

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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June 3, 2021

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

Dear Attorney General Garland:

We write to request information about the recent appointment of Susan Hennessey to a senior position in the Justice Department's National Security Division (NSD). Ms. Hennessey's appointment raises serious concerns about potential political bias and perceived conflicts of interest due to her previous statements about high-profile NSD matters.¹ Prior to her appointment, Ms. Hennessey also deleted tens of thousands of public statements from her Twitter account in an apparent effort to conceal her partisan bias.² The Justice Department must ensure all NSD employees—and especially those in senior positions—demonstrate objectivity, impartiality, and fairness in all national security matters. Ms. Hennessey's prejudiced statements and her effort to erase her past comments show that she cannot meet this important standard.

In several recent Justice Department investigations involving national security matters, Ms. Hennessey has been an outspoken and partisan critic of Republicans. For example, Ms. Hennessey extensively commented about the Federal Bureau of Investigation's (FBI) investigation into baseless allegations that the Trump campaign colluded with Russia, during which she relentlessly "hyp[ed] Russian collusion allegations."³ She vouched that Christopher Steele, author of the so-called dossier filled with political opposition research and Russian disinformation, was a "person whose work intelligence professionals take seriously."⁴ Although the Mueller investigation and declassified transcripts from the House Permanent Select Committee on Intelligence's investigation showed no evidence of collusion—even the Obama-

¹ The Editorial Board, *A Dangerous Pick at Justice*, WALL ST. J., (May 12, 2021); Susan Hennessey, (@Susan_Hennessey), Twitter, (May 10, 2021, 7:36 AM), https://twitter.com/Susan_Hennessey/status/1391718717093040128;

² Houston Keene, *New Biden DOJ staffer deleted over 39K tweets, including Russia collusion accusations*, FOX NEWS (May 10, 2021); Tobias Hoonhout and Isaac Schoor, *DOJ Pick Susan Hennessey's Long, Sordid History of Partisan Conspiracy-Mongering*, NAT'L REV. (May 10, 2021); Dan McLaughlin, *Susan Hennessey Brings Resistance Twitter to the Biden DOJ*, NAT'L REV., (May 10, 2021).

³ The Editorial Board, *A Dangerous Pick at Justice*, WALL ST. J., (May 12, 2021); Susan Hennessey and Benjamin Wittes, *Why Are the Trump Allegations Hanging Around When They Haven't Been Substantiated?*, LAWFARE, (Jan. 17, 2017).

⁴ Kimberley Strassel, *The Justice Department's Resident Conspiracy Theorist*, WALL ST. J., (May 13, 2021).

Biden Director of National Intelligence, James Clapper, testified that he saw no such evidence⁵—Ms. Hennessey prejudiced the public narrative and continually peddled a malicious fiction.

Ms. Hennessey was also a vocal critic of U.S. Attorney John Durham’s investigation into the targeting of the Trump campaign and transition team, even calling the investigation “partisan silliness.”⁶ Because this investigation is ongoing and in her new role, Ms. Hennessey may exert supervisory functions over this investigation, her previous statement seriously undercuts any perception of her impartiality. But Ms. Hennessey’s statement also suggests her willfulness to disregard serious allegations of misconduct, including findings by the Justice Department Office of Inspector General (OIG) that an FBI attorney altered evidence to support an application to surveil former Trump campaign adviser Carter Page.⁷ The OIG also found that this same attorney expressed anti-conservative and anti-Trump bias.⁸

Ms. Hennessey also spoke critically about former National Security Advisor Lieutenant General (LTG) Michael T. Flynn’s phone call with Russian Ambassador Sergey Kislyak, saying the conversation “posed a countervailing set of extraordinary circumstances.”⁹ In reality, Justice Department officials did not find the conversation troubling, and in fact considered it to be “pretty common.”¹⁰ However, the FBI used the conversation—which the Obama-Biden Administration leaked to a *Washington Post* columnist—as a pretext to set up LTG Flynn.¹¹ In an Oval Office meeting, it appears that then-Vice President Biden personally suggested to Justice Department officials that they use the Logan Act to target LTG Flynn, according to handwritten FBI notes.¹² Then-FBI Director James Comey later sent two FBI agents to interview LTG Flynn with the goal “to get him [Flynn] to lie, so we can prosecute or get him [Flynn] fired.”¹³ Even

⁵ Transcribed Interview of James Clapper, in Wash. D.C. (July 17, 2017).

⁶ Susan Hennessey, (@Susan_Hennessey), Twitter, (Dec. 1, 2020, 12:21 PM), <https://twitter.com/ChuckRossDC/status/1391817359174799373/photo/1>; The Editorial Board, *A Dangerous Pick at Justice*, WALL ST. J., (May 12, 2021).

