

Congress of the United States
Washington, DC 20515

October 27, 2020

William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Attorney General Barr:

We write to express our deep alarm at your efforts to politicize the United States Department of Justice (DOJ) in an apparent attempt to influence the outcome of the upcoming election. While history will be your ultimate judge, we feel compelled to state for the record that your actions as Attorney General are inconsistent with the values and ideals of American democracy.

There is no more sacred institution in America than free and fair elections, it is the very foundation upon which our government is built. As our founding fathers proclaimed in the Declaration of Independence, governments derive their powers “from the Consent of the Governed,” and the vehicle through which the American people express their consent is our electoral system. While American history is replete with examples of our failure to live up to the promise of our founding ideals, the struggles to destroy slavery and eliminate racial barriers to the ballot, to expand suffrage to all citizens regardless of gender, and to free our elections from the shackles of institutionalized racism is the very story of America.

Yet, despite this, you and President Trump seem determined to undermine this sacred institution and roll back the clock on our hard-won progress towards a more perfect union. In so doing you are intentionally attempting to weaken the foundation of the democratic system of government you are sworn to uphold and protect. The president you so dogmatically serve has repeatedly cast doubt on the integrity of the 2020 election, he has asserted without evidence that mail-in ballots are somehow a “scam” and that voter fraud will run rampant, and he has stoked fears that the election will be stolen from him.

Worse, President Trump has attempted to turn this fearmongering into a rallying cry for his supporters to act in potentially violent ways. He has urged his supporters to “go into the polls and watch very carefully.”¹ His son, Donald Trump, Jr., has called on supporters to enlist and join an “Army for Trump,” which would serve as a poll-watching brigade.² The Trump campaign itself is now training what it is calling “Trump’s Army” – a 50,000 strong force the campaign plans to

¹ Hakim, Danny, et al. “Trump Renews Fears of Voter Intimidation as G.O.P. Poll Watchers Mobilize.” The New York Times, The New York Times, 30 Sept. 2020, www.nytimes.com/2020/09/30/us/trump-election-poll-watchers.html.

² Ibid.

deploy to voting locations around the country.³ Recent reports indicate that the signup information for “Trump’s Army” is being widely shared within neo-Nazi, Proud Boys, and other white supremacist groups.⁴ These are the very groups President Trump refused to condemn during the first presidential debate and whom he appeared to tell to prepare for action by telling the Proud Boys to “stand back and stand by.”⁵

While it would be tempting to dismiss these statements as careless rhetoric in the midst of a heated election, we know the danger that white supremacy poses to our elections is real. In September, FBI Director Christopher Wray told the House Committee on Homeland Security that racially motivated violent extremism, primarily coming from white supremacists, accounts for the majority of terrorist threats in the United States.⁶ Moreover, a Department of Homeland Security whistleblower recently disclosed an intelligence assessment that listed “white supremacist extremists” as the biggest physical threat to the 2020 election.⁷

When you combine these militant calls to action with the President’s violent rhetoric is it any wonder that we are already seeing acts of voter intimidation occur around the country? In Fairfax, VA, the second day of early voting was disrupted by Trump supporters who were reportedly intimidating voters and forming blockades, forcing election officials to move voters inside the building, increasing the threat of COVID-19.⁸ In Albuquerque, NM, law enforcement officials were called after a convoy of Trump supporters disrupted an early voting location.⁹ And in Nevada City, CA, Trump supporters formed a blockade around a drive-up ballot drop box that prevented voters from depositing their ballots.¹⁰

While these instances of attempted voter intimidation are disturbing, we are also deeply concerned by instances of more extreme efforts to interfere with the upcoming election. For instance, in Michigan, two men turned themselves in on October 8 after being charged with voter intimidation for coordinating robocalls intended to suppress the vote in Michigan’s November election. The calls, which targeted minority voters, falsely claimed that mail-in voting would, “allow personal

³ Mosk, Matthew, et al. “As Trump Team Rushes to Train ‘Army’ of Poll Watchers, Experts on Watch for Voter Intimidation.” ABC News, ABC News Network, 12 Oct. 2020, abcnews.go.com/US/trump-team-rushes-train-army-poll-watchers-critics/story?id=73542441.

