

United States Senate

WASHINGTON, DC 20510

May 2, 2019

The Honorable William P. Barr
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Barr:

Your testimony before the Senate Judiciary Committee yesterday raised a number of very serious concerns about your understanding of your role in our government, your commitment to the rule of law and your fitness to continue leading the Department of Justice. Among the many disturbing things you said, I was particularly troubled by your statement that if the president feels an investigation “is based on false allegations, the president does not have to sit there constitutionally and allow it to run its course. The president could terminate that proceeding and not have it be corrupt intent because he was being falsely accused.” If this idea is how our nation is governed, we will no longer be the democracy Americans think we are.

I understood from the memorandum you sent to Deputy Attorney General Rosenstein in June of 2018 that you subscribe to a philosophy in which the executive is exalted above the other co-equal branches of government. But this was the first time I had heard you articulate, as Attorney General, this starkly extremist view. Such a statement, in my view – and I believe most Americans would agree – shows complete disregard for the carefully-designed system of checks and balances the Framers enshrined in our Constitution. If these views are truly your views, you do not deserve to be Attorney General. I was so troubled by your statement that I am writing today to ask you the following questions:

Do you stand by this statement, or was it a mistake?

In your view, who determines whether the president is “falsely accused?” Do you believe the president has the power to make such a determination himself – unilaterally?

Is it lawful for the president to unilaterally terminate an investigation involving a member of his family? Or a business associate?

Do you believe that President Nixon, who certainly believed he was falsely accused, could simply have terminated the Watergate investigation? Who was right in the Saturday Night Massacre – President Nixon or Elliot Richardson?

What limiting principle, if any, applies to your theory of a president’s power to terminate such investigations?

I would appreciate your prompt reply to these questions.

Sincerely,

A handwritten signature in black ink, consisting of the initials 'CL' followed by a stylized 'Schumer'.

Charles E. Schumer