⁷ INSPECTOR GEN., DEP’T OF JUSTICE, *Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation*, xi (2019).

⁸ The lawyer texted his FBI colleagues these anti-Trump messages: “the crazies won finally”; “This is the tea party on steroids”; “I just can’t imagine the systematic disassembly of the progress we made over the last 8 years;” “Pence is stupid”; and “vive le resistance.” *Id.* at 256.

⁹ The Editorial Board, *A Dangerous Pick at Justice*, WALL ST. J., (May 12, 2021).

¹⁰ Mary McCord Transcribed Interview 77, Nov. 1, 2017 (“And, you know, we had some discussions about how we -- you know, this is a statute that hadn’t been used ever, you know, in 200 years on the books, and that we imagined that in many incoming administrations, its probably pretty common for incoming officials to reach out to who their counterparts are in advance of the transition to just sort of say we want to start developing a relationship.”).

¹¹ Text Messages, Document 189-1, *United States v. Flynn*, No. 17-000232 (D.D.C. Apr. 30, 2020).

(Documents shows that on January 4, 2017 at 2:22PM Strzok sent a series of text messages including one that stated, “7th floor involved” referencing FBI case Crossfire Razor—the code name for the FBI’s case against LTG Flynn—and another text that stated, “Hey don’t close RAZOR.”).

¹² Handwritten Notes, Document 231-1, *United States v. Flynn*, No. 17-000232 (D.D.C. June 24, 2020).

¹³ Government’s Mot. to Dismiss the Criminal Information Against the Defendant Michael T. Flynn, Document 198, *United States v. Flynn*, No. 17-000232 (D.D.C. May 7, 2020); Josh Gerstein et al., *Documents show FBI debated how to handle investigation of Michael Flynn*, POLITICO (April 29, 2020).

after the Justice Department rightly decided to drop its charges against LTG Flynn in light of this misconduct, Ms. Hennessey called the decision “an astonishing assault on the rule of law.”¹⁴

In addition to her controversial comments about high-profile NSD matters, Ms. Hennessey deleted tens of thousands of statements on her Twitter account prior to announcing her new position.¹⁵ From the timing and volume of deletions, we can only conclude that Ms. Hennessey took such drastic steps to erase her past controversial statements about national security matters and hide her political bias. Ms. Hennessey’s political bias is very concerning, but it is equally problematic for a Justice Department employee to exhibit a knowing and concerted effort to conceal inconvenient information. Ms. Hennessey’s deletion of these tweets raises serious questions about her commitment to transparency and accountability as a Justice Department employee.

The Obama-Biden Justice Department weaponized the NSD and our intelligence community to target the Trump campaign. Ms. Hennessey played a large role in promoting and legitimizing these attacks. Your decision to hire Ms. Hennessey to a senior position within the NSD suggests that rather than execute the law impartially and without fear or favor, you intend to continue the Obama-Biden Administration’s politicization and weaponization of our national security laws. Accordingly, we respectfully write to request that you provide the following information:

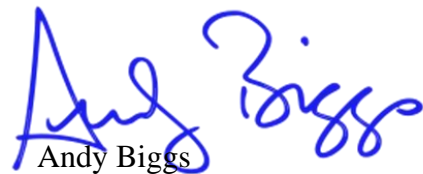
1. Explain Ms. Hennessey’s role and responsibilities within the Justice Department’s NSD;
2. Explain whether Ms. Hennessey was hired as a Schedule C political appointee of the excepted service or under another federal employment category; and
3. Explain whether the Justice Department or any component of the Biden-Harris Administration requested, directed, or suggested that Ms. Hennessey delete her tweets.

Please provide this information as soon as possible but no later than June 17, 2021. Thank you for your prompt attention to this serious matter.

Sincerely,



Jim Jordan
Ranking Member



Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security

¹⁴ The Editorial Board, *A Dangerous Pick at Justice*, WALL ST. J., (May 12, 2021); William Davis, *CNN Legal Analyst Decries ‘Astonishing Assault On The Rule Of Law’ After Flynn Charges Dropped*, DAILY CALLER (May 7, 2020).

¹⁵ Houston Keene, *New Biden DOJ staffer deleted over 39K tweets, including Russian collusion accusations*, Fox News (May 10, 2021).

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Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties

cc: The Honorable Jerrold Nadler, Chairman
The Honorable Sheila Jackson Lee, Chairwoman, Subcommittee on Crime, Terrorism,
and Homeland Security
The Honorable Steve Cohen, Chairman, Subcommittee on the Constitution, Civil Rights
and Civil Liberties