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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 5, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Pamela Bondi
Attorney General
Department of Justice

The Honorable Kash Patel
Director
Federal Bureau of Investigation

Dear Attorney General Bondi and Director Patel:

On March 28, 2025, I made public an internal FBI analysis that I obtained via legally protected whistleblower disclosures that noted some Special Counsel Mueller records were hidden in “Prohibited Access” status. The FBI analysis further noted that unlike “Restricted Access” status, “when search terms that exist in the Prohibited Access-status cases are searched in Sentinel, the particular search will receive a false-negative Sentinel search response.”¹ As I’m sure you are aware, the impact of parking records in a way that impedes, or in some cases prevents, responsive records from being produced to Congress pursuant to a valid request and during the course of court litigation, whether criminal or civil, is wide-ranging and potentially catastrophic to constitutional requirements. Indeed, if the FBI has failed to take steps in the past to access records in “Restricted” or “Prohibited” status, the FBI has not fully responded to many years of my oversight requests. For example, I raised concerns about “Restricted Access” records in a July 25, 2022, letter to the Biden DOJ and FBI, which stated in relevant part:²

Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Auten’s assessment. The FBI HQ team’s investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

¹ See Press Release, Sen. Charles E. Grassley, *Newly Declassified FBI Document Proves Fusion GPS Contractor Nellie Ohr Lied to Congress about Contributions to Crossfire Hurricane* (May 28, 2025), <https://www.grassley.senate.gov/news/news-releases/newly-declassified-fbi-document-proves-fusion-gps-contractor-nellie-ohr-lied-to-congress-about-contributions-to-crossfire-hurricane>; See U.S. Dep’t of Justice, Office of the Inspector Gen., *Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation* (2019), <https://www.justice.gov/storage/120919-examination.pdf>.

“In addition to being designated a SIM [Sensitive Investigative Matter], witnesses told us that, because the information being investigated related to an ongoing presidential election campaign, the Crossfire Hurricane case file was designated as ‘prohibited’ meaning that access to the file was restricted and viewable only to those individuals assigned to work on the investigation. Agents and analysts referred to the investigation as ‘close-hold’ and, as discussed later in this chapter, used covert investigative techniques to ensure information about the investigation remained known only to the team and FBI and Department officials.”

² See Letter from Sen. Charles E. Grassley, Ranking Member, U.S. Senate Comm. on the Judiciary, to Attorney General Merrick Garland and the Honorable Christopher Wray, Director, Federal Bureau of Investigation (July 25, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf.

Accordingly, as two initial requests, I want to know (1) whether any Special Counsel Mueller records are in Restricted or Prohibited status and, if so, produce those records to me and (2) whether any Biden family records are in Restricted or Prohibited status and, if so, produce those records to me.

Further, on April 29, 2025, I sent a letter to you highlighting the political weaponization by the FBI against Peter Navarro.³ In that letter I made public FBI emails regarding the investigation and later prosecution of Navarro. These communications provide a behind-the-scenes snapshot of some of the actions taken by the FBI's Washington Field Office (WFO) to investigate Navarro for contempt of Congress and obstruction. The emails show that Special Agent (SA) Walter Giardina played a significant role in the investigation and ultimate prosecution of Navarro.⁴ My office has also been informed that SA Giardina was involved in Arctic Frost, Crossfire Hurricane, Special Counsel Mueller's investigation, which he received an award for the latter, as well as the Dan Scavino, Roger Stone, and Hillary Clinton cases.



In this letter, I'm also raising legally protected whistleblower allegations regarding SA Giardina's misconduct while on the taxpayers' dime that ought to be investigated to determine their truth and veracity. If the allegations are true, he and everyone else involved, must be held accountable. With respect to allegations of misconduct against SA Giardina, based on legally protected whistleblower disclosures to my office, he was allegedly involved in the following:

³ Letter from Sen. Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, to Attorney General Pamela Bondi and the Honorable Kash Patel, Director, Federal Bureau of Investigation (April 29, 2025), https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_fbi_-_peter_navarro_contempt_of_congress.pdf.

⁴ *Id.*

- SA Giardina was an initial recipient of the Steele Dossier and falsely said that the dossier was corroborated as true.
- SA Giardina stated openly his animosity toward President Trump and made known his personal motivation to investigate Trump.
- SA Giardina electronically wiped the laptop he was assigned while working for Special Counsel Mueller outside of established protocol for record preservation raising the possibility that he destroyed government records. The destruction of the laptop was reported to the DOJ Office of Inspector General (OIG).
- SA Giardina instructed agents to use false Emolument Clause predication on President Trump to “dig around.”
- SA Giardina was a case agent assigned to the Crimson River case, later changed to Red Maasari. This case was leaked, by whom it is not known, to the Washington Post in August 2024 roughly 90 days before the presidential election in an attempt to falsely discredit President Trump.⁵

The allegations against SA Giardina regarding his potential mishandling and destruction of federal records is consistent with a Justice Department Freedom of Information Act release suggesting that multiple members of Special Counsel Mueller’s team may have destroyed federal records.⁶ Thus, it appears that not only did Special Counsel Mueller’s team park federal records in “Prohibited Access” status making them unreviewable, his team also destroyed federal records.

