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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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October 17, 2018

VIA CLASSIFIED COURIER

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Deputy Attorney General Rosenstein and Director Wray,

On July 11, 2018, the Justice Department Inspector General provided the Committee a classified appendix to its report entitled, "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election." As noted on page 154 of Chapter 5 of the OIG's unclassified report, the classified appendix raises significant issues associated with the FBI's failure to review certain highly classified information in support of its ongoing investigation.¹

On July 31, 2018, the Committee requested a briefing on the steps you have taken, or plan to take, with respect to this material in light of the report's findings. In a subsequent phone call with Department personnel on September 17, 2018, the Department declined to brief the Committee, asserting without any clear basis, that it would interfere with Special Counsel Mueller's equities. A more complete explanation has not been forthcoming. As such, I am

¹ Unclassified Inspector General Report, p. 154. "In addition, as we describe in the classified appendix to this report, the OIG learned near the end of our review that the FBI had considered obtaining permission from the Department to review certain classified materials that may have included information potentially relevant to the Midyear investigation. Although the Midyear team drafted a memorandum to the Deputy Attorney General in late May 2016 stating that review of the highly classified materials was necessary to complete the investigation and requesting permission to access them, the FBI never sent this request to the Department. FBI witnesses told us that they did not seek access to these classified materials for various reasons, including that they believed this information would not materially impact the conclusion. The classified appendix describes in more detail the highly classified information, its potential relevance to the Midyear investigation, the FBI's reasons for not seeking access to it, and our analysis."

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unaware of any legitimate basis upon which the Department can refuse to answer the Committee's inquiries.

Accordingly, attached please find a classified letter regarding the important questions raised by the appendix. Please respond no later than October 31, 2018. Should you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

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