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U.S. Sen. Johnson: Requests more information from Justice Department about Special Counsel Mueller team's missing phones

Posted on Wednesday, Jul 14, 2021

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July 14, 2021

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Sens. Johnson and Grassley Request More Information From Justice Department About Special Counsel Mueller Team's Missing Phones

WASHINGTON — U.S. Sens. Ron Johnson (R-Wis.) and Chuck Grassley (R-Iowa) sent a letter to the Justice Department asking for more information and records after learning that the department could not locate 59 of the 96 phones used by Special Counsel Robert Mueller's team.

Further, the Justice Department failed to review more than 20 phones for federal record preservation. In September 2020, Grassley asked about the potential violation of federal record-keeping laws after a Freedom of Information Act

disclosure detailed the inventory and management of the special counsel team's devices and showed records had been deleted. Johnson requested information from the Justice Department's Office of Inspector General about its awareness that cell phones belonging to members of the special counsel's team were reportedly "wiped." They are now seeking further clarity on what steps the department has taken to recover the missing phones and the underlying records.

The full text of the senators' letter can be found here and below.

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]."[1] 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.[2] JMD informed the OIG that 96 phones were assigned to the SCO and JMD currently cannot account for the location of 59 SCO phones.[3]

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.[4] Of

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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.[5] 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."[6] Accordingly, please provide the following information no later than July 26, 2021:

1. Please provide the "SCO Inventory and Property Transfer Documentation"[7]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,

Ron Johnson

Ranking Member

Permanent Subcommittee on Investigations

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Charles E. Grassley

Ranking Member

Committee on the Judiciary