



Abuse of power:

**The case for the
impeachment of
Attorney General
Bill Barr**

CREW

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Citizens for Responsibility and Ethics in Washington (CREW)

has previously called on the United States House of Representatives to initiate a formal impeachment inquiry into Attorney General William Barr. Today, CREW outlines the contours of that inquiry, which should assess whether Attorney General Barr abused the powers of his office by engaging in a course of conduct that impaired the Special Counsel investigation of President Trump, the conduct of lawful inquiries by the United States Department of Justice (DOJ) and the purpose of that agency, and the oversight and impeachment powers of the United States House of Representatives. These actions violate DOJ's founding principal to maintain the independence and impartiality of federal prosecutions from political intervention. The inquiry should also assess whether Barr directed federal law enforcement officers to violate the First and Fourth Amendment rights of American citizens who gathered to engage in peaceful protest outside of the White House and across the United States.

Article I of the U.S. Constitution vests the [House of Representatives](#) with the power to impeach a federal official for "[Treason, Bribery, or other high Crimes and Misdemeanors](#)" and the Senate with the power to [try all impeachments](#) and convict if it deems that individual's removal from office both merited and wise. The term "high Crimes and Misdemeanors" refers to serious abuses of official power (Sunstein at 36-37). As Alexander Hamilton explained in [Federalist 65](#), impeachment proceedings are reserved for "offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust." Cabinet officials have faced impeachment proceedings for such abuses of power, including the 1876 impeachment of Secretary of War William Bellknap and the impeachment inquiry of Secretary of the Treasury Andrew Mellon, which was abandoned after his resignation in 1932.

The Attorney General of the United States enjoys broad discretion to direct DOJ policy and subordinates, but the Constitution gives the House and Senate the power to police the limits of that authority. As the House Judiciary Committee recently [explained](#), the words "Treason, Bribery, or other high Crimes and Misdemeanors" reflect "a standard sufficiently general and flexible to meet unknown future circumstances." George Mason, who suggested this phrasing, explained that it was meant to capture all manner of "great and dangerous offenses" against the Constitution.

The second article of impeachment faced by President Nixon prior to his resignation is instructive. The [Committee Report](#) substantiating this article charged that Nixon “engaged in conduct that violated the constitutional rights of citizens, that interfered with investigations by federal authorities and congressional committees, and that contravened the laws governing agencies of the executive branch of the federal government.” Even though this course of conduct included acts within Nixon’s power as president, “conduct, undertaken for his own personal political advantage and not in furtherance of any valid national policy objective, [was] seriously incompatible with our system of constitutional government.”

The impeachment inquiry of Attorney General Barr should focus on a similar question: whether Barr abused the powers of his office by engaging in a course of conduct that was “seriously incompatible with our system of constitutional government.” At a minimum, that inquiry should consider whether Barr:

- **Corruptly subverted the Special Counsel investigation of Russian interference in the 2016 election and of President Trump for obstruction of justice;**
- **Interfered with the lawful functions of the Department of Justice by overturning the actions of career prosecutors in the cases of Roger Stone Jr. and Michael Flynn and by firing United States Attorney Geoffrey Berman;**
- **Obstructed lawful investigations of the United States House of Representatives; and**
- **Abused and exceeded the powers of the Attorney General to violate the First and Fourth Amendment rights of American citizens.**

While there may be understandable reticence to devote time resources to an impeachment inquiry during a public health and economic emergency and in the waning months of a presidential term, Barr’s egregious pattern of conduct demands accountability. CREW has asked multiple DOJ offices to investigate and intervene, including the [Departmental Ethics Office](#), [the Inspector General](#), and the [Office of Professional Responsibility](#). None have responded to the substance of CREW’s complaints. CREW has also filed numerous FOIA requests and related lawsuits to shine a light on Barr’s egregious conduct. In many of these cases, DOJ is [withholding relevant](#) records, thereby avoiding public scrutiny of Barr’s actions.

Congress has also been stymied in its efforts to investigate Barr and hold him accountable. Those efforts have included the House’s holding Barr in contempt of Congress—a reprimand that has not yielded any changes in Barr’s conduct. If convicted, Barr’s removal from office and potential [disqualification](#) from holding future office is the only way for Congress to ensure that Barr’s conduct does not go unpunished.

