

**Congress of the United States**  
**Washington, DC 20515**

June 21, 2021

The Honorable Merrick Garland  
Attorney General  
U.S Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Garland:

We write to express deep concern regarding your apparent reluctance to correct the weaponization and politicization of the Department of Justice by the Trump Administration. The public's faith in the DOJ has been dangerously undermined, and it is essential to prioritize restoring public trust. We appreciate the work you have already done to reverse numerous Trump Administration positions in the court that were legally indefensible, but we strongly encourage you to do more to reestablish DOJ's commitment to accountability, transparency, and the separation of powers.

For four years, the Trump Administration undermined the Constitution as President Trump consistently abused his power by seeking to use the DOJ to protect his political allies, undermine career officials, and subvert congressional authority. Restoring the American people's faith will not come just from a return to previous norms. Instead, DOJ must address the unprecedented shattering of those norms, clearly communicate to the American people the real damage that was done, and commit to accountability for the previous administration.

In this context, we want to draw your attention to five recent examples that must be addressed to restore the American people's trust in the Department of Justice.

First, DOJ continues to block the release of the full 2019 Office of Legal Counsel memo to former Attorney General Barr to downplay President Trump's obstruction of the Mueller investigation. On May 3, 2021, Judge Jackson reprimanded the Department of Justice for being "disingenuous to this Court" by mischaracterizing the document in order to hide its contents from public disclosure via the Freedom of Information Act.<sup>1</sup> We understand that these mischaracterizations were made prior to your confirmation, but the recent court filing on May 24, 2021 to block the release of the entirety of the memo sends a concerning message that the

---

<sup>1</sup> *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't of Justice*, No. 19-1552, 2021 WL 1749763 at \*13 (D.D.C. May 3, 2021).

agency under your leadership will continue the Trump Administration’s tactics to avoid transparency.<sup>2</sup>

Second, as outlined in a recent letter from Judiciary Committee Chairman Jerry Nadler and all Judiciary Committee Democrats, we are greatly concerned by DOJ’s continuing defense of former President Trump in the defamation lawsuit brought by E. Jean Carroll. The DOJ’s position implies that the agency is continuing to either act as the former President’s personal attorney or that federal officials are immune from civil liability if inflammatory or discriminatory statements unrelated to their official duties are made during their time in office.

Third, DOJ’s recent request to dismiss the lawsuits filed against President Trump and Attorney General Barr over the violent and forceful removal of peaceful Black Lives Matter protestors at Lafayette Square on June 1, 2020 sends a message that any President may use brutality against protestors who disagree with their positions.<sup>3</sup> To be clear, while the Interior Department’s Inspector General found the President did not initially order the clearing for his photo-op – it was done so a contractor could install anti-scale fencing – the Attorney General did urge officials to speed the process up prior to President Trump’s arrival at the church. Additionally, the President’s language calling for “overwhelming force” against the protestors that he called “thugs” and the subsequent use of batons, pepper spray, smoke bombs, and horses to violently clear the crowd for a photo-op was one of the most brutal images of the Trump Administration. Once again, DOJ moving to dismiss the lawsuit undermines the dire need for accountability for such a clear violation of constitutional rights.

Fourth, while we appreciate the administration’s updated filing in *Elizabeth Hunter et al v U.S. Department of Education*, DOJ’s continued involvement upholds the ability for taxpayer funded colleges to discriminate against LGBTQ students.<sup>4</sup> This positioning undermines the Biden Administration’s stated effort to defend the LGBTQ community under the law.<sup>5</sup>

Finally, after years of litigation, Congress finally obtained access to Trump Hotel documents as part of an investigation of possible constitutional violations, conflicts of interest and other improprieties by the former President. DOJ recently decided to appeal that decision, which increases the likelihood of possible future abuses of presidential power at the expense of the American people.

---

<sup>2</sup> Carrie Johnson, *DOJ Moves to Block Full Memo on Trump Obstruction Decision From Release*, NPR (May 25, 2021) <https://www.npr.org/2021/05/25/997523749/doj-moves-to-block-full-memo-on-trump-obstruction-decision-from-release>

<sup>3</sup> Spencer S. Hsu, *Justice Dept. Asks Judge to Toss Lawsuit Against Trump, Barr for violent clearing of Lafayette Square*, Washington Post (May 28, 2021) [https://www.washingtonpost.com/local/legal-issues/trump-lafayette-square-civil-lawsuit/2021/05/28/c413c840-bfb3-11eb-b26e-53663e6be6ff\\_story.html](https://www.washingtonpost.com/local/legal-issues/trump-lafayette-square-civil-lawsuit/2021/05/28/c413c840-bfb3-11eb-b26e-53663e6be6ff_story.html)

<sup>4</sup> Jo Yurcaba, *Biden DOJ Updates Court Filing After LGBTQ Backlash In Religious Discrimination Lawsuit*, NBC News (June 10, 2021) <https://www.nbcnews.com/nbc-out/biden-doj-updates-court-filing-lgbtq-backlash-religious-discrimination-rcna1146>

<sup>5</sup> Annie Karni, *Biden Recognizes Pride Month, Vowing to Fight for L.G.B.T.Q. Rights*, New York Times (Jun 1, 2021) <https://www.nytimes.com/2021/06/01/us/politics/biden-pride-lgbtq.html>

The Trump DOJ, particularly under the leadership of Attorney General Barr, set a dangerous precedent for any president interested in obscuring information from the public and Congress, thwarting the rule of law, and acting with impunity. The Trump DOJ also secretly subpoenaed records on Members of Congress and journalists who were critical of the Administration. While we look forward to working with you to set forth policies that move the United States forward during this critical time, we strongly encourage DOJ to reestablish its commitment to bringing about accountability for the transgressions of the previous Administration and upholding fairness, transparency, and the separation of powers.

Thank you for your attention to these important matters. We respectfully request a briefing on these issues at your earliest convenience.

Sincerely,



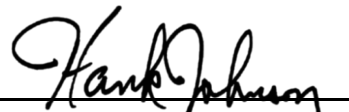
PRAMILA JAYAPAL  
Member of Congress



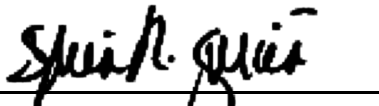
TED W. LIEU  
Member of Congress



STEVE COHEN  
Member of Congress



HENRY C. "HANK" JOHNSON, JR.  
Member of Congress



SYLVIA R. GARCIA  
Member of Congress



MADELEINE DEAN  
Member of Congress



VERONICA ESCOBAR  
Member of Congress



MONDAIRE JONES  
Member of Congress



CORI BUSH  
Member of Congress