⁴ Margolin, Josh, et al. “Neo-Nazi and Proud Boys Groups Push Trump Campaign Poll Watching Operation Online: Reports.” ABC News, ABC News Network, 16 Oct. 2020, abcnews.go.com/Politics/neo-nazi-proud-boys-groups-push-trump-campaign/story?id=73663331.

⁵ CBS News. “Proud Boys Are ‘Emboldened’ by President Trump’s Language, Former Member Says.” CBS News, CBS, 1 Oct. 2020, www.cbsnews.com/news/proud-boys-trump-stand-back-stand-by-emboldened/.

⁶ Kanno-youngs, Zolan. “F.B.I. Director Warns of Russian Interference and White Supremacist Violence.” The New York Times, The New York Times, 17 Sept. 2020, www.nytimes.com/2020/09/17/us/politics/fbi-russia.html.

⁷ Klippenstein, Ken. “White Supremacists Are a Threat to Elections, Says the DHS.” The Nation, The Nation, 18 Sept. 2020, www.thenation.com/article/politics/white-supremacists-election/.

⁸ Corasaniti, Nick, and Stephanie Saul. “Trump Supporters Disrupt Early Voting in Virginia.” The New York Times, The New York Times, 20 Sept. 2020, www.nytimes.com/2020/09/19/us/politics/trump-supporters-early-voting-virginia.html?smid=tw-nytimes.

⁹ Kent, Jackie. “VIDEO: County Clerk Reports Possible Voter Intimidation at the Polls.” KRQE News 13 Albuquerque - Santa Fe, KRQE News 13, 19 Oct. 2020, www.krqe.com/news/albuquerque-metro/video-county-clerks-reports-possible-voter-intimidation-at-the-polls/.

¹⁰ Makaula, Walter. “Nevada County Officials Address Voter Intimidation Concerns.” KCRA, KCRA, 17 Oct. 2020, www.kcra.com/article/nevada-county-officials-address-voter-intimidation-concerns/34401986.

information to become part of a special database used by police to track down old warrants and by credit card companies to collect outstanding debts.”¹¹

The President has worked tirelessly to undermine faith in our elections, he has refused to condemn white supremacists and urged them to “stand by,” he is recruiting an “army” to intimidate voters at the polls, and his supporters are already acting on his militant calls for action. But worst of all, President Trump has recently called on you to indict his political opponent before the upcoming 2020 election in an obvious effort to influence the outcome.¹² Make no mistake, these are the actions of an authoritarian, and your failure as our nation’s top law enforcement official to condemn them as such undermines our democratic system of government.

But you haven’t just failed to condemn the President’s efforts to weaken our democracy, you have actively sought to aid him. You have claimed without evidence that foreign countries could print counterfeit ballots, you have declined to say that it is illegal to follow President Trump’s suggestion that his supporters vote twice, you have made up fictitious voter fraud cases, and you have falsely claimed that mail-in ballots allow government officials to see who Americans voted for.¹³

In addition to these clear efforts to sow distrust in our elections, you have intentionally caused the Department of Justice to pursue politically motivated investigations and have attempted to use legitimate law enforcement activity for political benefit. It is now increasingly clear that you directed investigations into the origin of the Russian inquiry and the unmasking of former National Security Adviser Michael Flynn in a transparent attempt to aid President Trump’s re-election. That is why President Trump was so angry when U.S. Attorney John Bash found no irregularities in the unmasking of Michael Flynn and U.S. Attorney John Durham’s report was delayed until after the election. In President Trump’s own words: “Personally, I think it’s ridiculous. It’s ridiculous. It’s a disgrace. They actually said no indictments before the election.”¹⁴

The concerns over your loyalty to Trump at the expense of justice recently led former Assistant U.S. Attorney Phillip Halpern to quit DOJ after 36 years, citing your “slavish obedience to Donald Trump’s will,” your “meddling with the criminal justice system,” and your determination to “turn our democracy into an autocracy.”¹⁵ Your attempts to politicize DOJ to benefit Donald Trump have not only pushed career public servants out of your department, they have eroded the public’s trust in the Department’s ability to deliver impartial justice.

¹¹ Roth, Cheyna. “The Two Right-Wing Men Accused of Making Voter Intimidation Calls to Detroit Residents Have Turned Themselves in to Police.” Mlive, Mlive, 8 Oct. 2020, www.mlive.com/public-interest/2020/10/the-two-right-wing-men-accused-of-making-voter-intimidation-calls-to-detroit-residents-have-turned-themselves-into-police.html.