Impeachment also has a forward-looking impact on our democracy. Used properly, impeachment proceedings allow Congress to reestablish norms that have been broken. Impeaching Barr would help restore a foundational principle of our republic: the expectation that public officials, and particularly the nation's chief law enforcement officer, will serve the public interest, not private ones—not even the president's. As Attorney General Griffin B. Bell explained in an [address](#) to DOJ lawyers in 1978,

In the ultimate sense, a viable Government must rest on neutral principles. The law is perhaps the best example of such a principle, and the Department of Justice is the acknowledged guardian and keeper of the law. It follows necessarily that the Department must be recognized by all citizens as a neutral zone, in which neither favor nor pressure nor politics is permitted to influence the administration of the law.

Opening an impeachment inquiry into Barr is therefore not just a matter of putting an end to his egregious abuses of power. It is about preventing the precedent Barr has set from becoming a model for future Attorneys General to emulate. It is about restoring the administration of justice free from favor, pressure, and politics.

Corruptly subverting the Special Counsel investigation of Russian interference in the 2016 election and of President Trump for obstruction of justice

Congress should inquire whether Attorney General Barr has abused the powers of his office by misleading the American people and launching unpredicated investigations for the corrupt purpose of subverting the Special Counsel investigation of Russian interference in the 2016 election and of President Trump for obstruction of justice.

Barr's conduct has undermined the long-running tradition of insulating law enforcement from presidential influence and control. At our nation's [founding](#), the Attorney General had limited authority: no Department of Justice had been created for the Attorney General to oversee, and the federalist structure of the Constitution meant that most crimes were prosecuted on the local level—far removed from presidential influence. When, after the Civil War, the Department of Justice was established, it emphatically rejected the idea that pursuing justice was a form of service to the executive. Thus, the motto of the crown prosecutor in England "Qui Pro Domina Regina Sequitur" ("who sues/serves on behalf of the queen") [became](#), for the U.S. Department of Justice, "Qui Pro Domina Justitia Sequitur," or "who sues/serves on behalf of justice." The symbolism of that change is clear: the United States Department of Justice serves the ends of justice itself—not the whims of the executive. It reflected one of the [motivations](#) for professionalizing the practice of law and federal law enforcement in the 1860s and 70s: to separate lawyers from partisan politics.

To be sure, the independence and impartiality of DOJ has not gone untested. The investigations that led to President Nixon's resignation from office were not just about an

attempt to cover up a break-in to the Democratic Party's headquarters; they were also about Nixon's attempt to use law enforcement to harass his political adversaries and his attempt to fire DOJ's leadership so that he could control the investigation of his own conduct. When he [dismissed](#) Watergate Special Prosecutor Archibald Cox and forced the resignations of Attorney General Elliot L. Richardson and Deputy Attorney General William D. Ruckelshaus in the infamous "Saturday Night Massacre," President Nixon sought to subject DOJ to his personal will.

President Nixon did not succeed, and since his failed assault on the independence of law enforcement, Attorney General nominees have [endorsed](#) the [principle](#) of prosecutorial independence from the President. Additionally, during the confirmation process, Senators have regarded a commitment to independence from the President as an [essential](#) qualification for the position. Career DOJ officials assume that prosecutorial decisions should not be influenced by partisan political considerations that may motivate the White House. That is why the Department's mission statement [says](#), in part, that it exists "to ensure fair and impartial administration of justice for all Americans."

The conduct of Attorney General Barr has threatened, once again, the independence and impartiality of DOJ. Barr's efforts to subvert the Special Counsel investigation began long before Barr's nomination and confirmation. In the summer of 2018, Barr voiced his opposition to the Special Counsel investigation of President Trump for obstruction of justice and communicated that opposition to senior DOJ officials and private counsel for President Trump and his associates. Since assuming the office of the Attorney General, Barr appears to have acted on those prior convictions by subverting and suppressing the Special Counsel's findings and launching inquiries calculated to discredit the Special Counsel's investigation. In taking those actions, Barr appears to have acted with a corrupt intent to bolster the political standing of the president and disregarded the legitimate law enforcement interests DOJ is entrusted to advance on behalf of the American people.

