

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-6906
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October 31, 2023

Mr. Timothy Cook
Chief Executive Officer
Apple
One Apple Park Way
Cupertino, CA 95014

Dear Mr. Cook:

The Committee on the Judiciary is conducting oversight of the Justice Department's attempts to surveil Members of Congress and congressional staff members by obtaining information about their private communications from Apple.¹ On October 19, 2023, Google notified the former Chief Investigative Counsel to then-Senate Judiciary Committee Chairman Chuck Grassley that the Justice Department had subpoenaed Google in 2017 for the staffer's personal phone records and emails during the period when Senator Grassley was conducting vigorous oversight of the Department's handling of the so-called Steele dossier.² Google's notification to this staffer revealed the Justice Department likely also sought the personal records and communications of other congressional staffers—both Republicans and Democrats—who engaged in oversight of the Department during the same period.³ The Committee is investigating whether the Justice Department asked other email or telecommunications providers for similar information on Members of Congress and congressional staff.

The Justice Department's efforts to obtain the private communications of congressional staffers, including staffers conducting oversight of the Department, is wholly unacceptable and offends fundamental separation of powers principles as well as Congress's constitutional authority to conduct oversight of the Department.⁴ This revelation also follows news that the

¹ Margot Cleveland, *DOJ Subpoenaed Phone And Email Logs Of Hill Staffers Probing Crossfire Hurricane Malfeasance*, THE FEDERALIST (Oct. 25, 2023); see also The Editorial Board, *When the Justice Department Spied on Congress*, WALL ST. J (Oct. 26, 2023).

² Press Release, Empower Oversight Seeks Information from Justice Department on Subpoenas of Congressional Staff Phone and Email Records, Empower Oversight (Oct. 24, 2023).

³ See *id.* at 2; Cleveland, *supra* note 1.

⁴ See U.S. CONST. art. I, § 6; *Doe et al. v. McMillan*, 412 U.S. 306, 324 (1973) (finding committee members, members of their staff, the consultant, and the investigator are absolutely immune under the Constitution's Speech or Debate Clause insofar as they engaged in the legislative acts of compiling the report referring it to the House, or

Department issued subpoenas to obtain the private emails and records of congressional staffers on the House Permanent Select Committee on Intelligence who were conducting oversight of the Justice Department's Crossfire Hurricane investigation.⁵ These revelations strongly suggest that the Justice Department weaponized its law-enforcement authority to spy on the entities seeking to hold it accountable.

Accordingly, to inform our ongoing oversight of the Justice Department, please provide the following documents and information from January 1, 2016, to the present:

1. All documents and communications between or among Apple employees referring or relating to subpoenas or requests issued by the Department of Justice to Apple for personal or official records or communications of Members of Congress or congressional staff;
2. All documents and communications between or among Apple employees and Justice Department employees referring or relating to subpoenas or requests issued by the Department of Justice to Apple for personal or official records or communications of Members of Congress or congressional staff;
3. All material or information that Apple provided to the Justice Department in response to the Department's subpoenas or requests for personal or official records and communications of Members of Congress or congressional staff; and
4. All subpoenas or requests sent by the Justice Department to Apple for personal or official records and communications of Members of Congress or congressional staff.

Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning "civil liberties" to inform potential legislative reforms.⁶ Please provide this information as soon as possible, but no later than 5:00 p.m. on November 14, 2023. If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

voting for its publication); *Watkins v. U.S.*, 354 U.S. 178, 187 ("The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad.").

⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 13, 2023); *see also* Victor Nava, *DOJ wanted GOP House intel staffers' data at height of Russia probe: report*, N.Y. POST (Dec. 19, 2022).

⁶ Rules of the House of Representatives, R. X, 118th Cong. (2023).

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cc: The Honorable Jerrold L. Nadler, Ranking Member