¹² <https://www.nytimes.com/2020/10/20/us/politics/trump-barr-biden.html>

¹³ Levine, Sam. “Trump’s Most Powerful Ally in Undermining the Election: William Barr.” The Guardian, Guardian News and Media, 17 Sept. 2020, www.theguardian.com/us-news/2020/sep/17/trump-william-barr-us-election-2020.

¹⁴ Benner, Katie, and Julian E. Barnes. “Justice Dept. ‘Unmasking’ Review Finds No Irregularities and Is Given to Durham.” The New York Times, The New York Times, 14 Oct. 2020, www.nytimes.com/2020/10/14/us/politics/barr-durham-unmasking-probe.html.

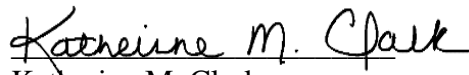
¹⁵ Halpern, Phillip. “Phillip Halpern: I Won’t Work in Attorney General William Barr’s Justice Department Any Longer.” Tribune, San Diego Union-Tribune, 16 Oct. 2020, www.sandiegouniontribune.com/opinion/commentary/story/2020-10-14/william-barr-department-of-justice-doj.


That is why we demand that you honor your oath to protect and defend the constitution of the United States and cease all efforts to interfere with or influence the 2020 election. Specifically, we demand that you:

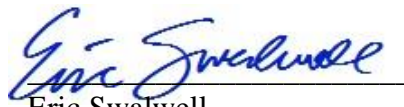
- Do not act on President Trump’s demand that you investigate, indict, or arrest his political opponent in the upcoming election.
- Strictly adhere to the DOJ’s 60-Day Rule prohibiting the public disclosure of information related to electoral matters within 60 days of a general election (see DOJ OIG report 18-04, page 17).¹⁶ This would apply both to politically motivated investigations as well as rushing the results of legitimate investigations to provide “victories” for President Trump.
- Refrain from using federal law enforcement personnel or resources to intimidate, suppress, or in any other way interfere with the ability of any U.S. citizen to lawfully cast a ballot.
- Provide state and local governments with the resources, intelligence, and support necessary to prevent and respond to acts of white supremacist terrorism or any other acts of electoral interference or intimidation.
- Do not use DOJ resources or personnel to intervene in legal actions stemming from disputed election results in support of President Trump or his campaign.

Free and fair elections are the foundation of our democracy and far too many Americans have fought and struggled and sacrificed for the right to participate in those elections for us to allow you and President Trump to roll back the progress that has been achieved.

Sincerely,


Katherine M. Clark
Member of Congress


Bill Pascrell, Jr.
Member of Congress


Eric Swalwell
Member of Congress

Earl Blumenauer
Member of Congress

Suzanne Bonamici
Member of Congress

André Carson
Member of Congress

Kathy Castor
Member of Congress

Judy Chu
Member of Congress

Steve Cohen
Member of Congress

¹⁶ Office of the Inspector General, U.S. Department of Justice, 2018, p. 17, A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election.

Jim Cooper
Member of Congress

Mark DeSaulnier
Member of Congress

Sylvia R. Garcia
Member of Congress

Deb Haaland
Member of Congress

Marcy Kaptur
Member of Congress

Betty McCollum
Member of Congress

Eleanor Holmes Norton
Member of Congress

Dean Phillips
Member of Congress

Mark Pocan
Member of Congress

Jamie Raskin
Member of Congress

Janice D. Schakowsky
Member of Congress

Nydia M. Velázquez
Member of Congress

Peter Welch
Member of Congress

Debbie Dingell
Member of Congress

Suzan K. DelBene
Member of Congress

Bill Foster
Member of Congress

Raúl M. Grijalva
Member of Congress

Henry C. “Hank” Johnson, Jr.
Member of Congress

Barbara Lee
Member of Congress

James P. McGovern
Member of Congress

Jimmy Panetta
Member of Congress

Chellie Pingree
Member of Congress

Mike Quigley
Member of Congress

Mary Gay Scanlon
Member of Congress

Lori Trahan
Member of Congress

Bonnie Watson Coleman
Member of Congress

Derek Kilmer
Member of Congress