Failure to recuse from the Special Counsel and related investigations

Prior to his nomination as Attorney General, William Barr penned an unsolicited [nineteen-page memorandum](#) articulating the view that the Special Counsel investigation of President Trump for obstruction of justice was pursuing a "novel and legally insupportable reading of the law" that "would do lasting damage to the Presidency and to the administration of law within the Executive branch." In that memorandum, Barr set forth a detailed analysis of whether President Trump could be interrogated by Special Counsel Mueller on issues of obstruction of justice and outright rejected as "inconceivable" and "fatally misconceived" possible interpretations by Special Counsel Mueller that President Trump could obstruct justice. Although the memorandum was addressed to Deputy Attorney General Rod Rosenstein and Assistant Attorney General Steve Engel, Barr also shared the memorandum with [President Trump's official and personal counsel](#), including White House Special Counsel Emmet Flood, and President Trump's personal attorneys Pat Cipollone, Marty Raskin, Jane Raskin, and Jay Sekulow.

Barr's memorandum [earned him](#) a meeting with President Trump to discuss a potential role on President Trump's personal legal defense team. Instead of defending President Trump directly, Barr then sought and secured a much more powerful position from which he could advance President Trump's interests. In becoming Attorney General, Barr gained enormous discretion to direct and control DOJ just as the Special Counsel's Office was wrapping up its investigation of Russian interference in the 2016 election and President Trump's obstruction of justice.

Despite his prior statements about the obstruction of justice case against President Trump, Barr did not recuse from the Special Counsel's investigation or related matter after his confirmation. No written ethics advice from DOJ's career officials was released to support that decision. Instead, DOJ issued a [statement](#) that "senior career ethics officials advised that General Barr should not recuse himself from the Special Counsel's investigation."

Barr's decision not to recuse despite evidence that he had prejudged its outcome undermined the entire purpose of appointing a special counsel to conduct the Russia investigation in the first place: to ensure public confidence that the investigation of President Trump and his campaign would not be subject to improper political interference by President Trump and his associates. Barr's failure to recuse [appears](#) to have [violated](#) DOJ's standard of conduct, which precludes officials from participating in matters that would create the appearance of a conflict of interest.

Misrepresenting the findings of the Special Counsel

Attorney General Barr's subversion of the Special Counsel investigation began with his misrepresentations of the Special Counsel's findings and conclusions. Those misrepresentations were no small matter: because the Special Counsel believed himself to be bound to follow DOJ's policy that a sitting president could not be indicted, the Special Counsel's only options were to exonerate President Trump or to reveal findings that could yield accountability from other sources, such as Congress or the American people. By misrepresenting the findings of the Special Counsel investigation, Barr helped President Trump avoid accountability for obstruction of justice.

On May 17, 2017, Deputy Attorney General Rod Rosenstein appointed Robert S. Mueller, III to serve as Special Counsel. Rosenstein [tasked](#) Mueller with the investigation of "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump" as well as "any matters that arose or may arise directly from the investigation." Mueller was also given authorization to prosecute federal crimes arising from that investigation.

By the spring of 2019, the Special Counsel investigation had yielded indictments of [25 Russian nationals and three corporate entities](#) for criminal offenses relating to the hacking and unauthorized dissemination of information from the Clinton campaign and the Democratic party, as well as social media disinformation campaigns aimed at stoking divisions in the 2016 election and supporting the candidacy of Donald Trump. The

Special Counsel also charged several Trump associates with criminal offenses uncovered or committed during the investigation, including Trump campaign adviser George Papadopoulos, Trump campaign chairman Paul Manafort, Trump campaign deputy chairman Robert Gates, White House National Security Adviser Michael Flynn, and Roger Stone.

On March 22, 2020, Special Counsel Mueller submitted a two-volume Report On The Investigation Into Russian Interference In The 2016 Presidential Election (Mueller Report) to Barr. Although the second volume of the Mueller Report detailed thirteen episodes of potentially obstructive conduct by President Trump, it did not opine on the question of whether President Trump committed an indictable offense. Instead, the Report [stated](#),

if we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, however, we are unable to reach that judgment. The evidence we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred. Accordingly, while this report does not conclude that the President committed a crime, it also does not exonerate him.

