

# United States Senate

April 17, 2020

Jeffrey R. Ragsdale  
Acting Director and Chief Counsel  
Office of Professional Responsibility  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

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

Dear Mr. Ragsdale and Mr. Horowitz:

We write to express concern about statements made by Attorney General William Barr regarding the firing of Intelligence Community Inspector General (ICIG) Michael Atkinson. In defending the President, the Attorney General misstated key facts. This is a disservice to ICIG Atkinson. It also raises broader questions about whether Attorney General Barr is following Department policies and rules of professional conduct that demand candor and impartiality from lawyers, particularly those who serve the public trust.

In a recent press interview, Attorney General Barr said that ICIG Atkinson had “ignored” guidance from the Department of Justice that “he is obliged to follow”—namely, a determination that the Ukraine whistleblower’s complaint should not be transmitted to Congress. [Fox News 4/9/2020] Thus, according to Attorney General Barr, the President “was correct” and “did the right thing” by firing ICIG Atkinson.

In fact, ICIG Atkinson did not transmit the complaint or reveal its contents to Congress. Rather, after determining that the Ukraine whistleblower complaint involved an “urgent concern,” he forwarded it to the Director of National Intelligence (DNI) as required by the Intelligence Community Whistleblower Protection Act. [50 U.S.C. § 3033 (k)(5)] When ICIG Atkinson and DNI Joseph Maguire then disagreed on whether to transmit the complaint to Congress, ICIG Atkinson followed the law and notified Congress of this disagreement. [50 U.S.C. § 3033 (k)(3)(A)(i)]

Moreover, the Attorney General gravely misrepresents the legal opinion issued by his own Department concerning the complaint. When the Office of Legal Counsel opined that the complaint did not qualify as an “urgent concern,” it only stated that the law did not *require* DNI Maguire to forward the complaint to Congress. [OLC Op. 9/24/2019] The opinion left DNI Maguire with the *discretion* to do so, and it was ultimately DNI Maguire, not ICIG Atkinson, who transmitted the complaint to Congress. [HPSCI Tr. 9/26/2019] According to DNI Maguire, ICIG Atkinson “followed the law every step of the way.” [HPSCI Tr. 9/26/2019] And his summary termination by the President may have violated the law. [Bipartisan Letter 4/8/2020; see also 50 U.S.C. § 3033(c)(4)]

This is not the only time that the Attorney General has misstated the facts in defense of the President. In the same interview where he falsely portrayed ICIG Atkinson as insubordinate, Attorney General Barr also asserted that the FBI opened its 2016 investigation into the Trump campaign's ties to Russia "without any basis." To the contrary, the Department's Office of Inspector General concluded that the FBI had a legitimate legal and factual basis to investigate the Trump campaign's ties to Russia. [OIG Report 12/9/2019]

Attorney General Barr has also repeatedly mischaracterized key aspects of Special Counsel Mueller's findings in letters to Congress and public statements. In a recent opinion examining these "misleading" statements, D.C. District Court Judge Reggie Walton found that Attorney General Barr had "distorted the findings in the Mueller Report," causing "the Court to seriously question whether Attorney General Barr made a calculated attempt to influence public discourse about the Mueller Report in favor of President Trump." [*Elec. Privacy Info. Ctr. v. United States Dep't of Justice*, No. CV 19-810 (RBW), 2020 WL 1060633, at \*8-9 (D.D.C. Mar. 5, 2020)] Judge Walton's finding that Attorney General Barr may have intentionally distorted facts to further the President's interests warrants your attention.

It is critical that the American people have confidence in the work of the Justice Department, which requires that all of its employees—and most importantly, the Attorney General—be truthful and impartial. Accordingly, we request that you investigate whether Attorney General Barr's statements in matters involving the interests of the President violate applicable Justice Department policies and rules of professional conduct.

We appreciate your prompt attention to this request.

Sincerely,



Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee



Mark R. Warner  
Vice Chairman  
Senate Select Committee on Intelligence

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

The Honorable Richard Burr  
Chairman, Senate Select Committee on Intelligence