

May 8, 2020

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

Mr. 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

Dear Inspector General Horowitz and Director Ragsdale:

We write to request that you immediately open an investigation into the Department of Justice's unprecedented decision to drop charges against former National Security Advisor Michael T. Flynn, as well as the Department's pattern of politicized decision making. As you know, Flynn twice pled guilty to lying to federal investigators and repeatedly admitted his guilt in court. The Department's decision thus appears to be based solely on President Trump's clear desire to shield his political allies from responsibility for their actions and to reject the clear reality that his Administration broke the law in its effort to obstruct legitimate investigations into its conduct. If this decision is not investigated, it poses a clear and present threat to the rule of law.

In January of 2017, Michael Flynn lied to federal investigators about contacts with the Russian government. He did so despite investigators giving him multiple opportunities to correct his statements and despite the fact that investigators were examining serious accusations of Russian interference in U.S. elections and Trump Administration complicity in that interference. Specifically, Flynn falsely denied that he had encouraged Russian Ambassador Sergey Kislyak to delay responding to U.S. sanctions against Russia, implying that the Trump Administration would take a friendlier approach to the Putin government than had President Obama.

On December 1, 2017, Special Counsel Robert Mueller announced a plea bargain with Flynn under which Flynn admitted to "willfully and knowingly" making false statements to investigators that "impeded and otherwise had a material impact on the FBI's ongoing investigation into the existence of any links or coordination between individuals associated with the [Trump] Campaign and Russia's efforts to interfere with the 2016 presidential election." Pursuant to that agreement, Flynn was not prosecuted for other federal crimes he may have committed, provided he cooperate with investigators in their ongoing probe into the Trump Administration. It was reported that Flynn had been in contact with senior members of the Trump Administration about his clandestine communications with Russia but had lied to others within the Administration, including Vice President Mike Pence, potentially opening himself up

to blackmail. Despite being warned about Flynn's lies, however, President Trump acted to remove Flynn only when his actions became public.

Flynn's sentencing was deferred as Judge Emmet Sullivan expressed concerns that the gravity of Flynn's crimes might deserve a more serious penalty than the government had initially requested. As President Trump made clear that he was inclined to support allies who broke the law to cover up the president's own misdeeds, Flynn became less cooperative with federal investigators. Ultimately, his defense lawyers began to echo President Trump's rhetoric, claiming without evidence that their client had been set up.

The facts of the Flynn case are clear. Flynn broke the law. The Justice Department's claim that it would be unable to prove Flynn's lies were "material" to their investigation defies belief. Flynn lied about contact with Russia at the beginning of an investigation into Russian coordination with the Trump Administration. He took this dangerous step because he knew that the truth would lead investigators to evidence of his own criminal conduct and potentially to evidence of crimes committed by other members of the Administration. If powerful individuals can lie to investigators with impunity, law enforcement will be unable to protect the public.

Any reasonable American witnessing the actions of the last several weeks must seriously question whether the Department of Justice can any longer claim its proud tradition of professionalism and independence from political influence. First, President Trump criticized the Flynn investigation based on misleading descriptions of Flynn's investigators' actions. After it became clear that no reasonable judge – and certainly not Judge Sullivan – would accept President Trump's claims, the president indicated that he might pardon Flynn but hoped that something would happen first to relieve him of that decision. Then the Department dropped its charges, in a filing signed only by a political appointee who President Trump has not even bothered to submit for Senate confirmation. Every career prosecutor involved in the case declined to participate in this mockery of justice, and no Justice Department official or outside expert can find a precedent for such a blatant abdication of the Department's responsibilities.

This latest outrage is part of a pattern. First, Attorney General Barr misrepresented the outcome of the Mueller investigation while withholding the actual Mueller report from the American people. Since then, Barr has eagerly investigated the investigators of President Trump while ignoring the Trump Administration's own wrongdoing. At times, the link between President Trump's tweets and Barr's actions has been so tight that even Barr has urged the president to be more circumspect.

This politicization of the Justice Department cannot be allowed to continue without scrutiny. We ask that you immediately open an investigation into Justice Department policies, procedures, and practices related to politically sensitive prosecutions. As part of this investigation, we ask that you determine why the Department chose to drop its charges against Flynn, why no career prosecutor joined in that decision, and what role Attorney General Barr and President Trump played. The American people deserve to know whether the Justice Department has become a tool of political manipulation.

Thank you for your consideration. Please contact Sam Simon at [Sam\\_Simon@judiciary-dem.senate.gov](mailto:Sam_Simon@judiciary-dem.senate.gov) and Joe Gaeta at [Joe\\_Gaeta@whitehouse.senate.gov](mailto:Joe_Gaeta@whitehouse.senate.gov) with any questions.

Sincerely,



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RICHARD BLUMENTHAL  
United States Senate



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SHELDON WHITEHOUSE  
United States Senate