

June 21, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President,

Our organizations are deeply concerned about your attacks on the Justice Department's reported investigation into whether you have committed obstruction of justice with regard to the Department's ongoing investigation into Russian interference in the 2016 presidential election.

We write to strongly urge you to let Special Counsel Robert Mueller and the professional staffs of the FBI and the Department of Justice conduct their investigation without any presidential interference.

You alone are responsible for the Justice Department decision to initiate an investigation into whether you obstructed justice. This resulted from your decision to fire FBI Director James Comey and your statements that indicated you did so to stop the Russia-related investigative activity.

For example, you said about firing Mr. Comey in a White House meeting with Russian officials, "I just fired the head of the F.B.I. He was crazy, a real nut job." You further said "I faced great pressure because of Russia. That's taken off."¹

This and other related statements by you have left the Justice Department with no choice but to open an investigation into whether you have engaged in obstruction of justice.

You recently attacked the integrity of Deputy Attorney General Rod Rosenstein who you appointed to the position and previously praised. You said last month about Mr. Rosenstein, "He's highly respected -- very good guy, very smart guy. The Democrats like him. The Republicans like him."²

Vice President Mike Pence also praised Mr. Rosenstein last month, stating "He is a man of extraordinary independence and integrity and a reputation in both political parties of great character."³

¹ M. Apuzzo, M. Haberman and M. Rosenberg, "Trump Told Russians That Firing 'Nut Job' Comey Eased Pressure From Investigation," *The New York Times* (May 19, 2017).

² D. Stafford, "The nice things Trump and others said about Rod Rosenstein," *CNN Politics* (June 16, 2017).

³ D. Stafford, "The nice things Trump and others said about Rod Rosenstein," *CNN Politics* (June 16, 2017).

His reputation is well deserved according to Republicans and Democrats alike who have praised Mr. Rosenstein for his decades of public service as a law enforcement official.

Your attack on Deputy Attorney General Rosenstein is baseless.

Despite your efforts to imply that Mr. Rosenstein was responsible for your firing Mr. Comey, you have publicly stated that you had already decided to fire Mr. Comey before receiving a memo from Mr. Rosenstein raising concerns about Mr. Comey's role at the FBI.

As you said in an NBC TV interview, "I was going to fire Comey" and "Regardless of the recommendation I was going to fire Comey."⁴

In recent days, you have attacked the credibility of Special Counsel Mueller. These attacks are meritless and wholly unwarranted.

Special Counsel Mueller is uniquely qualified to lead the investigation he is conducting. He has an impeccable reputation and unquestionable integrity.

Mr. Mueller served the nation as a Marine officer in Vietnam during the war. He served our country as FBI Director following the September 11, 2001 attacks. Mr. Mueller was appointed to head the FBI by Republican President George W. Bush in 2001. He was asked to continue serving in that position by President Barack Obama in 2009. Mr. Mueller played key roles for decades in enforcing the nation's laws against criminal activity. This included serving as Assistant Attorney General of the Justice Department's Criminal Division, appointed by President George H.W. Bush, and as United States Attorney for the Northern District of California, appointed by President Bill Clinton.

Thus, four Presidents – including two Republican and two Democratic Presidents – have shown their faith in Mr. Mueller by appointing him to serve in top government law enforcement positions.

There have been reports that you are considering ways to remove Special Counsel Mueller. Taking such an action would be a profound mistake and a grave disservice to the American people. It would correctly be taken as an admission of guilt by you.

The Special Counsel must be able to proceed with a full investigation of the Russia case, including whether you have engaged in obstruction of justice, free from outside interference or baseless attacks by you.

Kenneth Starr, a Republican former Solicitor General, federal judge and independent counsel, publicly warned you about any efforts to remove Mr. Mueller. Starr recently wrote, "Absent the most extreme circumstances, the president would be singularly ill-advised to threaten, much less order, Mueller's firing."⁵

⁴ E. Ortiz, "President Trump tells Lester Holt He's 'Fighting Hard' for legitimacy in 'Divided Country,'" *NBC News*, May 13, 2017

⁵ K. Starr, "Firing Mueller would be an insult to the Founding Fathers," *The Washington Post* (June 15, 2017).

Such “extreme circumstances” obviously do not exist here.

