

United States Senate  
WASHINGTON, DC 20510

February 15, 2022

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick Garland  
Attorney General  
Department of Justice

Dear Attorney General Garland:

We are in receipt of your January 20, 2022, letter which was sent in response to our October 13, 2021, letter. We remain concerned that over one year from the date then-President Trump directed the Justice Department to declassify certain Crossfire Hurricane records the Justice Department has not only failed to declassify a single page, the Department has failed to identify for Congress records that it knows with certainty to be covered by the declassification directive.

Your letter noted that on July 9, 2021, the Department “offered to compare the documents we understand to be covered by the Memorandum with the documents that had been previously provided to Congress...” However, your letter also stated that the Department “has been taking steps to determine” which documents can be disclosed and that review is “ongoing.” It is incumbent upon the Department to determine which records are covered by the declassification directive and it is clear from your letter that the Department – after more than one year – has yet to get the job done. Moreover, the Department has refused to commit to producing records to Congress without Freedom of Information Act and related redactions.

When the Department is able to (1) identify with certainty the records subject to the declassification directive; (2) confirm the records are not those that have already been reviewed by our staff; and (3) agree that no improper redactions will be placed on those records, our staff stand ready to review in camera prior to production to Congress. Absent those conditions, our staff should not have to spend potentially multiple days and countless hours in the Department’s classified facility only to play a guessing game with the Department about what document may or may not be covered by the declassification directive and potentially review records that have already been produced to Congress.

Further, your letter failed to accurately recite the communications between our respective staff. For example, our staff have insisted – on many occasions – that the Department must first identify the records subject to the declassification order and, second, produce those records to Congress and the American people without improper redactions. Our oversight efforts are based on our unyielding belief that the American people deserve to know the complete truth about the Crossfire Hurricane investigation.

Finally, regarding your compliance with the declassification directive, your letter failed to provide any information about the actions taken to determine which records fall under the scope of the declassification directive, the number of records identified to-date and the extent to which the identified records will be declassified. We request a detailed response with respect to those questions and a commitment to the aforementioned conditions no later than March 1, 2022.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Ron Johnson  
Ranking Member  
Permanent Subcommittee  
on Investigations

cc: The Honorable Jon Ossoff  
Chairman  
Permanent Subcommittee on Investigations

The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary