

April 12, 2018

Dear Senator (Representative):

Our organizations are deeply concerned about President Trump's attacks on Special Counsel Robert Mueller and Deputy Attorney General Rod Rosenstein, who oversees the Mueller investigation.

In response to the President's threats against Mueller, the "Special Counsel Independence and Integrity Act" (S.2644) was introduced on Wednesday by Senators Cory Booker (D-NJ), Lindsey Graham (R-SC), Chris Coons (D-DE) and Thom Tillis (R-NC). Companion legislation was also introduced in the House (H.R.5476).

The Act codifies existing Department of Justice regulations to ensure that the Special Counsel can only be fired for good cause by a senior Justice Department official. It also provides the Special Counsel with expedited judicial review if removed to determine whether the firing was for good cause. If judicial review determines that it was not, the removal does not stand. The bill also preserves the staffing, documents, and materials of the investigation while the removal effort is pending.

Our organizations strongly urge you to co-sponsor and support the Act and to press for its swift passage.

The removal of either Special Counsel Mueller or Deputy Attorney General Rosenstein, or any other step taken by President Trump to shut down or take control of the Special Counsel investigation, will cross a red line. This will result in an immediate national firestorm of citizen protests, and will also demand immediate response from Congress.

If Mueller is fired, the most immediate priority is to preserve the Special Counsel files, protect the staff, and insist on a new Special Counsel being promptly appointed. If Rosenstein is fired, whoever replaces Rosenstein to supervise Mueller must be required to guarantee that he or she will protect and ensure the special counsel's independence.

In short, Congress must take every necessary step to preserve the independent Special Counsel office and protect its work.

Additional actions by Congress will also be essential.

President Trump's crossing of any one of the red lines would obstruct justice, abuse his power and attack the rule of law.

The House must be prepared to immediately begin bipartisan hearings on obstruction of justice and abuse of power by President Trump.

The Senate must be prepared to immediately create a modern-day version of the bipartisan Senate Select Watergate Committee to investigate all matters surrounding the Russia scandals

and President Trump's obstruction of justice and abuse of power. We would be past the time where individual Senate committees with limited jurisdictions could effectively conduct the broad-ranging investigation that would be necessary.

The same kind of institutional checks and balances that resolved the constitutional crisis resulting from the Saturday Night Massacre can help to resolve the constitutional crisis that will occur if President Trump fires Special Counsel Mueller or Deputy Attorney General Rosenstein, or otherwise curbs the essential investigation being conducted by the Special Counsel office.

President Trump has attacked every aspect of the nation's law enforcement system – the Special Counsel, the Attorney General, the Deputy Attorney General, the FBI Director, the Justice Department and the FBI. The President seems to think that their role is to serve and protect him, when in fact their role is to serve and protect the country.

President Trump has repeatedly shown his utter disdain for the rule of law and for our constitutional system of checks and balances.

Congress must act immediately to protect the independent Special Counsel investigation if the President fires Special Counsel Mueller or Deputy Attorney General Rosenstein.

Congress must ensure that we remain a government of laws, not of men.

American Oversight

Common Cause

CREW

Defending Democracy

Democracy 21

Demos

Equal Justice Society

Every Voice

Justin Hendrix, March for Truth

Norman Eisen, chief White House ethics lawyer, 2009-2011

People For the American Way

Protect Democracy

Public Citizen

Revolving Door Project

Sunlight Foundation

Truman Project