

United States Senate

WASHINGTON, DC 20510

March 7, 2018

The Honorable Noel Francisco
Solicitor General
Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Solicitor General,

In light of news reports that President Trump ordered White House Counsel Don McGahn to fire Special Counsel Robert Mueller last June,¹ it is imperative that the Special Counsel's inquiry be allowed to proceed with independence and without interference. The President has repeatedly attacked Attorney General Sessions via Twitter – threatening to fire him for recusing himself and, just last week, disparaging him for stating that an investigation of political interest to the president will be handled by the independent Inspector General.

In addition, last month, President Trump declined to answer reporters about his confidence in Deputy Attorney General Rod Rosenstein to oversee the Mueller investigation.² Some political leaders have gone so far as to call for the criminal prosecution of Rosenstein and several former Justice Department officials based on information contained in a now widely discredited memo issued by House Intelligence Committee Chairman Devin Nunes.³

We are also deeply concerned that Deputy Director McCabe's decision to resign was influenced by President Trump's attacks on the integrity of the F.B.I. and of officials involved with the Russia investigation. The comments of Associate Attorney General Rachel Brand prior to her resignation on February 9 indicated that she did not want to be in a position to oversee the Mueller probe, suggesting a discomfort with President Trump's constant attacks on this legitimate, important investigation.

¹ Michael S. Schmidt & Maggie Haberman, *Trump Ordered Mueller Fired, but Backed Off When White House Counsel Threatened to Quit*, N.Y. Times (Jan 25, 2018), <https://www.nytimes.com/2018/01/25/us/politics/trump-mueller-special-counsel-russia.html>.

² Sari Horwitz, *Justice Department Official Overseeing Mueller and Russia Probe Under Increasing Pressure*, Wash. Post (Feb. 2, 2018), https://www.washingtonpost.com/world/national-security/justice-department-official-overseeing-mueller-and-russia-probe-under-increasing-pressure/2018/02/02/08586ea0-06c8-11e8-8777-2a059f168dd2_story.html.

³ *Id.*

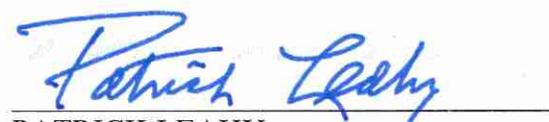
In light of these actions and others, we have significant concerns that the president or his White House could order individuals at the Department of Justice with the authority to oversee Special Counsel Mueller's probe to interfere with the probe or shut it down. You fall in the line of succession at the Department of Justice if Deputy Attorney General Rosenstein were to either resign or be removed. We write to request that you provide a written and public commitment that you will not interfere in the Special Counsel's investigation into Russian meddling in the 2016 elections, possible collusion with such meddling by the Trump campaign, efforts to obstruct justice, and any related inquiry. As such, we ask that you publicly commit to refuse any order or request – whether express or implied – to interfere in the Special Counsel's investigation, including but not limited to firing Mr. Mueller, cutting off funding or resources, limiting staffing, or inhibiting his ability to follow the facts wherever they may lead and hold those accountable who may have broken the law.

In your role as Solicitor General, you have taken an oath to uphold the rule of law and protect the Constitution. This includes refusing to take part in any effort to deny the American public access to the truth and refusing to participate in any attempt by the president to interfere with a legitimate and critical investigation of national importance. This is a solemn responsibility that must be undertaken apolitically. The American people have the right to know what transpired in the 2016 election and to hold accountable those responsible for any wrongdoing. We expect that those charged with protecting the integrity of American institutions will ensure that the investigation can proceed without interference.

We look forward to receiving a response from you as soon as possible.

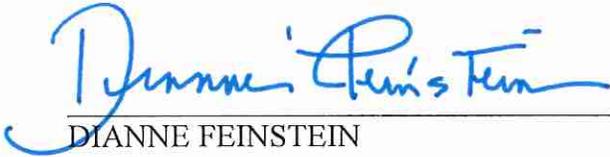
Sincerely,


RICHARD BLUMENTHAL
United States Senate


PATRICK LEAHY
United States Senate


RICHARD J. DURBIN
United States Senate


SHELDON WHITEHOUSE
United States Senate



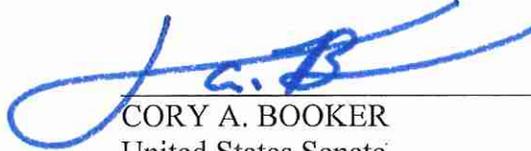
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CHRISTOPHER A. COONS
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MAZIE K. HIRONO
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