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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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December 13, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

Yesterday, the Justice Department released a subset of text messages requested by the Committee. The limited release of 375 text messages between Mr. Peter Strzok and Ms. Lisa Page indicate a highly politicized FBI environment during both the Clinton and Russia investigations. For example, one text message from Ms. Page proclaims to Mr. Strzok, “God(,) Trump is a loathsome human.”¹

Some of these texts appear to go beyond merely expressing a private political opinion, and appear to cross the line into taking some official action to create an “insurance policy” against a Trump presidency. Mr. Strzok writes the following to Ms. Page:

I want to believe the path you threw out for consideration in Andy’s office – that there’s no way he gets elected – but I’m afraid we can’t take that risk. It’s like an *insurance policy* in the unlikely event you die before you’re 40...²

Presumably, “Andy” refers to Deputy FBI Director Andrew McCabe. So whatever was being discussed extended beyond just Page and Stzrok at least to Mr. McCabe, who was involved in supervising both investigations.³

¹ Laura Jarrett, *Months-worth of FBI employees’ texts dreading Trump victory released to Congress*, CNN (Dec. 13, 2017)

² *Id.*

³ Recently, I have written to the Justice Department several times regarding my concerns about Mr. McCabe’s potential conflicts of interest. Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. James B. Comey, Director, Federal Bureau of Investigation (October 28, 2016); Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. James B. Comey, Director, Federal Bureau of Investigation (March 28, 2017); Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice (May 2, 2017); Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice (June 28, 2017); Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice (June 29, 2017); Letter from Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice (December 1, 2017)

Another text from Ms. Page to Mr. Strzok on April 2, 2016, says the following:

So look, you say we text on that phone when we talk about hillary because it can't be traced, you were just venting bc you feel bad that you're gone so much but it can't be helped right now.

That text message occurred during Mr. Strzok's involvement in the Clinton investigation and days before he interviewed Huma Abedin and Cheryl Mills on April 5, 2016 and April 9, 2016, respectively. Thus, the mention of "hillary" may refer to Secretary Clinton and therefore could indicate that Mr. Strzok and Ms. Page engaged in other communications about an ongoing investigation on a different phone in an effort to prevent it from being traced.

Any improper political influence or motives in the course of any FBI investigation must be brought to light and fully addressed. Former Director Comey's claims that the FBI "doesn't give a rip about politics" certainly are not consistent with the evidence of discussions occurring in the Deputy Director's office around August 15, 2016.

Accordingly, please answer the following no later than December 27, 2017:

1. On what date did you become aware of the text messages between Mr. Strzok and Ms. Page and on what date were they each removed from the Special Counsel's office?
2. Are there any other records relating to the conversation in Andrew McCabe's office shortly before the text described above on August 15, 2016? If so please produce them to the Committee.
3. Please provide all records relating to Andrew McCabe's communications with Peter Strzok or Lisa Page between August 7, 2016 and August 23, 2016.
4. What steps have you taken to determine whether Mr. Strzok, Mr. Page, and Mr. McCabe should face disciplinary action for their conduct?
5. My understanding is that the Inspector General's current investigation is limited to the handling of the Clinton email matter only. What steps have you taken to determine whether steps taken during the campaign to escalate the Russia investigation might have been a result of the political animus evidenced by these text messages rather than on the merits?
6. Has the Department identified the referenced "that phone" Mr. Strzok and Ms. Page used to discuss Secretary Clinton? What steps has the Department taken to review the records on this other phone that allegedly "can't be traced." If none, please explain why not? If steps have been taken, please detail them and provide all records reviewed.

I anticipate that your written reply and any 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. 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.

Should you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice