

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515–6216
One Hundred Sixteenth Congress

June 26, 2020

The Honorable Jerrold L. Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nadler:

The Justice Department announced that Attorney General William Barr has accepted an invitation to appear before the Committee on July 28, 2020.¹ It is heartening that you have taken our advice to choose cooperation over confrontation and are dropping your baseless subpoena threat. We look forward to the Attorney General's testimony and his opportunity to respond to the unfounded and outrageous allegations made by you and other Democrats.

The Committee would have heard from Attorney General Barr in May 2019 if not for your last-minute change to the Committee's hearing procedures to allow questioning from unelected staff—a rule to which no other recent Attorney General had been subjected. When Attorney General Barr declined to appear due to this unprecedented change, you and other Democrats laughed about his absence. One senior Democrat even brought a bucket of Kentucky Fried Chicken to imply that Attorney General Barr was somehow afraid of testifying. As we approach the hearing next month, I hope you will endeavor to avoid a spectacle, which only serves to embarrass you and the Committee. The Attorney General of the United States deserves to be treated with fairness and respect.²

The Attorney General's appearance is also an opportunity for the Committee to conduct oversight of the Obama-Biden Administration's weaponization of the Justice Department and intelligence community against the Trump campaign. In the past several months, we have learned shocking details about how the Obama-Biden Administration used its Justice Department and intelligence community to target the Trump campaign.

¹ Zachary Basu, *Barr agrees to testify before House Judiciary Committee on July 28*, Axios, July 26, 2020.

² I need not remind you of your repeated failures to fairly enforce the rules of the House and Committee. You routinely disregard the five-minute rule for Democrats while sharply enforcing it for Republican Members. You routinely ignore points of order and parliamentary inquiries from Republican Members. You have even claimed to have the right to dictate to Republican Members how they must ask their questions. Setting aside the irony in how you regularly abuse House and Committee rules while shouting about abuse at the Justice Department, I hope that you will strive to enforce the rules in an evenhanded manner during Attorney General Barr's testimony.

- In its FISA applications to surveil Trump campaign associate Carter Page, the Obama-Biden Justice Department made 17 significant errors and 51 unsupported or inaccurate factual assertions.³ The Obama-Biden FBI cherry-picked facts and ignored exculpatory facts in support of its applications to surveil Page.⁴ The Justice Department even acknowledged that “there was insufficient predication to establish probable cause to believe that Page was acting as an agent of a foreign power.”⁵
- One Obama-Biden FBI attorney, Kevin Clinesmith—who was caught texting a colleague “viva la resistance” following President Trump’s election—doctored evidence to support a FISA application against Page.⁶
- Thirty-nine officials in the Obama-Biden Administration—including Vice President Joe Biden, Obama-Biden chief of staff Denis McDonough, and several senior Treasury Department officials—sought to “unmask” the anonymized identity of incoming Trump campaign National Security Advisor LTG Michael Flynn in intelligence products.⁷
- Senior Obama-Biden officials knew that allegations of Russian collusion were false even before President Trump took office. In fact, the Obama-Biden Director of National Intelligence, James Clapper, testified that he “never saw any direct empirical evidence that the Trump campaign or someone in it was plotting/conspiring with the Russians to meddle with the election.”⁸
- The FBI’s Washington Field Office was prepared to close its counterintelligence case against LTG Flynn on January 4, 2017, after finding no derogatory information against LTG Flynn.⁹ However, disgraced FBI agent Peter Strzok intervened on the same day to prevent the FBI from closing LTG Flynn’s case, noting that the Obama-Biden FBI’s senior leadership on the “seventh floor” was “involved.”¹⁰
- In the Oval Office on January 5, 2017, President Obama, Vice President Biden, Deputy Attorney General Sally Yates, and FBI Director Comey discussed a phone conversation that LTG Flynn had with Russian Ambassador Kislyak in late December 2016.¹¹
- On January 24, 2017, Director Comey sent agent Strzok and agent Joe Pientka to

³ Dep’t of Justice Off. of Inspector Gen., Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation (Dec. 2019) [hereinafter “OIG FISA report”].

⁴ *Id.*

⁵ *In re Carter W. Page*, Nos. 16-1182, 17-52, 17-375, 17-679 (FISC Jan. 7, 2020).

⁶ OIG FISA report, *supra* note 3.

⁷ Stefan Becket, *Intel chief reveals Obama officials who requested “unmasking” of Michael Flynn*, CBS News, May 13, 2020.

⁸ Transcribed interview of James Clapper, in Wash., D.C. (July 17, 2017).

⁹ Supplemental Brief in Support of Motion to Dismiss, Document 189-1, United States v. Flynn, No. 17-000232 (D.D.C. Apr. 30, 2020).

¹⁰ Text Messages, Document 189-1, United States v. Flynn, No. 17-000232 (D.D.C. Apr. 30, 2020).

¹¹ Email from Susan Rice to Susan Rice (Jan. 20, 2017).

interview LTG Flynn about his phone call with Kislyak without an attorney present and outside of proper protocols.¹² Contemporaneous notes show the FBI's "goal" in the interview was for LTG Flynn to admit to violating the Logan Act, an antiquated law that has never been successfully enforced, or to lie about the conversation so that he could be prosecuted or fired.¹³

- Agent Strzok and disgraced FBI attorney Lisa Page rewrote the official memorandum memorializing LTG Flynn's interview, known as a FD-302, weeks after the interview.¹⁴ In a text message, Strzok described how he had to "completely re-write the thing so as to save [redacted] voice"¹⁵ Strzok later asked Page, "is Andy [McCabe] good with F 302," to which Page responded, "Launch on f 302."¹⁶

In recent days, we have learned even more startling information. Newly disclosed notes show the personal involvement of President Obama and Vice President Biden in the effort to target LTG Flynn.¹⁷ In the Oval Office on January 5, 2017, Director Comey told President Obama that LTG Flynn's conversation with Ambassador Kislyak "appeared legit"; however, President Obama still ordered the FBI to "look at" it using the "right people."¹⁸ The notes show that Vice President Joe Biden suggested using the Logan Act to target LTG Flynn, which wound up as the basis for the FBI's subsequent interview of LTG Flynn.¹⁹ The Special Counsel's prosecutors withheld this exculpatory information from LTG Flynn and his lawyers.

¹² See 92nd Street Y, James Comey in Conversation with Nicolle Wallace (2018), <https://www.youtube.com/watch?v=9xqgu66d6vu>; James Comey Transcribed Interview 49, Dec. 17, 2018; Government's Reply to Def.'s Memorandum in Aid of Sentencing, Document 56-1, United States v. Flynn, No. 17-000232 (D.D.C. Dec. 14, 2018).

¹³ Handwritten Notes, Document 188, United States v. Flynn, No. 17-000232 (D.D.C. Apr. 29, 2020).

¹⁴ Text Messages, Document 189-1, United States v. Flynn, No. 17-000232 (D.D.C. Apr. 30, 2020).

¹⁵ *Id.*

¹⁶ Flynn Reply in Support of Mr. Flynn's Motion to Compel Production of Brady Material and to Hold the Prosecutors in Contempt, Document 133, United States v. Flynn, No. 17-000232 (D.D.C. Nov. 1, 2019); see Margot Cleveland, *The Federal Judge Overseeing Flynn's Sentencing Just Dropped A Major Bombshell*, THE FEDERALIST (Dec. 13, 2018).

¹⁷ Handwritten Notes, Document 231, United States v. Flynn, No. 17-000232 (D.D.C. June 24, 2020).

¹⁸ *Id.*

¹⁹ *Id.*; Handwritten Notes, Document 188, United States v. Flynn, No. 17-000232 (D.D.C. Apr. 29, 2020).

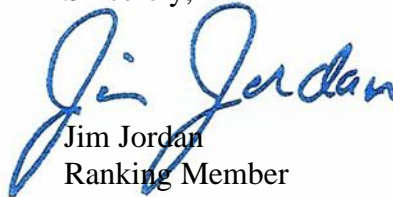
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As you claim to be so concerned about politicization at the Justice Department, this information should shock and alarm you. But, for some reason, you have been oddly silent and disinterested. Instead, you have been focused on attacking Attorney General Barr—who is trying to clean up the abuses of the Obama-Biden Justice Department—rather than on learning more about these troubling facts. I hope you will change course. To allow the Committee to better understand the scope and extent of the Obama-Biden Justice Department’s targeting of the Trump campaign and transition team, the Committee must obtain specific documents and testimony from relevant Obama-Biden Administration witnesses. Please respond by 5:00 p.m. on July 3, 2020, to inform us whether you intend to work with us on this important oversight.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style with a large initial "J".

Jim Jordan
Ranking Member