

# United States Senate

September 17, 2020

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

Dear Inspector General Horowitz:

We write to request that you investigate whether U.S. Attorney John Durham's investigation complies with Department of Justice policies, including policies that protect criminal investigations from political influence.

The Department's mission to "ensure fair and impartial administration of justice for all Americans" requires that its prosecutorial decisions be insulated from political influence. To that end, longstanding rules restrain Department personnel from publicly commenting on pending investigations, taking actions that may affect an upcoming election, and communicating with the White House about ongoing criminal investigations. [Justice Manual §§ 9-11.130, 9-16.500, 9-27.760; 6/2018 OIG Report, pp. 17-18; 5/11/2009 Holder Memo]

Recent reports suggest that Attorney General William Barr and other Trump administration officials are violating these longstanding rules. For example:

- Nora Dannehy, a respected career prosecutor and Durham's former top assistant, reportedly resigned from the Department out of concern that Durham "is being pressed for political reasons to produce a report before its work is done" and before the 2020 election. [Hartford Courant, 9/11/2020]
- Attorney General Barr has repeatedly commented on the Durham investigation and recently promised that "there are going to be developments, significant developments, before the election." [Real Clear Politics, 8/14/2020]
- White House Chief of Staff Mark Meadows recently told the press that he had seen documents related to the Durham investigation that "spell trouble" for Obama-era officials. [Fox News, 9/6/2020]

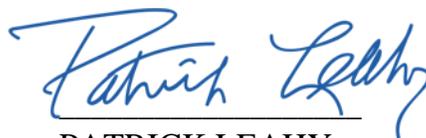
These actions suggest that the Durham investigation is being misused for partisan political purposes and undermine the legitimacy of any investigative steps Mr. Durham takes. In addition, it remains unclear what rules and authority permit the public release of a "report" by U.S. Attorney Durham, raising additional concerns about the legitimacy of his appointment and work.

We therefore request that your office investigate whether the Durham investigation has operated consistent with Department rules governing the appointment of U.S. Attorneys and the Department's rules on public statements concerning pending investigations, taking action that may impact an upcoming election, and White House-Department communications concerning pending criminal investigations.

Sincerely,



DIANNE FEINSTEIN  
Ranking Member



PATRICK LEAHY  
United States Senator



RICHARD J. DURBIN  
United States Senator



SHELDON WHITEHOUSE  
United States Senator



AMY KLOBUCHAR  
United States Senator



CHRISTOPHER A. COONS  
United States Senator



RICHARD BLUMENTHAL  
United States Senator



MAZIE K. HIRONO  
United States Senator



CORY A. BOOKER  
United States Senator



KAMALA D. HARRIS  
United States Senator

cc: The Honorable Lindsey O. Graham  
Chairman, Senate Committee on the Judiciary