

CHUCK GRASSLEY, IOWA, CHAIRMAN

MIKE CRAPO, IDAHO
PAT ROBERTS, KANSAS
MICHAEL B. ENZI, WYOMING
JOHN CORNYN, TEXAS
JOHN THUNE, SOUTH DAKOTA
RICHARD BURR, NORTH CAROLINA
ROB PORTMAN, OHIO
PATRICK J. TOOMEY, PENNSYLVANIA
TIM SCOTT, SOUTH CAROLINA
BILL CASSIDY, LOUISIANA
JAMES LANKFORD, OKLAHOMA
STEVE DAINES, MONTANA
TODD YOUNG, INDIANA
BEN SASSE, NEBRASKA

RON WYDEN, OREGON
DEBBIE STABENOW, MICHIGAN
MARIA CANTWELL, WASHINGTON
ROBERT MENENDEZ, NEW JERSEY
THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
SHERROD BROWN, OHIO
MICHAEL F. BENNET, COLORADO
ROBERT P. CASEY, Jr., PENNSYLVANIA
MARK R. WARNER, VIRGINIA
SHELDON WHITEHOUSE, RHODE ISLAND
MAGGIE HASSAN, NEW HAMPSHIRE
CATHERINE CORTEZ MASTO, NEVADA

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

September 11, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr
Attorney General
Department of Justice

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Attorney General Barr and Director Wray:

A recent Justice Department Freedom of Information Act release suggests that multiple members of Special Counsel Mueller's team may have wiped data from their government phones including texts messages during their investigation of Russian collusion in the 2016 election.¹ One team member, Andrew Weissmann, appears to have deleted all of the data on his phone more than once. On March 8, 2018, records show that Weissmann "[e]ntered [his] password too many times and wiped his phone." On September 27, another report reads, "AAW accidentally wiped cell phone – data lost." 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.

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 investigation and wrote their report. Indeed, many officials apparently deleted the records after the DOJ Inspector General began his inquiry into how the Department mishandled Crossfire Hurricane. Moreover, based on this new information, the number of times and the stated reasons for the deletions calls into question whether or not it was a widespread intentional effort.

This would not be the first time the Special Counsel's office misused records within their possession. On March 8, 2019, I wrote a letter to the Justice Department regarding Special Counsel Mueller's selective use of emails in the George Papadopoulos Statement of Offense.² In that letter, I provided references to a footnote in the Statement that was used by Mueller to suggest that a Trump "Campaign official suggested 'low level' staff should go to Russia." In full context, however, the emails in question actually show that the Trump Campaign wanted someone "low level" to decline these types of invitations.

¹ 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

² Letter from Chairman Grassley and Chairman Graham to Attorney General Barr (March 8, 2019).

<https://www.grassley.senate.gov/sites/default/files/2019-03->

[08%20CEG%20LOG%20to%20DOJ%20%28Russia%20Investigation%20Document%20Reissuance%29%20-%20PUBLIC.pdf](https://www.grassley.senate.gov/sites/default/files/2019-03-08%20CEG%20LOG%20to%20DOJ%20%28Russia%20Investigation%20Document%20Reissuance%29%20-%20PUBLIC.pdf)

Congress and the American people are owed answers regarding Special Counsel Mueller and his team. In light of the serious concerns these new records create, please provide the following no later than September 25, 2020:

1. All records from the FOIA request in unredacted form.
2. All records, including text messages, from all government phones used by employees in Special Counsel Mueller's office.
3. All records relating to the explanations that each employee within Special Counsel Mueller's office provided as to why their phone data and records were deleted.
4. When were you first made aware that Special Counsel Mueller's employees deleted data and records from their government phones?
5. Are you investigating whether or not Special Counsel Mueller's employees violated federal record keeping laws, rules, and regulations? If so, when did that investigation begin? If not, why not?
6. Has the Justice Department attempted to forensically recover any deleted records? If so, please provide all recovered records in unredacted form. If not, why not?
7. Has the Justice Department referred this matter to the Inspector General? If not, why not?

I anticipate that most of the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. 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 the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Joshua Flynn-Brown of my Committee staff at 202-224-4515.

Sincerely,



Charles E. Grassley
Chairman
Committee on Finance