The Special Counsel's Office had carefully drafted the Mueller Report so that the introductions and executive summaries could be publicly disseminated with minimal redactions. Nonetheless, after receiving and reviewing the Mueller Report, Barr issued his own misleading [summary](#) of the report on March 24 instead of immediately releasing portions of the report. In his summary, Barr claimed that the Special Counsel's decision to "describe the facts of his obstruction investigation without reaching any legal conclusions leaves it to the Attorney General to determine whether the conduct described in the report constitutes a crime." Barr announced his conclusion that "the evidence developed during the Special Counsel's investigation is not sufficient to establish that the President committed an obstruction-of-justice offense."

Special Counsel Mueller communicated his dissatisfaction with Barr's summary of his work the following day and memorialized those concerns in a formal [response](#) on May 27. Special Counsel Mueller wrote that Barr's letter "did not fully capture the context, nature, and substance" of the report and that Barr's summary had led to "public confusion about critical aspects of the results" of the investigation, which "threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations."

Barr [gave misleading](#) congressional testimony in response to questions raised by members of Congress about the Special Counsel's reaction to the March 24 Barr Letter. For instance, on April 10, when asked by Senator Chris Van Hollen about whether Special Counsel Mueller supported the conclusion reached by Barr on the question of whether President Trump had obstructed justice, Barr [responded](#) "I don't know whether Bob Mueller supported my conclusion." Barr's response to this question was misleading since he

indisputably knew of Special Counsel Mueller's dissatisfaction with the March 24 Barr Letter from having received Mueller's March 27 letter and from his other communications with Special Counsel Mueller. Barr also knew Special Counsel Mueller likely disagreed with the conclusion Barr reached on obstruction of justice since it materially differed from the analysis presented by Special Counsel Mueller on that issue.

In particular, Barr knew from the Mueller Report that the Special Counsel had examined multiple instances of possible obstruction of justice and determined that President Trump could not be exonerated based on the evidence, and the report appeared to conclude that the elements of obstruction had been met in multiple instances. The Special Counsel also determined not to make a traditional prosecutorial judgment based on a DOJ opinion issued by the Office of Legal Counsel (OLC) that a sitting president could not be indicted and because of other fairness considerations. The Special Counsel Report left open the possibility of Congressional action and a post-Presidency indictment. These conclusions were materially different from, and undermined by, the conclusion presented in the March 24 Barr letter that the evidence was insufficient to establish that President Trump obstructed justice.

Barr's misrepresentations about the Mueller Report continued in an April 18, 2019 press conference on the day DOJ released a redacted version of the report. Barr misled the public in at least [three ways](#):

First, Barr [claimed](#) that the White House "fully cooperated" with the investigation, when in fact, President Trump declined to be interviewed in person after more than a year of negotiations with the Special Counsel; only submitted to written questions about Russia-related topics; provided insufficient responses on more than 30 occasions by stating he "does not recall" or "remember" or has an "independent recollection" of information called for by the questions; and gave other "incomplete or imprecise" answers.

Second, Barr suggested that the Special Counsel recognized that the absence of charges against President Trump for misconduct relating to Russia's interference and hacking campaigns, while "not determinative," was a reason to conclude that President Trump lacked the requisite intent to obstruct justice. In fact, the Mueller Report makes clear that obstruction does not require proof of a crime. Rather, the "absence of that evidence" only "affects the analysis of the President's intent and requires consideration of other possible motives for his conduct," including "a desire to protect non-criminal personal interests, to protect against investigations where underlying criminal liability falls into a gray area, or to avoid personal embarrassment. . . . regardless of whether a person committed an underlying wrong."

And third, Barr suggested that the Special Counsel did not decide against making a determination about the crime of obstruction of justice based on the OLC opinion, when the Special Counsel Report clearly indicates it was a material factor. The Special Counsel accepted the conclusion of the OLC opinion, which was used as a basis for declining to make a traditional prosecutorial judgment.

