

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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June 1, 2023

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

On May 12, 2023, Special Counsel John Durham released a report detailing the Federal Bureau of Investigation's (FBI) failings in opening and conducting an investigation—code named “Crossfire Hurricane”—into debunked allegations of collusion between Donald Trump's presidential campaign and the Russian government.¹ The extent of the FBI's bias and reckless disregard for the truth, which Special Counsel Durham laid out in painstaking detail, is nothing short of scandalous. The FBI has tried to dismiss the report's findings by claiming to have “already implemented dozens of corrective actions” to prevent similar misconduct in the future.² The FBI's window dressing is not enough. The Special Counsel's report serves as a stark reminder of the need for more accountability and reforms within the FBI. Accordingly, as Congress conducts oversight to inform these legislative reforms, we write to ensure the Justice Department act to preserve the integrity and impartiality of ongoing investigations from the FBI's politicized bureaucracy.

The Special Counsel's report details how the FBI abused its law-enforcement authorities to achieve a political end—that is, hamstringing the campaign and presidency of President Trump. While we trust you are familiar with the report's findings, it is worth highlighting some of the report's most troubling conclusions:

- The FBI did not possess any actual evidence of collusion before deciding to launch Crossfire Hurricane as a full investigation.³ The FBI appears to have disregarded this

¹ JOHN H. DURHAM, OFF. OF SPECIAL COUNS., REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS (2023) [hereinafter SPECIAL COUNSEL REPORT].

² Press Release, Fed. Bureau of Investigation, Statement on Report by Special Counsel John Durham (May 15, 2023).

³ SPECIAL COUNSEL REPORT, *supra* note 1, at 8–9.

issue largely due to the personal and political biases against Donald Trump harbored by FBI personnel involved in the investigation.⁴

- The FBI failed to apply basic investigative techniques, appropriately assess the credibility of information it received, or adequately consider exculpatory evidence gathered during the investigation.⁵
- The FBI applied different standards for investigating information related to Donald Trump and information related to Hillary Clinton, rapidly opening an investigation into President Trump based on raw, uncorroborated information when it had not done so with Clinton.⁶
- The FBI disregarded “highly significant intelligence it received from a trusted foreign source” that the purported collusion at the heart of the Crossfire Hurricane investigation was a ploy by the Clinton campaign to divert attention away from Clinton’s mishandling of classified information on her private server while serving as Secretary of State.⁷

Public trust in the FBI is low.⁸ Recent examples of political bias in FBI and Department of Justice operations show that the so-called “corrective measures” the FBI instituted after Crossfire Hurricane have done nothing to address, let alone cure, the institutional rot that pervades the FBI.⁹ It is clear that Congress must consider legislative reforms to the FBI, and the Committee has been engaged in robust oversight to inform those legislative proposals. In the interim, however, due to the FBI’s documented political bias, the Justice Department must ensure any ongoing investigations are not poisoned by this same politicization. We therefore request that you provide the following information:

1. Provide information about the use of FBI personnel by Special Counsel Jack Smith, including but not limited to the following:
 - a. The total number of FBI employees assigned to work on the investigation;

⁴ *Id.* at 50 – 51.

⁵ *Id.* at 18. *See also id.* at 11, 67.

⁶ *Id.* at 9, 77.

⁷ *Id.* at 10. *See also id.* at 87.

⁸ *See* HARV. CTR. FOR AM. POL. STUD. & HARRIS INSIGHTS & ANALYTICS, MONTHLY HARVARD CAPS/HARRIS POLL: MAY 2023, at 42 (2023) (finding that 70 percent of voters are concerned about “interference by the FBI and intelligence agencies in a future presidential election” and that 71 percent of voters believe “the US government need[s] wide-ranging reform to prevent interference in elections by law enforcement and the intelligence community”). *See also* Miranda Devine, Opinion, *FBI gets an ‘F’ in trust due to recent scandals, but shows absolutely no remorse*, N.Y. POST (May 21, 2023).

⁹ *See generally* H. COMM. ON THE JUDICIARY, 118TH CONG., FBI WHISTLEBLOWER TESTIMONY HIGHLIGHTS GOVERNMENT ABUSE, MISALLOCATION OF RESOURCES, AND RETALIATION (2023); H. COMM. ON THE JUDICIARY, 117TH CONG., FBI WHISTLEBLOWERS: WHAT THEIR DISCLOSURES INDICATE ABOUT THE POLITICIZATION OF THE FBI AND JUSTICE DEPARTMENT (2022).

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- b. The number of FBI employees from FBI Headquarters working on the investigation; and
 - c. The number of FBI employees from the Washington Field Office working on the investigation;
2. Explain whether any FBI employees who have worked on Special Counsel Smith's investigation previously worked on any other matters concerning President Trump; and
 3. Explain whether Special Counsel Smith's investigation relies on any information or material gathered exclusively by the FBI prior the Special Counsel's appointment.

We also ask that you arrange a briefing by Deputy Attorney General Lisa Monaco with Committee members about matters related to the report by Special Counsel Durham, including remedial measures the Department has implemented based to address the misconduct described in the report.

The Committee is authorized to conduct oversight of the Department of Justice and the FBI pursuant to Rule X of the Rules of the House of Representatives.¹⁰ Please provide a response to each of these requests as soon as possible, but no later than 5:00 p.m. on June 15, 2023. If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹⁰ Rules of the House of Representatives, R. X, 118th Cong. (2023).