Mr. Mueller’s appointment as Special Counsel was widely praised by Republican and Democratic members of Congress. Examples of support from congressional Republicans include:

Republican Senator Richard Burr, Chairman of the Senate Intelligence Committee, said, “I have a lot of confidence in Mueller.”⁶ Senator Burr also said, “By having someone like Bob Mueller head the investigation assures the American people that there’s no undue influence, be it here or be it at the other end of Pennsylvania Avenue or within the Justice Department.”⁷

Republican Senator John Thune, Chairman of the Senate Republican Conference, described Mr. Mueller as “a man of integrity,” and said “he needs to be able to do his work.”⁸

Republican Senator Orrin Hatch, Chairman of the Senate Finance Committee, commended the Department of Justice, “for bringing an independent voice to help bring clarity to this situation.”⁹

Republican Senator John McCain, Chairman of the Senate Armed Services Committee, said about Mueller, “He’s a very much trusted individual and had an outstanding record as head of the FBI.”¹⁰

Republican members of Congress who have rejected any suggestion that Mueller should be fired include:

Republican Senate Majority Leader Mitch McConnell said, “I have a lot of confidence in Bob Mueller. I think it was a good choice.”¹¹

Republican House Speaker Paul Ryan said, “I think the best thing to do is to let Robert Mueller do his job. I think the best vindication for the president is to let this investigation go on independent and thoroughly.”¹²

⁶ C. Huey-Burns, “GOP Lawmakers Walk Fine Line Amid Probe, Trump Tweets,” *Real Clear Politics* (June 16, 2017).

⁷ “Former FBI Director Mueller to lead Trump-Russia probe,” *The Associated Press* (May 17, 2017).

⁸ C. Huey-Burns, “GOP Lawmakers Walk Fine Line Amid Probe, Trump Tweets,” *Real Clear Politics* (June 16, 2017).

⁹ P. Singer, E. Collins and E. Kelly, “Rare bipartisan moment: Both sides embrace Robert Mueller as special counsel,” *USA Today* (May 17, 2017).

¹⁰ A. Wright and K. Cheney, “Republicans to Trump: Hands Off Mueller,” *Politico* (June 12, 2017).

¹¹ A. Bolton, “McConnell voices confidence in Mueller,” *The Hill* (June 13, 2017).

¹² S. Wong and M. Lillis, “GOP leaders are unified: Firing Mueller a bad idea,” *The Hill* (June 13, 2017).

Republican Senate Majority Whip John Cornyn said “I’ve seen no reason” that warrants firing Mueller and further said that he trusts Mueller.¹³

Republican Senator Susan Collins, a member of the Senate Intelligence Committee, said about firing Mueller, “It would be a catastrophic mistake.”¹⁴

Republican Senator Bob Corker, Chairman of the Senate Foreign Relations Committee, said that firing Mueller is “ridiculous to even consider or talk about.” Corker also said “I cannot possibly imagine the President terminating Bob Mueller,” he said. “I mean it’s — it just cannot happen.”¹⁵

Republican Representative Mark Sanford said about firing Mueller, “I think it’s a form of political suicide. If you fire one guy, then you fire another, all of a sudden it begins to look like you’re trying to hide something, look like you have a reason to want the investigations to go away.”¹⁶

Republican Senator Lindsay Graham said firing Mueller “would be a disaster. There’s no reason to fire Mueller. What’s he done to be fired?”¹⁷

History tells us why it would be wise to heed the advice of these members of Congress.

In 1973, President Nixon, facing an investigation by the Justice Department, ordered the firing of independent special prosecutor Archibald Cox. This led to the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus, both of whom refused to fire Cox, who was then fired by Solicitor General Robert Bork.

Known as the “Saturday night massacre,” the steps taken by President Nixon triggered a constitutional crisis and led to the end of the Nixon presidency. Firing Mr. Mueller will trigger another constitutional crisis and head you down the same path that President Nixon took.

We strongly urge you to promptly make clear to the American people that you will not interfere with Mr. Mueller in carrying out his responsibilities as Special Counsel or with the work of his Justice Department and FBI colleagues in connection with the Special Counsel’s investigation.

Sincerely,
American Oversight
Common Cause
CREW
Democracy 21

(cont’d)

¹³ S. Wong and M. Lillis, “GOP leaders are unified: Firing Mueller a bad idea,” *The Hill* (June 13, 2017).

¹⁴ A. Bolton, “McConnell voices confidence in Mueller,” *The Hill* (June 13, 2017).

¹⁵ E. Cribb, “‘I cannot possibly imagine’ Trump would fire Special Counsel,” *TPM* (June 20, 2017)

¹⁶ S. Wong and M. Lillis, “GOP leaders are unified: Firing Mueller a bad idea,” *The Hill* (June 13, 2017).

¹⁷ A. Wright and K. Cheney, “Republicans to Trump: Hands Off Mueller,” *Politico* (June 12, 2017).

Issue One

Amb. (ret.), Norman Eisen, chief White House ethics lawyer, 2009-2011

Public Citizen

Richard Painter, Chief White House ethics lawyer, 2005-2007

Sunlight Foundation

The Revolving Door Project

United to Protect Democracy