The actions taken by Barr to advance his own, misleading characterizations of the Mueller Report while forestalling the release of the document appear to have been deliberate, and may have helped President Trump, his communications team, and his personal attorneys shape the narrative during the critical three-week period following these events and before damaging evidence against President Trump would be made publicly available through release of the Special Counsel Report. In this light, Barr's actions appear to be an abuse of power that is inconsistent with the independence expected of a Justice Department official.

The impact of Barr's misrepresentations were compounded by the fact that portions of the Mueller Report were redacted when it was initially released. Among the most important redactions were those relating to Roger Stone, who served as an intermediary between the Trump campaign and Wikileaks—the organization that published information that Russia-linked individuals had stolen from the Clinton campaign and the Democratic Party. Redacted portions of the Mueller Report also detailed [evidence that](#) then-candidate Trump knew of Stone's outreach to Wikileaks, encouraged that outreach, and asked Paul Manafort, his campaign chairman, to stay in touch with Stone. That evidence substantiates the Mueller Report's [finding](#) that the Trump campaign "expected it would benefit electorally from information stolen and released through Russian efforts" That evidence reinforces the damning fact that the Trump campaign made no attempt to notify American law enforcement of possible foreign interference in the 2016 election [despite knowing in advance](#) that hacked information from Trump's political adversaries would be released.

Ongoing efforts to discredit the Special Counsel investigation

Barr has also abused the powers of his office by launching investigations into the intelligence assessments that formed the basis for the FBI's and then Special Counsel's inquiry into Russian interference in the 2016 election and by making statements that prejudice the outcome of that investigation.

After a redacted version of the Mueller Report was released to the public and Congress in April 2019, *The New York Times* [reported](#) that Barr had tasked John Durham, the United States Attorney for Connecticut, with examining the origins of the FBI's Trump-Russia investigation. In June 2019, *The New York Times* [reported](#) that Durham was seeking interviews with senior Central Intelligence Agency officers regarding intelligence that Russia intervened in the 2016 election to benefit then-candidate Trump. In August and September, Barr [reportedly](#) took the highly unusual step of personally travelling to Italy to assist in the Durham investigation. The following month, [The Washington Post](#) and [The New York Times](#) reported that Durham's investigation had developed into a criminal inquiry, which among other things would allow Durham to convene a grand jury to subpoena testimony or records and possibly also consider criminal charges.

Barr's appointment of Durham and his personal involvement in Durham's investigation represent an abuse of power because Durham's review duplicated reviews that DOJ was already conducting and because Barr repeatedly prejudged the investigation in public statements and comments. Long before Durham's appointment, DOJ Inspector General

Michael Horowitz was already conducting a review of the origins of the 2016 investigation [including](#) any impropriety or political motivation in how the FBI conducted its counterintelligence investigation of persons suspected of involvement with the Russian agents who interfered in the 2016 presidential election.” In March 2018, Attorney General Sessions [authorized](#) United States Attorney John Huber to investigate allegations of FBI abuse of power in cooperation with Inspector General Horowitz.

Since Horowitz’s and Huber’s investigations were already underway, there does not appear to have been a legitimate justification for launching another review. One possible explanation for this duplicative investigation is that neither Horowitz nor Huber substantiated the sweeping claims that Attorney General Barr and President Trump have made about the impropriety of the FBI’s investigation of Russia, the Trump campaign, and Trump associates. While Inspector General Horowitz’s [report](#) identified isolated incidents of wrongdoing, he concluded that the investigation was properly predicated, and the FBI’s investigative decisions were not impacted by improper political biases. Huber’s investigation [wound down](#) without identifying any wrongdoing. In this context, Durham’s investigation looks like an attempt by Barr to reinvestigate the same conduct in order to reach a different result.

Durham’s review is not the only duplicative investigation Barr has launched. In the spring of 2020, Barr also [directed](#) United States Attorney John Bash to conduct a new investigation—this time of unfounded claims that Obama administration officials unlawfully “unmasked” the identity of incoming National Security Advisor Michael Flynn in National Security Agency intelligence reports.

