

# United States Senate

May 3, 2019

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Inspector General Horowitz:

I write to express grave concern about the independence of the Department of Justice under the leadership of Attorney General William Barr. On May 1, Attorney General Barr appeared before the Senate Judiciary Committee to discuss the conclusion of Special Counsel Robert Mueller's investigation. In response to my questions during the hearing, Attorney General Barr proved unable or unwilling to state whether he had been directed to open investigations at the request or suggestion of the President or other White House officials—an alarming response that strikes at the very heart of the rule of law and threatens to undermine the longstanding independence of the Justice Department. I request that the Office of the Inspector General investigate whether the Attorney General has received or acted upon such improper requests.

Such inappropriate requests by the President have been well documented. For instance, in addition to investigating the Russian influence operation, Special Counsel Mueller also examined the President's conduct with regard to the Russia probe and documented a disturbing pattern of behavior on the part of the President—repeated attempts to target his perceived opponents using the power of federal law enforcement.<sup>1</sup>

Volume II of the Special Counsel's report, which details his investigation of whether the President obstructed justice, describes three separate occasions on which the President asked or suggested that then-Attorney General Jeff Sessions open an investigation into the President's former opponent, Hillary Clinton.<sup>2</sup> The Special Counsel's report also catalogues a series of tweets in which the President suggests or openly calls for criminal and congressional investigations into Clinton's conduct—anti-democratic rhetoric designed to erode law enforcement's time-honored freedom from political pressure.<sup>3</sup>

However, when I asked Attorney General Barr whether the President or other White House officials had ever made similar requests or suggestions to him, he was unable or unwilling answer the question.

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<sup>1</sup> Michael S. Schmidt, *Mueller Report Reveals Trump's Fixation on Targeting Hillary Clinton*, N.Y. TIMES, Apr. 24, 2019, at <https://www.nytimes.com/2019/04/24/us/politics/jeff-sessions-hillary-clinton-donald-trump.html>.

<sup>2</sup> U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL ROBERT S. MUELLER, III, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (2019) vol. II, at 107, 109.

<sup>3</sup> *Id.* at 95, 96, 109, 110, 111.

**Senator Harris:** Attorney General Barr, has the President or anyone at the White House ever asked or suggested that you open an investigation of anyone?

**Attorney General Barr:** Um, I wouldn't ... I wouldn't, uh—

**Senator Harris:** Yes or No?

**Attorney General Barr:** Could you ... could you repeat that question?

**Senator Harris:** I will repeat it. Has the President or anyone at the White House ever asked or suggested that you open an investigation of anyone? Yes or no please, sir.

**Attorney General Barr:** Um, the President or anybody else...

**Senator Harris:** Seems you would remember something like that and be able to tell us.

**Attorney General Barr:** Yeah, but I'm, I'm trying to grapple with the word "suggest." I mean, there have been discussions of, of matters out there that, uh—they have not *asked* me to open an investigation, but...

**Senator Harris:** Perhaps they've suggested?

**Attorney General Barr:** I don't know, I wouldn't say suggest...

**Senator Harris:** Hinted?

**Attorney General Barr:** I don't know.

**Senator Harris:** Inferred? You don't know?

**Attorney General Barr:** No.

There must be no doubt that the Department of Justice and its leadership stand apart from partisan politics, and resist improper attempts to use the power of federal law enforcement to settle personal scores. In light of the disturbing conduct documented in the Special Counsel's report, as well as Attorney General Barr's failure to demonstrate his own independence from the President on such matters, I urge the Office of Inspector General to investigate whether the Attorney General has received or acted upon requests or suggestions, whether implied or explicit, to investigate the President's perceived enemies.

Sincerely,

  
KAMALA D. HARRIS  
United States Senator