

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

October 31, 2023

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

Dear Attorney General Garland:

The Committee on the Judiciary is conducting oversight of the Justice Department's attempts to surveil Members of Congress and congressional staff members by obtaining information about their private communications from Google.¹ On October 19, 2023, Google notified the former Chief Investigative Counsel to then-Senate Judiciary Committee Chairman Chuck Grassley that the Justice Department had subpoenaed Google in 2017 for the staffer's personal phone records and emails during a period when Senator Grassley was conducting vigorous oversight of the Department's handling of the so-called Steele dossier.² Google's notification to this staffer revealed the Justice Department likely also sought the personal records and communications of other congressional staffers—both Republicans and Democrats—who engaged in oversight of the Department during the same period.³ Google's notification further raises the question of whether the Justice Department also requested any official records or communications on these staffers' government devices.

The Justice Department's efforts to obtain the private communications of congressional staffers, including staffers conducting oversight of the Department, is wholly unacceptable and offends fundamental separation of powers principles as well as Congress's constitutional authority to conduct oversight of the Justice Department.⁴ This revelation also follows news that

¹ Margot Cleveland, *DOJ Subpoenaed Phone And Email Logs Of Hill Staffers Probing Crossfire Hurricane Malfeasance*, THE FEDERALIST (Oct. 25, 2023).

² Press Release, Empower Oversight Seeks Information from Justice Department on Subpoenas of Congressional Staff Phone and Email Records, Empower Oversight (Oct. 24, 2023).

³ See *id.* at 2; Cleveland, *supra* note 1.

⁴ See U.S. CONST. art. I, § 6; *Doe et al. v. McMillan*, 412 U.S. 306, 324 (1973) (finding committee members, members of their staff, the consultant, and the investigator are absolutely immune under the Constitution's Speech or Debate Clause insofar as they engaged in the legislative acts of compiling the report referring it to the House, or

the Department issued subpoenas to obtain the private emails and records of congressional staffers on the House Permanent Select Committee on Intelligence who were conducting oversight of the Justice Department's Crossfire Hurricane investigation.⁵ These revelations strongly suggest that the Justice Department weaponized its law-enforcement authority to spy on the entities seeking to hold it accountable.

Congress deserves a full explanation as to who at the Justice Department authorized these subpoenas as well as why the Department issued them in the first place. Accordingly, to inform our ongoing oversight of the Justice Department, please provide the following documents and information from January 1, 2016, to the present:

1. All documents and communications between or among Justice Department employees referring or relating to subpoenas or requests issued to Google or any other email or telecommunications provider for personal or official records or communications of Members of Congress or congressional staff;
2. All documents and communications between or among Justice Department employees and Google or any other email or telecommunications provider referring or relating to subpoenas or requests issued by the Department of Justice for personal or official records or communications of Members of Congress or congressional staff;
3. All material or information that Google or any other email or telecommunications provided to the Justice Department in response to the Department's subpoenas or requests for personal or official records and communications of Members of Congress or congressional staff;
4. All subpoenas or requests sent by the Justice Department to Google or any other email or telecommunications provider for personal or official records and communications of Members of Congress or congressional staff;
5. The names and titles of official(s) at the Department, both former or present, who authorized these subpoenas for personal or official records and communications of Members of Congress or congressional staff;

The Committee is authorized to conduct oversight of the Justice Department pursuant to Rule X of the Rules of the House of Representatives.⁶ Please provide this information as soon as possible, but no later than 5:00 p.m. on November 14, 2023. If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

voting for its publication); *Watkins v. U.S.*, 354 U.S. 178, 187 ("The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad.").

⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 13, 2023); *see also* Victor Nava, *DOJ wanted GOP House intel staffers' data at height of Russia probe: report*, N.Y. POST (Dec. 19, 2022).

⁶ Rules of the House of Representatives, R. X, 118th Cong. (2023).

The Honorable Merrick Garland
October 31, 2023
Page 3

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large "J" and a long, sweeping underline.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member