

U.S. Sens. Johnson, Grassley: Raise concerns over more conflicts of interest and political bias in recent DOJ national security hire

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WASHINGTON - U.S. Senators Ron Johnson (R-Wis.) and Chuck Grassley (R-Iowa) are seeking clarity from the Justice Department about the role that Susan Hennessey will play in the department's National Security Division (NSD). Hennessey has repeatedly and publicly expressed partisan comments about previous and current investigations, including the Justice Department inspector general's review of Crossfire Hurricane and Special Counsel John Durham's ongoing investigation, raising concerns that she is conflicted and should be recused from such investigations.

"As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation. Ms. Hennessey's partisan comments show a clear political bias that undercuts her ability to impartially work on some matters within the NSD's purview, including the Durham inquiry," **the senators wrote.**

In a letter addressed to Attorney General Merrick Garland, the lawmakers sought information about Hennessey's potential role in the Durham investigation and any access to potential draft reports and records. The senators also pressed for transparency and asked the attorney general if he agrees with then-Attorney General William Barr's memo that directed Durham to submit the reports "to the

maximum extent possible ... in a form that will permit public dissemination.”

As part of their conflicts of interest review, on [Feb. 3, 2021](#), and [March 9, 2021](#), the senators also wrote to the Justice Department about the hiring of Nicholas McQuaid as Acting Assistant Attorney General for the Criminal Division. In both letters the senators raised concerns about potential conflicts of interest in light of the fact that McQuaid was employed at Latham & Watkins until Jan. 20, 2021, and worked with Christopher Clark, whom Hunter Biden reportedly hired to work on his federal criminal case. The department has failed to fully respond to those letters, including failing to produce McQuaid’s recusal memo, should one exist.

Johnson is the ranking member of the Permanent Subcommittee on Investigations on the Homeland Security and Governmental Affairs Committee. Grassley is the ranking member of the Senate Judiciary Committee

The full text of the letter to Garland follows or can be found [here](#) and below.

June 29, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland

Attorney General

Department of Justice

Dear Attorney General Garland:

As you are aware, we are examining potential conflicts of interest relating to recent hires at the Department of Justice (DOJ). As part of that review, on February 3, 2021, and March 9, 2021, we wrote to you about the hiring of Nicholas McQuaid as Acting Assistant Attorney General for the Criminal Division. In both letters we raised concerns about potential conflicts of interest in light of the fact that McQuaid was

employed at Latham & Watkins until January 20, 2021, and worked with Christopher Clark, who Hunter Biden reportedly hired to work on his federal criminal case.[\[1\]](#) You have failed to fully respond to those letters, including producing McQuaid's recusal memo, should one exist.

Recently, DOJ hired Susan Hennessey to work in its National Security Division (NSD).[\[2\]](#) We have concerns about her role and potential impact on ongoing matters, including Special Counsel John Durham's inquiry (Durham inquiry). On December 1, 2020, Ms. Hennessey expressed a clear partisan bias against the Special Counsel's investigation:

Durham has made abundantly clear that in a year and a half, he hasn't come up with anything. I guess this kind of partisan silliness has become characteristic of Barr's legacy, but unclear to me why Durham would want to go along with it.[\[3\]](#)

Ms. Hennessey presumably made this statement without any first-hand knowledge of Durham's ongoing work, including its true scope and the extent of the evidence acquired at that time. Ms. Hennessey's apparent bias against Durham's inquiry presents a clear conflict that makes it impossible for her to be objective and credible with respect to any elements relating to the Durham inquiry, should she have access to any of it.

Ms. Hennessey also expressed copious public views in support of the fundamentally flawed Crossfire Hurricane investigation and vouched for the Steele Dossier which, as our joint investigation unveiled, was infected with Russian government disinformation and demonstrably false information.[\[4\]](#) Ms. Hennessey stated that Steele was "a person whose work intelligence professionals take seriously."[\[5\]](#) Ms. Hennessey also publicly said that the 2018 memo from then-House Intelligence Chairman Devin Nunes exposing Crossfire Hurricane's fundamental flaws would need to be "debunk[ed]" *before* she had opportunity to read the memo.[\[6\]](#)

With respect to the Justice Department Inspector General's (IG) report on Crossfire Hurricane, she attacked the IG's credibility before the report was even completed in an effort to discredit it:

This is extremely irregular. There are growing signs that there are serious problems with the IG report and questions as to whether this is designed to be an honest accounting of the views of the IG or a political document driven by Barr's conspiracy theories.[\[7\]](#)

The IG found "at least" 17 significant errors and omissions in the Carter Page FISA applications and additional Woods Procedure errors. The IG report stated,

[t]hat so many basic and fundamental errors were made on four FISA applications by three separate, hand-picked teams, on one of the most sensitive FBI investigations that was briefed to the highest levels within the FBI and that FBI officials expected would eventually be subjected to close scrutiny, raised significant questions regarding the FBI chain of command's management and supervision of the FISA process.

Ms. Hennessey's reaction to the IG report was, "I don't think the IG findings are significant enough to justify the work of a podcast."[\[8\]](#)

As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation.[\[9\]](#) Ms. Hennessey's partisan comments show a clear political bias that undercuts her ability to impartially work on some matters within the NSD's purview, including the Durham inquiry. At your February 22, 2021, nomination hearing, you stated that you are "very much committed to transparency and to explaining Justice Department decision-making."[\[10\]](#) Accordingly, please answer the following no later than July 13, 2021:

1. Does Ms. Hennessey have any role in the Durham inquiry? If so, please describe that role.
2. Does Ms. Hennessey have authorization to access any aspect of the Durham inquiry, including records? If so, has she used that authorization? If so, for what?
3. Has Ms. Hennessey been recused from all matters relating to the Durham inquiry? If not, why not? If so, please provide all records relating to her recusal obligations, including a recusal memo.

4. Please describe the extent to which DOJ officials were aware of Ms. Hennessey's previous partisan statements when considering hiring her to work at DOJ.
 5. What is the status of the Durham inquiry? When will it be completed?
 6. Former Attorney General Barr's October 19, 2020, memo, cited 28 C.F.R § 600.8, which requires Durham to submit interim reports and a final report to you. Barr's memo also directed Durham to submit the reports "to the maximum extent possible...in a form that will permit public dissemination." [\[11\]](#)
1. Do you agree with former Attorney General Barr that interim reports and a final report should be drafted "to the maximum extent possible...in a form that will permit public dissemination"? If not, why not? If so, what steps have you taken to ensure that they will be produced in that manner?
 2. Will Ms. Hennessey have access to any of Durham's draft and final reports?
 3. Please provide a list of all DOJ employees who will be able to review draft and final versions of the Durham report.

Thank you for your attention to this matter.

Sincerely,

Ron Johnson

United States Senator

Chuck Grassley

United States Senator