In addition, Barr has made numerous public statements suggesting that the Attorney General prejudged the outcome of the Durham investigation. The public record shows that:

- Barr has already determined that the FBI’s counterintelligence investigation was not properly initiated. For instance,
 - in a May 31, 2019 *CBS News* [interview](#), Barr stated, “People have to understand . . . that these efforts in 2016, these counter-intelligence activities that were directed at the Trump Campaign, were not done in the normal course and not through the normal procedures as far as I can tell;” and
 - in a December 10, 2019 *NBC News* [interview](#), Barr stated that the FBI “spied upon” the Trump presidential campaign. Barr also asserted that the FBI’s Russia investigation was “completely baseless,” built on “speculation” and a “bogus narrative.” Barr also alleged that the FBI engaged in “damning” and “inexplicable” behavior, and that the FBI’s investigation uncovered “not one incriminatory bit of evidence.”

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- Barr has assigned blame to specific individuals. For instance:
 - in a May 18, 2019 *Fox News* [interview](#), Barr appeared to confirm the identities of three persons under investigation by responding, when asked about the conduct of John Brennan, John Clapper and Jim Comey: "I'm not going to speculate about their motives" and whether they "had it in" for President Trump;
 - in a December 10, 2019 *NBC News* [interview](#), Barr identified former FBI Director Comey as a possible witness whose testimony could be compelled by U.S. Attorney Durham; and
 - in a June 9, 2020 *Fox News* [interview](#), Barr stated that he was "very troubled" by what the investigation had uncovered and confirmed that the Durham investigation concerns individuals whose names Americans would be familiar with.
- Barr has prejudged some of the facts in question. For instance,
 - in a May 31, 2019 *CBS News* [interview](#), Barr stated, "Well it's hard to read some of the texts with and not feel that there was gross bias at work and they're appalling" and "Those [texts] were appalling. And on their face they were very damning and I think if the shoe was on the other foot we could be hearing a lot about it;" and
 - in an April 10, 2020 *Fox News* [interview](#), Attorney General Barr stated, "My own view is that the evidence shows that we're not dealing with just mistakes or sloppiness. There is something far more troubling here, and we're going to get to the bottom of it. And if people broke the law, and we can establish that with the evidence, they will be prosecuted." Barr also stated, "I think what

happened to [Trump] was one of the greatest travesties in American history. Without any basis they started this investigation of his campaign, and even more concerning, actually is what happened after the campaign, a whole pattern of events while he was president. So I—to sabotage the presidency, and I think that—or at least have the effect of sabotaging the presidency.”

- Barr has indicated that the Durham investigation is proceeding on a timeline that is being driven by political calculations. For instance:
 - in a December 10, 2019 *NBC News* [interview](#), Barr asserted that the Durham Investigation may “reach an important watershed” in late spring or early summer this year; and
 - in a June 21, 2020 *Fox News* [interview](#), Barr said of Durham, “You know, he’s pressing ahead as hard as he can. And I expect that, you know, we will have some developments hopefully before the end of the summer.” These comments suggest that the Durham investigation is motivated by political calculations rather than the merits.

Some of this conduct also appears to have [violated](#) DOJ policies against disclosing information that would materially prejudice a proceeding and against making observations about a party’s character and any opinion as to the defendant’s guilt. Congress should therefore assess whether Barr, in launching duplicative investigations, the outcome of which he appears to have prejudged, has abused the powers of his office to subvert the Special Counsel investigation for a corrupt end—advancing the personal political interests of the president.

Interfering with the lawful functions of the Department of Justice by overturning the actions of career prosecutors in the cases of Roger Stone Jr. and Michael Flynn and by firing United States Attorney Geoffrey Berman.

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Attorney General Barr also appears to have acted with corrupt intent to interfere with the lawful functions of DOJ on numerous occasions, including by withdrawing and replacing the government’s recommended sentence for Roger Stone Jr., moving to dismiss the charges against Michael Flynn after he had twice admitted guilt, and firing United States Attorney Geoffrey Berman. In each case, Barr’s conduct appears to have been motivated by a desire to serve the political interests of President Trump rather than ensure that DOJ fulfils

its responsibility to deliver impartial justice to the American people.

