

# United States Senate

WASHINGTON, DC 20510

July 12, 2021

## VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland  
Attorney General  
Department of Justice

Dear Attorney General Garland:

In September 2020 we wrote to the Department of Justice and its Office of the Inspector General (DOJ OIG) regarding allegations that cell phones assigned to “multiple people on then-Special Counsel Robert Mueller’s investigative team were ‘wiped’ for various reasons during [the Russia investigation].”<sup>1</sup> Based on the OIG’s May 11, 2021 response, we understand that the Department’s Justice Management Division (JMD) provided the OIG with information relating to the Special Counsel’s Office (SCO) cell phone records.<sup>2</sup> JMD informed the OIG that 96 phones were assigned to the SCO and JMD currently cannot account for the location of 59 SCO phones.<sup>3</sup>

Specifically, shortly after the SCO’s closure, in June 2019, JMD took possession of 79 of 96 phones in an official property transfer from the SCO.<sup>4</sup> Of those, it appears that 74 SCO phones were reviewed for official records and these records, including notes and text messages, were sent to DOJ or FBI email systems for preservation.<sup>5</sup> Thus, not all the phones were subject to record preservation.

The OIG referred our offices to the “Department for any specific records related to these phones or with any follow up questions.”<sup>6</sup> Accordingly, please provide the following information no later than July 26, 2021:

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<sup>1</sup> Morgan Phillips, *DOJ records show members of Mueller’s team ‘wiped’ phones during Trump probe*, Fox News, Sept. 10, 2020, <https://www.foxnews.com/politics/doj-records-mueller-team-wiped-phones>; Letter from Senator Charles Grassley, Chairman, S. Comm. on Finance to William Barr, Attorney General, U.S. Dept. of Justice (Sept. 11, 2020); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs, to Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, (Sept. 11, 2020).

<sup>2</sup> Letter from Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, to Ron Johnson, Ranking Member, S. Comm. on Homeland Security and Governmental Affairs, Perm. Subcomm. on Investigations, ( May 11, 2021). Letter from Joseph Gaeta, Deputy Assistant Attorney General, to Charles Grassley, Ranking Member, S. Comm. on the Judiciary (May 18, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

1. Please provide the “SCO Inventory and Property Transfer Documentation”<sup>7</sup> and any related records in possession of JMD.
2. Please provide the names of all SCO employees whose cell phones were not reviewed by JMD for official records.
3. Of the 74 SCO cell phones that were reviewed by JMD for official records, how many text messages were sent or received? Please provide all records.
4. What actions has JMD taken to recover the 59 SCO phones that the office has not been able to locate?
5. Has JMD or any other Department entity reviewed the SCO cell phones to determine whether they were used to leak sensitive or classified information?

Thank you for your attention to this matter.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Ron Johnson  
Ranking Member  
Permanent Subcommittee  
on Investigations

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<sup>7</sup> According to the OIG, JMD provided this document during the OIG’s review.