

February 14, 2020

The Honorable William Barr
Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530-0001

Attorney General Barr:

We are writing to express our alarm about and opposition to the unethical political intervention of senior Department of Justice (DOJ) officials in the case of Roger Stone, a former campaign insider and adviser to President Trump who was convicted of obstructing a congressional investigation, lying to Congress, and tampering with a witness in connection with the investigation of Russian intervention into the 2016 presidential election.¹ The interference in this case by you or other senior DOJ officials working under you is a clear violation of your duty to defend fair, impartial, and equal justice for all Americans. As a result, we call on you to resign immediately.

On Monday, February 10, the four DOJ prosecutors assigned to Mr. Stone's case recommended a sentencing range of seven to nine years in prison. Mr. Stone was found guilty of lying to the House Intelligence Committee in the committee's investigation of the 2016 election and then threatening "bodily harm" to a witness who could have exposed these lies.² In their sentencing memorandum, the prosecutors explained that "Stone chose—consciously, repeatedly, and flagrantly—to obstruct and interfere with the search for the truth on an issue of vital importance to all Americans," and that "Stone's lies to Congress and his obstructive conduct are a direct and brazen attack on the rule of law."³ Shortly after news broke about the filing, President Trump tweeted that the recommendation was "a horrible and very unfair situation" and wrote: "Cannot allow this miscarriage of justice!"⁴

Later that same day, Timothy Shea, the interim head of the U.S. Attorney's office, filed a new sentencing memorandum reversing the recommendation of the line prosecutors, stating that the

¹ U.S. Department of Justice, "Roger Stone Found Guilty of Obstruction, False Statements, and Witness Tampering," November 15, 2019, <https://www.justice.gov/usao-dc/pr/roger-stone-found-guilty-obstruction-false-statements-and-witness-tampering>.

² New York Times, "Prosecutors Recommend Roger Stone Receive Up to 9 Years in Prison," February 10, 2020, <https://www.nytimes.com/2020/02/10/us/roger-stone-prison-sentence.html>.

³ CNN, "United States of America v. Roger J. Stone, Jr., Criminal No 19-cr-18-ABJ, "Government's Sentencing Memorandum," February 10, 2020, <https://www.cnn.com/2020/02/10/politics/read-prosecutors-ask-for-7-to-9-years-in-prison-for-roger-stone/index.html>.

⁴ Tweet by Donald J. Trump, February 10, 2020, <https://twitter.com/realdonaldtrump/status/1227122206783811585>.

initial recommendation of seven to nine years “could be considered excessive and unwarranted.”⁵ Following this remarkable interference by senior DOJ officials, all four of the prosecutors assigned to Mr. Stone’s case withdrew.⁶

According to press reports, “[t]he decision to override the recommended sentence was made by officials from [your office] and [Jeffrey Rosen,] the deputy attorney general.”⁷ The day after DOJ’s abrupt about-face, however, President Trump indicated that you were directly involved, tweeting: “Congratulations to Attorney General Barr for taking charge of a case that was totally out of control,”⁸ and you confirmed your direct involvement in an interview with ABC News yesterday.⁹

This is an extraordinary turn of events. It appears to show that you and other top DOJ officials intervened in a clearly political fashion to undermine the administration of justice at the President’s behest in order to protect a well-connected political ally who committed a “direct and brazen attack on the rule of law.”¹⁰ It demonstrates that you lied to Congress during your confirmation hearing when you stated that you would “keep the enforcement process sacrosanct from political influence,” and it reveals your unwillingness or inability to maintain the integrity of the DOJ and to uphold justice and the rule of law.¹¹ While you asserted yesterday in an interview with ABC News that you were ‘not going to be . . . influenced by anybody,’ this statement is simply not credible given that it is sharply at odds with the behavior of top DOJ officials and the comments of the President over the past 72 hours.¹²

DOJ proudly describes its “sacred duty” as “ensur[ing] fair and impartial administration of justice for all Americans.”¹³ The shocking actions taken by you or your senior staff to seek

⁵ CNN, “Justice Department’s updated sentencing memo for Trump ally Roger Stone,” February 11, 2020, <https://www.cnn.com/2020/02/11/politics/roger-stone-sentencing-memo-updated/index.html>.

⁶ New York Times, “Prosecutors Quit Roger Stone Case After Justice Dept. Intervenes on Sentencing,” February 11, 2020, <https://www.nytimes.com/2020/02/11/us/politics/roger-stone-sentencing.html>.

⁷ New York Times, “Trump Praises Barr for Rejecting Punishment Recommended for Stone,” February 12, 2020, <https://www.nytimes.com/2020/02/12/us/politics/trump-stone.html?action=click&module=Top%20Stories&pgtype=Homepage>.

⁸ Tweet by Donald J. Trump, February 12, 2020, <https://twitter.com/realdonaldtrump/status/1227561237782855680?lang=en>.

⁹ ABC News, “Barr blasts Trump’s tweets on Stone case: ‘Impossible for me to do my job’: ABC News Exclusive,” February 13, 2020, <https://abcnews.go.com/Politics/barr-blasts-trumps-tweets-stone-case-impossible-job/story?id=68963276>.

¹⁰ United States of America v. Roger J. Stone, Jr., Criminal No 19-cr-18-ABJ, “Government’s Sentencing Memorandum,” February 10, 2020, <https://www.cnn.com/2020/02/10/politics/read-prosecutors-ask-for-7-to-9-years-in-prison-for-roger-stone/index.html>.

¹¹ Senate Committee on the Judiciary, “Confirmation Hearing on the Nomination of Hon. William Pelham Barr to be Attorney General of the United States,” January 15 and 16, 2019, <https://www.congress.gov/116/chr/CHRG-116shrg36846/CHRG-116shrg36846.htm>.

¹² ABC News, “Barr blasts Trump’s tweets on Stone case: ‘Impossible for me to do my job’: ABC News Exclusive,” February 13, 2020, <https://abcnews.go.com/Politics/barr-blasts-trumps-tweets-stone-case-impossible-job/story?id=68963276>.

¹³ U.S. Department of Justice, “About DOJ,” <https://www.justice.gov/about>.

special protections for Mr. Stone make a mockery of your responsibilities to seek equal justice under the law and reveal that you are unfit to head the DOJ.

A DOJ that abandons the rule of law in order to give sweetheart deals to criminals acting on behalf of the President of the United States is as corrupt as it is unacceptable.

You and the other officials involved must be held accountable for these actions. We therefore urge you to resign from your position, effective immediately.

Sincerely,

Elizabeth Warren
United States Senator

Edward Markey
United States Senator

Chris Van Hollen
United States Senator

Richard Blumenthal
United States Senator

Patty Murray
United States Senator

Jeffrey A. Merkley
United States Senator

Ron Wyden
United States Senator

Bernard Sanders
United States Senator

Mazie K. Hirono
United States Senator