

United States Senate  
WASHINGTON, DC 20510

June 17, 2021

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice

Dear Attorney General Garland:

I read with interest your June 14, 2021, statement where you stated “political or other improper considerations must play no role in any investigative or prosecutorial decisions” and that the Justice Department “must ensure that full weight is accorded to separation-of-powers concerns moving forward.”<sup>1</sup> I agree and strongly urge you to fully respond to my congressional oversight requests which raise particularly serious separation-of-powers concerns and call into question your commitment to ridding the Department of improper political influence.

Specifically, I’d like to raise to your attention, yet again, the August 12, 2020, letter to the Justice Department and May 3, 2021, letter to the FBI.<sup>2</sup> Those letters were sent in response to an August 6, 2020, briefing that I and Senator Johnson received from the FBI, the alleged contents of which were later leaked to the Washington Post on May 1, 2021.<sup>3</sup> This briefing provided no new information and was entirely unnecessary. It was in fact provided only as a result of pressure from Democratic Leadership, including a July 13, 2020, letter from then-Minority Leader Schumer, Senator Warner, Speaker Pelosi, and Representative Schiff. This briefing provides an on-point example of the Justice Department’s decision-making process being infected with “political or other improper considerations” in its interactions with Congress.

The Washington Post article inaccurately linked Russian attempts to spread disinformation to my and Senator Johnson’s investigation into the extensive financial connections between the Biden family and individuals connected to the communist Chinese government’s military and intelligence services. Information relating to the briefing was also used by Democratic Senators last Congress to publicly malign us and our investigation for the purpose of slowing it down, painting it in a false public light, and undermining its integrity. No

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<sup>1</sup> Press Release, U.S. Dep’t of Justice, Statement from Att’y Gen. Merrick B. Garland (June 14, 2021), <https://www.justice.gov/opa/pr/statement-attorney-general-merrick-b-garland>.

<sup>2</sup> Letter from Sen. Charles E. Grassley, Chairman, S. Comm. on Fin., to The Hon. Christopher Wray, Dir., FBI (Aug. 12, 2020); Letter from Sen. Charles E. Grassley, Ranking Member, Comm. on the Judiciary & Sen. Ron Johnson, Ranking Member, Permanent Subcomm.on Investigations to The Hon. Christopher Wray, Dir., FBI (May 3, 2021).

<sup>3</sup> Ellen Nakashima, Shane Harris, Tom Hamburger, *FBI was aware prominent Americans, including Giuliani, were targeted by Russian influence operation*, The Washington Post (May 1, 2021), [https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489\\_story.html](https://www.washingtonpost.com/national-security/rudy-giuliani-fbi-warning-russia/2021/04/29/5db90f96-a84e-11eb-bca5-048b2759a489_story.html).

matter how many times the liberal media and anonymous government sources mischaracterize our investigation, that investigation was based on Obama administration government records, not Russian disinformation.

In the August 2020 and May 2021 letters to the Justice Department and FBI, I requested records relating to the briefing, including a description of the process for deciding to brief us and the names of the individuals involved in making that decision. Those requests were based on my concerns that the briefing was political in nature and would be used to mischaracterize and interfere with the investigation, which is exactly what happened.

To date, you and Director Wray have failed to provide a full and complete response to my letters. Director Wray has refused to meet with me and Senator Johnson in person to discuss the briefing – a briefing which was totally unnecessary and should have never happened. If you are serious about your proclaimed support of congressional and separation-of-powers equities, it is imperative that you respond fully and completely to my letters and require Director Wray to explain himself. To date, the Justice Department has failed to meet that standard.

Further, in light of your purported interest in congressional equities, I am resending to the Justice Department, via separate classified courier, my October 17, 2018, classified letter relating to the Justice Department Inspector General’s classified annex to its June 11, 2018, Clinton Investigation report. In that letter, I raised many questions relating to the Justice Department’s bad conduct and mismanagement when investigating Secretary Clinton’s mishandling of highly classified information. I’d like to draw your attention to Question 12 in that letter.

Finally, on February 3, 2021, Senator Johnson and I sent you a letter relating to Nicholas McQuaid, the Acting Assistant Attorney General for the Criminal Division.<sup>4</sup> In that letter, as well as a follow-up letter on March 9, 2021, we raised concerns about potential conflicts of interest in light of the fact that McQuaid was employed by Latham & Watkins until January 20, 2021, and worked with Christopher Clark, who Hunter Biden reportedly hired to work on his federal criminal case.<sup>5</sup> In particular, we’ve requested McQuaid’s recusal memo, which you have failed to even acknowledge if it exists, let alone produce it to Congress. You said in your confirmation hearing that you will strive to make sure partisan influence is not a factor in the business of the Justice Department. If you really believe that, you should be able to assure Congress that the Department—a creation of statute—complies with all conflicts of interest and ethics laws and regulations and has taken all necessary steps to ensure political considerations do not impact investigative and prosecutorial decision-making. Given McQuaid’s potential conflicts in the Hunter Biden criminal case, a recusal memo – should one exist – is central to Congress’s ability to fulfill its constitutional oversight responsibilities in that regard. The Justice

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<sup>4</sup> Press Release, Sen. Charles E. Grassley, On Day One, Biden Installed Law Partners Of Son’s Defense Lawyer At DOJ Criminal Division (Feb. 2, 2021), <https://www.grassley.senate.gov/news/news-releases/on-day-one-biden-installed-law-partner-of-sons-defense-lawyer-at-doj-criminal-division>.

<sup>5</sup> Letter from Sen. Charles E. Grassley, Ranking Member, Comm. on the Judiciary & Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations to Acting Att’y Gen. Wilkinson, Dep’t of Justice (Mar. 9, 2021), [https://www.grassley.senate.gov/imo/media/doc/2021-03-09%20CEG%20RHJ%20to%20DOJ%20\(McQuaid%20Follow%20Up\).pdf](https://www.grassley.senate.gov/imo/media/doc/2021-03-09%20CEG%20RHJ%20to%20DOJ%20(McQuaid%20Follow%20Up).pdf).

Department produced to me Andrew McCabe's recusal memo in 2016, yet you have failed to show the same level of transparency relating to the Hunter Biden matter.

I look forward to your response to these questions no later than June 25, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
Ranking Member  
Committee on the Judiciary