For example, one Mueller team member, Andrew Weissmann, appears to have deleted all of the data on his government phone more than once. On March 8, 2018, records show that Weissmann “[e]ntered [his] password too many times and wiped his phone.”⁷ On September 27, another report reads, “AAW accidentally wiped cell phone - data lost.”⁸ On two occasions, officials admitted to deleting data, and multiple individuals stated that the phone automatically wiped the data after they used the wrong password too many times.⁹

Based on information provided to my and Senator Johnson’s office, in June 2019, which was shortly after the Special Counsel Office’s (SCO) closure, the Department’s Justice Management Division (JMD) took possession of 79 of 96 phones in an official property transfer from the SCO.¹⁰ Of those, it appears that 74 SCO phones were reviewed for official records and these records, including notes and text messages, were sent to DOJ or FBI systems for preservation.¹¹ Thus, not all the phones were subject to record preservation.

⁵ See Aaron C. Davis and Carol D. Leonnig, *The Washington Post*, *\$10M cash withdrawal drove secret probe into whether Trump took money from Egypt* (Aug. 2, 2024), <https://www.washingtonpost.com/investigations/2024/08/02/trump-campaign-egypt-investigation/>; see also Letter from Sen. Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, and Sen. Ron Johnson, Chairman, Permanent Subcomm. on Investigations, to Attorney General Pamela Bondi and the Honorable Kash Patel, Director, Federal Bureau of Investigation (Feb. 25, 2025), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_fbi_-_violations.pdf; Letter from Sen. Charles E. Grassley, Ranking Member, U.S. Senate Comm. on the Budget, and Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Attorney General Merrick Garland et al. (Nov. 12, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_-_preservation_of_records.pdf; Letter from Sen. Charles E. Grassley, Ranking Member, U.S. Senate Comm. on the Budget, and Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Attorney General Merrick Garland and the Honorable Christopher Wray, Director, Federal Bureau of Investigation (Sept. 16, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_fbi_-_media_leaks.pdf.

⁶ FOIA Production, U.S. Department of Justice, *Records Concerning the Use of Department-issued mobile devices by Peter Strzok and Lisa Page* (May 20, 2017–October 23, 2019), Posted September 10, 2020, https://www.justice.gov/oip/foia-library/general-topics/communications_strzok_and_page_09_04_20/download.

⁷ Press Release, Sen. Charles E. Grassley, *DOJ FOIA Release: Members of Mueller Team Repeatedly ‘Wiped’ phones as Watchdog Sought Records* (Sept. 11, 2020), <https://www.grassley.senate.gov/news/news-releases/doj-foia-release-members-mueller-team-repeatedly-wiped-phones-watchdog-sought>.

⁸ *Id.* “AAW” appears to refer to Andrew Weissmann.

⁹ *Id.*

¹⁰ Letter from Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, to Ron Johnson, Ranking Member, S. Comm. on Homeland Security and Governmental Affairs, Perm. Subcomm. on Investigations, (May 11, 2021), and Letter from Joseph Gaeta, Deputy Assistant Attorney General, to Charles Grassley, Ranking Member, S. Comm. on the Judiciary (May 18, 2021). *On file with Committee Staff.*

¹¹ *Id.*

Moreover, based on a May 11, 2021, letter from the DOJ OIG sent after that office began its review, JMD informed the DOJ OIG that of the 96 phones assigned to the SCO, JMD could not account for the location of 59 SCO phones at that time.¹²

It appears that Special Counsel Mueller's team may have deleted federal records that could be key to better understanding their decision-making process as they pursued their partisan investigation and wrote their report. Moreover, the number of times and the stated reasons for the deletions calls into question whether it was a widespread intentional effort. And finally, the Mueller team's use of "Prohibited Access" status to park federal records raises questions about whether a full analysis of their work, as well as of the underlying records, has been done.

No later than June 20, 2025, I request that you answer and produce the following in advance of future transcribed interviews of the below individuals:¹³

1. How many FBI serials are in Prohibited Access status?
2. Are any Special Counsel Mueller records still in Restricted or Prohibited Access status?
3. Produce all Special Counsel Mueller records in Restricted and Prohibited Access status.
4. Did SA Giardina or Andrew Weissmann place any records in Restricted or Prohibited Access status? How was the determination made to do so and what internal controls exist to ensure records are produced to Congress and during the course of court proceedings? Did any other members of Special Counsel Mueller's team do so? If so, who?
5. Are any records relating to investigations into the Biden family in Restricted or Prohibited Access status?
6. Produce all Biden family records in Restricted and Prohibited Access status.
7. Provide all records, to include all emails and text messages from classified and unclassified systems, relating to SA Giardina's involvement in the aforementioned cases.¹⁴
8. Provide all inventory and property records relating to all devices assigned to and used by Mueller's team. Provide all records referring or relating to the destruction of records by personnel on the Mueller team.
9. Provide all inventory and property records relating to all devices assigned to and used by SA Giardina as part of his assignment to Mueller's team. This request includes all communications from and to SA Giardina relating to his requirement to preserve federal records.
10. All records relating to allegations that SA Giardina destroyed, modified, or altered in any way, any device and/or federal record during his time on the Mueller team.
11. Provide all inventory and property records relating to all devices assigned to and used by Andrew Weissmann as part of his assignment to Mueller's team. This request includes all communications from and to Andrew Weissmann relating to his requirement to preserve federal records.
12. All records relating to allegations that Andrew Weissmann destroyed, modified, or altered in any way, any device and/or federal record during his time on the Mueller team. This request includes all communications from and to Andrew Weissmann relating to him "wiping his phone" causing government data to be lost.

¹² *Id.*

¹³ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

¹⁴ Records are requested regarding the cases referenced on page 2.

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 me, 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.

Thank you for your attention to this important matter. Should you have any questions, please contact my committee staff at 202-224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc:

The Honorable Michael Horowitz
Inspector General
Department of Justice