to do” with Durham’s investigation and failed to answer all of our questions relating to Ms. Hennessey; namely, whether she has been officially recused from the Durham investigation including whether or not she has any access to Durham investigation records and the report. Specifically, your response failed to answer questions 2, 3 and 4 with respect to Ms. Hennessey. Likewise, your recent testimony did not address these remaining questions.

Due to your failure to respond, we request that you answer those remaining questions and answer how you know that Ms. Hennessey “has nothing whatsoever to do with the Durham investigation,” whether and when you checked to determine her role, and why you failed to provide that level of detail in your July 13, 2021, response letter.

As you are also aware, on February 3, 2021, and March 9, 2021, we wrote letters to you with respect to Nicholas McQuaid, the then-Acting Assistant Attorney General for the Criminal Division and current Principal Deputy Assistant Attorney General for the Criminal Division, and

¹ Senate Judiciary Committee Hearing, Oversight of the Department of Justice (Oct. 27, 2021), <https://www.judiciary.senate.gov/meetings/10/20/2021/oversight-of-the-department-of-justice>.

² Letter from Sen. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, & Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Merrick Garland, Attorney General, U.S. Dep’t of Justice (June 29, 2021), https://www.judiciary.senate.gov/imo/media/doc/grassley_johnson_to_justice_dept.hennesseyconflicts.pdf.

his conflicts of interest in the Hunter Biden criminal case.³ In those letters, we specifically raised concerns about the fact that Mr. McQuaid worked with Hunter Biden's criminal attorney until he was hired by the Biden Administration on January 20, 2021.

On February 19, 2021, and March 23, 2021, you failed to provide adequate responses to answer the threshold questions about whether Mr. McQuaid has or had any role in the Hunter Biden criminal case and whether he has been recused from it. In light of your recent testimony, where you found the ability to publicly state that Ms. Hennessey "has nothing whatsoever to do" with the Durham investigation, there is no basis upon which you can continue to refuse to answer these threshold questions relating to Mr. McQuaid:

1. Does Mr. McQuaid have anything whatsoever to do with the Hunter Biden criminal matter? If so, please explain.
2. Has Mr. McQuaid been recused from the Hunter Biden criminal matter? If so, when? Please provide all records showing that he is recused.

With respect to the aforementioned questions relating to Ms. Hennessey and Mr. McQuaid, please provide a response no later than November 17, 2021.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

cc: The Honorable Michael E. Horowitz
Inspector General

³ News Release, On Day One, Biden Installed Law Partner Of Son's Defense Lawyer At DOJ Criminal Division, Charles E. Grassley (Feb. 3, 2021), <https://www.grassley.senate.gov/news/news-releases/on-day-one-biden-installed-law-partner-of-sons-defense-lawyer-at-doj-criminal-division>; *see also* Letter from Sen. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, & Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Monty Wilkinson, Acting Attorney General, U.S. Dep't of Justice (Mar. 9, 2021), https://www.grassley.senate.gov/download/grassley-johnson-to-justice-dept_-mcquaid-follow-up.