

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515–6216

One Hundred Sixteenth Congress

February 28, 2020

The Honorable William Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Barr:

I write in advance of our March 31 oversight hearing in order to request information concerning improper political interference, including by President Trump, in enforcement matters handled by the Department of Justice.

The abandonment of these longstanding practices has motivated more than 2,000 former Department employees—public servants of both parties, including but not limited to a former Deputy Attorney General under President George H.W. Bush—to call for your resignation. You yourself have acknowledged the difficulties posed by the President’s statements about ongoing Justice Department matters. In a recent interview, you asked President Trump to stop tweeting about the Department and said his comments make it “impossible for me to do my job and to assure the courts and the prosecutors in the Department that we’re doing our work with integrity.”<sup>1</sup>

These circumstances are deeply troubling. Although you serve at the President’s pleasure, you are also charged with the impartial administration of our laws. In turn, the House Judiciary Committee is charged with holding you to that responsibility. The Committee’s specific concerns include, but are not limited to, the following:

1. The Department’s determination to withdraw a sentencing recommendation for President Trump’s longtime associate, Roger Stone, which in turn led to the withdrawal of four career DOJ officials who were responsible for the case—one of which went so far as to resign from the Department.<sup>2</sup>
2. The Department’s decisions to intervene in the normal handling of a series of criminal proceedings involving the President’s associates and former staff, including reducing former Trump National Security Adviser Michael Flynn’s sentencing recommendation

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<sup>1</sup> ABC News, *Transcript of Attorney General Bill Barr's exclusive interview with ABC News*, ABC NEWS, Feb. 13, 2020.

<sup>2</sup> Matt Zapposky, *Prosecutors quit amid escalating Justice Dept. fight over Roger Stone's prison term*, WASH. POST, Feb. 11, 2020.

and overruling the decision to relocate former Trump Campaign Chairman Paul Manafort to Riker's Island.<sup>3</sup>

3. The Department organizing a series of inquiries into the conduct of career law enforcement officials and investigations related to President Trump and the 2016 election, notwithstanding the December 2019 Inspector General Report conclusion that “[It] did not find documentary or testimonial evidence that political bias or improper motivation influenced the FBI's decision.”<sup>4</sup>
4. The Department ignoring federal whistleblower protections by overruling the Intelligence Community Inspector General's conclusion that an “urgent concern” complaint regarding Ukraine was found to appear credible and required under statute to be transmitted to Congress. Compounding our concerns, you subsequently created a new intake procedure for allegations generated by Mr. Giuliani concerning President Trump's political rival.

Our concerns, however, are not limited to politically motivated intervention in criminal matters. We have previously written the Department concerning the President's apparent efforts to deploy the Antitrust Division for political or personal interests, as well as other politically motivated activity in antitrust enforcement matters.<sup>5</sup> This includes allegations such as intervening in the Time Warner-AT&T merger because of the President's unhappiness with CNN's political coverage;<sup>6</sup> rallying political support for the Sprint-T-Mobile transaction contrary to the recommendations of career officials to block the merger;<sup>7</sup> and targeting automakers who entered into an agreement with California to reduce emissions.<sup>8</sup>

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<sup>3</sup> Carol E. Lee, et al., *Barr takes control of legal matters of interest to Trump, including Stone sentencing*, NBC NEWS, Feb. 11, 2020.; William K. Rashbaum, et al., *Paul Manafort Seemed Headed to Rikers. Then the Justice Department Intervened*, N.Y. TIMES, June 17, 2019.

<sup>4</sup> Office of the Inspector General, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation*, at vi.

<sup>5</sup> See, e.g., Letter from Jerold Nadler, Ranking Member, H. Comm. on the Judiciary, et al., to Jeff Sessions, Att'y Gen., U.S. Dep't of Justice (Feb. 8, 2018); Letter from Jerold Nadler, Ranking Member, H. Comm. on the Judiciary, et al., to Jeff Sessions, Att'y Gen., U.S. Dep't of Justice (May 15, 2018); Letter from Jerold Nadler, Chairman, H. Comm. on the Judiciary, and David N. Cicilline, Chairman, Subcomm. on Antitrust, Commercial and Admin. Law of the H. Comm. on the Judiciary, to Pat Cipollone, White House Counsel, Executive Office of the President (Mar. 7, 2019). Letter from Chairman Jerold Nadler, H. Comm. on the Judiciary, and Chairman David Cicilline, Subcomm. on Antitrust, Commercial and Administrative Law of the H. Comm. on the Judiciary, to Makan Delrahim, Assistant Attorney General, U.S. Dep't of Justice (June 21, 2019); Letter from Chairman Jerold Nadler, H. Comm. on the Judiciary, and Chairman David Cicilline, Subcomm. On Antitrust, Commercial and Administrative Law of the H. Comm. on the Judiciary, to Pat Cipollone, Counsel to the President, Makan Delrahim, Assistant Attorney General (Sept. 19, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> See Questions for the Record of the Honorable David N. Cicilline, Chairman, Subcomm. On Antitrust, Commercial and Administrative Law of the H. Comm. on the Judiciary, to Makan Delrahim, Assistant Attorney General, U.S. Dep't of Justice, for *Online Platforms and Market Power, Part 4: Perspectives of the Antitrust Agencies, Hearing Before the Subcomm. On Antitrust, Commercial and Administrative Law of the H. Comm. on the Judiciary*, 116th Cong. 2019; Erik Larson, *Texts Show DOJ Effort to Enlist Senators in T-Mobile Deal*, BLOOMBERG, Dec. 19, 2019.

