

June 20, 2019

Dear Senators,

The Department of Justice's stated mission is to "ensure fair and impartial administration of justice for all Americans." This essential function, which goes to the heart of public trust in the federal government, can be satisfied only when the Department operates free of political interference.

To help ensure that the nation's chief law enforcement agency conducts its work transparently and without bias, **we are asking you to cosponsor the Security from Political Interference in Justice Act of 2019**. Very similar legislation was introduced on a bipartisan basis in 2007 and passed out of the Senate Judiciary Committee by a vote of 14-2.

This legislation would codify the historical norm of DOJ independence from the White House. Specifically, it would:

- Require the White House and the Department of Justice to log all communications they have with one another pertaining to specific cases or investigations that DOJ might undertake.
- Share those logs with Congress, the Department's Office of the Inspector General (OIG), and the Office of Professional Responsibility (OPR). OIG and OPR would be required to review the logs for inappropriate communications and, if any are found, disclose those communications with Congress.

Because the bill applies only to officers or employees of the Executive Office of the President in their contacts with DOJ, it would not apply to the very sensitive communications of national security agencies with DOJ — thus mooting the primary concern of the two Senators who did not vote for the 2007 bill.

The power to prosecute should be driven by the facts and the law, not by political animus or personal preference. This isn't just about politics: The White House shouldn't be picking economic winners and losers. The Department of Justice plays an important role in ensuring that businesses comply with the law, and routinely faces challenging questions about whether to allow mergers and charge corporations for violations of antitrust law. DOJ needs to be able to make those assessments without undue influence.

Presidents of both parties have been criticized strongly for violating the norm of DOJ independence in the post-Nixon era — such as when President Clinton improperly called for the death penalty for the Oklahoma City bombers. But this criticism has not stopped Presidents from

inappropriately pressuring the agency. Congress should use its authority as a coequal branch of government to help stop such behavior in the future.

If anything, the Senate should consider doing even more to check presidential abuse by extending the bill's disclosure requirement to more law enforcement agencies, such as the Secret Service, and independent agencies such as the Securities and Exchange Commission, the Federal Election Commission, and the Federal Trade Commission. We encourage Senators to consider the possibility of including these agencies in the legislation.

Please consider co-sponsoring this important legislation to ensure that the nation's chief law enforcement agency conducts its work transparently and without bias.

Sincerely,

Brennan Center
Common Cause
Citizens for Responsibility and Ethics in Washington
Niskanen Center
Project on Government Oversight
Protect Democracy
Public Citizen
Republicans for the Rule of Law
Stand Up Republic
Tech Freedom