

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

February 7, 2019

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

On February 4, 2019, we received a letter from Roger Stone's attorney, Grant J. Smith, alleging a Cable News Network (CNN) employee received a copy of a sealed grand jury indictment before it had been filed with the court.¹ We write to determine if personnel employed by the Department of Justice, including the Office of Special Counsel or the Federal Bureau of Investigation (FBI), authorized or provided copies of sealed grand jury materials to members of the media.

Ranking Member Jordan and Congressman Meadows wrote to you both on January 31, 2019, asking if Department personnel alerted news organizations of Stone's impending arrest by unauthorized means, including disclosing grand jury materials.² To date, the Department has not responded to their request. The claims made by Smith raise similar concerns.

The FBI arrested Stone on January 25, 2019, at which point his grand jury indictment was unsealed. According to Smith's letter, however, a CNN employee sent Smith a copy of Stone's indictment on the date of his arrest. Smith alleges the copy the CNN employee shared with him was a draft indictment yet to be filed with the Court.

¹ Letter from Grant J. Smith, to Lindsey Graham, Chairman, S. Comm. on Judiciary and Doug Collins, Ranking Member, H. Comm. on Judiciary (Feb. 4, 2019).

² Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform and Mark Meadows to Rod Rosenstein, Deputy Attorney General, Dep't of Justice and Christopher Wray, Fed. Bureau of Inv. (Jan. 31, 2019).

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As you are both aware, sealed grand jury materials are protected against disclosure.³ The claims by Smith raise concerns of possible unauthorized disclosures to the media within the Department—a persistent pattern within the Department and FBI.⁴

In order to assist our oversight of this issue, please provide answers to the following questions:

1. How a news organization, such as CNN, can obtain a copy of a grand jury indictment without a PACER filing notation in the header; and
2. Whether any Department or FBI personnel, including anyone affiliated with the Special Counsel's Office, provided any media entity with a copy of, or information about, Stone's grand jury indictment prior to its filing and unsealing.

We look forward to your response as soon as possible but no later than 5:00 p.m. on February 15, 2019. Thank you for your attention to this important matter. Please contact the House Oversight and Reform Committee staff at (202) 225-5074 and the House Judiciary Committee staff at (202) 225-6906 with any questions about this request.

Sincerely,



Jim Jordan
Ranking Member
Committee on Oversight and Reform



Doug Collins
Ranking Member
Committee on the Judiciary

³ Fed. R. Crim. P. 6(e).

⁴ INSPECTOR GEN., DEP'T OF JUSTICE, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (2018) 428-430 (“...although FBI policy strictly limits the employees who are authorized to speak to the media, we found that this policy appeared to be widely ignored during the period we reviewed. We identified numerous FBI employees, at all levels of the organization and with no official reason to be in contact with the media, who were nevertheless in frequent contact with reporters. The large number of FBI employees who were in contact with journalists during this time period impacted our ability to identify the sources of leaks. For example, during the periods we reviewed, we identified dozens of FBI employees that had contact with members of the media.”); INSPECTOR GEN., DEP'T OF JUSTICE, *A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe* (2018); See Erik Ortiz and Dafna Linzer, *Who is Daniel Richman, the Columbia Professor Who Leaked Comey's Trump Memo?* NBC NEWS, (June 8, 2017), <https://www.nbcnews.com/politics/politics-news/who-daniel-richman-columbia-professor-who-leaked-comey-s-private-n769846>; see also Letter from Michael E. Horowitz, Inspector General, Dep't of Justice, to Trey Gowdy, Chairman, H. Comm. on Oversight & Gov't Reform (Inspector General provided a report to then-Chairman Gowdy on FBI personnel who accepted gifts from the media).

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Mark Meadows
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Elijah E. Cummings, Chairman, Committee on Oversight and Reform
The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary
The Honorable Devin Nunes, Ranking Member, Permanent Select Committee on
Intelligence
The Honorable Lindsey Graham, Chairman, Senate Committee on the Judiciary