<sup>8</sup> Leah Nylen, *Probe of automakers' California emissions deal took uncommon route through DOJ*, MLEX, Oct. 24, 2019.

We understand this Administration’s position is that “the Department typically does not provide information regarding ongoing matters.”<sup>9</sup> Our experience with the Department is completely to the contrary, particularly when credible allegations of misconduct are involved. In this regard, I would draw your attention to recent precedent involving oversight into allegations of impropriety led by both Democrats and Republicans, and which involved Attorney Generals of both parties.

In the Judiciary Committee’s 2007-08 investigation into the politically motivated firings of nine U.S. Attorneys—which overlapped with Inspector General and Office of Professional Responsibility investigations, the Bush Justice Department produced more than 10,000 pages of documents—both internal to DOJ and with the White House, and including “confidential, deliberative documents.”<sup>10</sup> The Department made more than twenty current and former DOJ officials, including career officials, available to testify and also provided several staff briefings.

In the Oversight and Government Reform Committee’s 2010-11 investigation into “Operation Fast and Furious,” which overlapped with numerous criminal, civil and Inspector General investigations, the Obama Justice Department shared some 7,000 pages of documents, including materials related to the ongoing investigations, and made twenty-five current and former DOJ and ATF officials available for interviews.<sup>11</sup>

During this Administration, as part of the Judiciary and Oversight Committees’ 2017-18 investigation into the Hillary Clinton email investigation and the origins of the Russia investigation—which overlapped with an Inspector General review and ongoing review by U.S. Attorney John Huber, the Justice Department made available nearly one million pages of documents, including classified materials, memos describing interactions with President Trump, and electronic communications authorizing investigations into Russian election interference.<sup>12</sup> The Department also made available fifteen former and current DOJ and FBI officials for transcribed interviews, including career officials<sup>13</sup> and coordinated several meetings between Committee Leadership and key officials, such as the Deputy Attorney General, the FBI Director, and relevant U.S. Attorneys.

In light of the concerns we’ve identified in this letter and in past communications, we make the following urgent requests:

1. The Department promptly provide the Committee with a full briefing concerning the criminal and civil matters identified in this letter.

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<sup>9</sup> Letter from Stephen E. Boyd, Assistant Attorney General, United States to Jerrold Nadler, Chairman, H. Comm. On the Judiciary (Feb. 18, 2020).

<sup>10</sup> Letter from Richard A. Hertling, Acting Assistant Attorney General, United States to John Conyers, Chairman, H. Comm. On the Judiciary and Linda T. Sanchez, Chairwoman, Subcomm. On Commercial and Administrative Law, H. Comm. On the Judiciary (Mar. 19, 2007).

<sup>11</sup> STAFF OF H. COMM. ON OVERSIGHT & GOVERNMENT REFORM, ACTIVITIES OF THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM ONE HUNDRED TWELFTH CONGRESS, at 103 (Comm. Print 2013).

<sup>12</sup> Letter from Stephen E. Boyd, Assistant Attorney General, United States to Bob Goodlatte, Chairman, H. Comm. On the Judiciary and Devin Nunes, Chairman, H. Perm. Comm. On Intelligence (July 6, 2018).

<sup>13</sup> *Id.*

2. The Department make available current and former officials for testimony or interviews regarding these matters including but not limited to: Jonathan Kravis, former Assistant US Attorney; Aaron S.J. Zelinsky, Special Assistant U.S. Attorney; Adam C. Jed, Special Assistant U.S. Attorney; Michael J. Marando, Assistant U.S. Attorney; Jessie K. Liu, former U.S. Attorney for the District of Columbia; John H. Durham, U.S. Attorney for the District of Connecticut; Jeff Jensen, U.S. Attorney for the Eastern District of Missouri; Scott Brady, U.S. Attorney for the Western District of Pennsylvania; Richard Donoghue, U.S. Attorney for the Eastern District of New York; John Huber, U.S. Attorney for the District of Utah; John Lausch, U.S. Attorney for the Northern District of Illinois; Geoffrey Berman, U.S. Attorney for the Southern District of New York; Timothy Shea, interim U.S. Attorney for the District of Columbia; Makan Delrahim, Assistant Attorney General for the Antitrust Division; and Robert Khuzami, former Deputy U.S. Attorney for the Southern District of New York.
3. A description of each instance in the last 10 years when senior officials of the Department intervened to alter sentencing recommendations by a U.S. Attorney's office.
4. Copies of documents and communications between President Trump, White House officials or employees of the Executive Office of the President and the Department of Justice relating to the criminal and civil matters identified in this letter.
5. Copies of documents and communications relating to President Trump, the Office of Attorney General, Deputy Attorney General or the Executive Office of the President's involvement or interest in the criminal and civil matters identified in this letter.

Given your experience at the Department, I am confident you are familiar with these precedents and expect the Department to act consistent with the letter and spirit of the previous cooperation we have enjoyed with your predecessors. To the extent you may have concerns regarding the sensitive or confidential nature of any of the requested materials, we stand ready to discuss a mutually acceptable accommodation. Your response to these concerns and cooperation with respect to these matters will assist the Committee as it fulfills its constitutional oversight responsibilities and as it considers legislation related to political interference, antitrust matters, and election security, among other things.

Thank you for your time and attention to this matter. Given the urgent and serious nature of these requests, I would ask that you provide the requested responses by no later than March 13, 2020.

Sincerely,



Jerrold Nadler  
Chairman

cc: The Honorable Doug Collins, Ranking Member, House Committee on the Judiciary