

United States Senate

WASHINGTON, DC 20510

May 23, 2018

The Honorable Rod Rosenstein
Deputy Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Rosenstein,

We write to express our alarm about the Justice Department's recent decision to release highly sensitive, highly classified information to members of Congress who have indicated that they intend to use it to undermine an ongoing investigation and federal law enforcement. We ask that you cancel any plan to release this information until its disclosure will avoid putting the Special Counsel's work at risk.

The review of highly classified documents in the midst of a highly charged partisan conflict raises the clear and present danger of illegal disclosure potentially catastrophic to confidential sources and operations. In the words of Assistant Attorney General Stephen Boyd, who was appointed by President Trump, "disclosure of [the information sought by Congressional Republicans] can risk severe consequences, including potential loss of human lives, damage to relationships with valued international partners, compromise of ongoing criminal investigations, and interference with intelligence activities." There is no good reason for raising these serious national security risks—sending a message to covert agents and informants that they will be sacrificed to appease raw political pressure.

Worse still, some individuals who have requested this information have shown a propensity to use such material in bad faith. When a small group of Congressional staff were given access to memos prepared by former FBI Director Comey – memos not yet public because of their use in the ongoing investigation of Trump Administration obstruction of justice – information contained in the memos was leaked within minutes as part of a transparent, and unpersuasive, effort to undermine Comey's credibility. When the memos themselves were provided to Congress, they leaked within minutes. Given Representative Devin Nunes's concerted and continued efforts to defend the Trump Administration, there is every reason to believe that information provided to him will be disclosed to the public if it serves the interests of President Trump – even if such disclosure could put an ongoing investigation at risk.

The risk is seriously exacerbated by the Administration's decision to exclude all Democrats from disclosure. Representative Nunes and his allies have shown that they are willing to misrepresent secret information when they believe they can get away with it. The much-hyped "Nunes memo" represented a stunning example of the Congressman's willingness to use his privileged access to information as a means of misleading the American people. In that case, after Representative Nunes mischaracterized classified information, Democrats who had seen the relevant documents were able to correct the record. If Representative Nunes will now be given access to information that Democrats are denied, his improper license to mischaracterize and mislead will be unchecked.

We ask that you immediately cancel the planned meeting in which Justice Department officials intend to turn over highly classified information to Republican members of Congress. At the least, we urge you to limit any disclosure in scope and magnitude to mitigate the danger that sensitive information will be inappropriately released. We also ask that Democrats be allowed to access any information that is released on equal terms, to ensure that opponents of the Special Counsel investigation are not given free rein to mischaracterize what they learn.

Thank you for your consideration.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



PATRICK LEAHY
United States Senate