Political interference in criminal prosecutions for the personal, political benefit of a president by the most senior federal law enforcement official in the country is unprecedented and antidemocratic. Accordingly, Congress should scrutinize at least three episodes to determine whether Barr's conduct constitutes an abuse of power: (1) DOJ's reversal of its sentencing recommendations for Roger Stone, Jr.; (2) DOJ's ongoing efforts to dismiss its criminal prosecution of Michael Flynn after Flynn had pleaded guilty; and (3) Barr's firing of United States Attorney Geoffrey Berman, who oversaw an office that prosecuted President Trump's former personal attorney, Michael Cohen, and that was reportedly conducting additional investigations of public importance.

The Department of Justice's reversal of its sentencing recommendations for Roger Stone, Jr.

On February 11, 2020, DOJ took the [unprecedented](#) step of withdrawing and [replacing](#) a sentencing [recommendation](#) that career prosecutors had filed the day before in criminal proceedings against Roger Stone, Jr. Stone was convicted last year on [charges](#) of witness tampering and making false statements to Congress concerning his role as an intermediary between the Trump campaign and Wikileaks, the organization that leaked information that Russia hacked from the Clinton campaign and the Democratic party. All four career prosecutors on the case [withdrew](#) immediately from the case, and one [resigned](#) from DOJ altogether.

To appreciate the egregiousness of this unprecedented conduct by DOJ, one has to understand the importance of the Stone prosecution. Stone's indictment was one of several obtained by the Special Counsel's Office during its investigation of Russian interference in the 2020 election and possible coordination with the Trump campaign. Stone was in several regards one of the most important Trump associates charged in the investigation. He helped the Trump campaign benefit from Russia's interference in the election by giving the campaign advance knowledge that leaked information would appear. Stone was in contact with senior members of the campaign, including Trump himself. Michael Cohen [told](#) the Special Counsel that before July 22, 2016 Stone told Trump that "he had just gotten off the phone with Julian Assange and in a couple of days WikiLeaks would release information." After Wikileaks released hacked information in July, Trump "said to Cohen something to the effect of, 'I guess Roger was right.'"

Stone's case was closely connected to the obstruction case against President Trump. Before Stone was charged, President Trump publicly [criticized](#) "flipping" witnesses, [stating](#), "You know, this flipping stuff is terrible" and "You flip and you lie and you get — the prosecutors will tell you 99 percent of the time they can get people to flip. It's rare that they can't." Trump also praised Stone and others' refusal to cooperate as "very brave." In December 2018, Trump [tweeted](#),

"I will never testify against Trump." This statement was recently made by Roger Stone, essentially stating that he will not be forced by a rogue and out of control prosecutor to make up lies and stories about "President Trump." Nice to know that some people still have "guts!"

President Trump's efforts to obstruct Stone's case continued after Stone was charged. President Trump publicly [questioned](#) the impartiality of a juror at Stone's trial and, in July 2020, [commuted](#) Stone's sentence.

The Special Counsel determined that there was evidence that President Trump "intended to reinforce Stone's public statements that he would not cooperate with the government when President likely understood that Stone could potentially provide evidence that would be adverse to the President." The Special Counsel's report also [suggests](#) that there were good reasons to doubt President Trump's honesty when, in response to questions from the Special Counsel's Office, President Trump said he did not recall "the specifics of any call [he] had" with Stone during the campaign period and did not recall discussing WikiLeaks with Stone." In sum, there is evidence that President Trump both obstructed the investigation of Stone and made false statements to the Special Counsel about his conversations with Stone.

DOJ's withdrawal of standard sentencing recommendations in Stone's case was therefore nothing short of extraordinary. And the abrupt shift in DOJ's position was hardly insignificant. In the original memorandum career prosecutors followed current DOJ [policy](#) of seeking a sentence within the sentencing guidelines range of 87-108 months imprisonment (7.25-9 years). In its new filing, however, DOJ [represented](#) that "the prior filing submitted by the United States on February 10, 2020 (Gov. Sent. Memo. ECF No. 279) does not accurately "reflect the Department of Justice's position on what would be a reasonable sentence in this matter." Instead, DOJ recommended that the Court impose a sentence lower than 87 to 108 months. The new sentencing memorandum was signed solely by John Crabb Jr., Assistant United States Attorney and Acting Chief, Criminal Division, a political appointee.

Assistant United States Attorney Aaron S. J. Zelinsky, one of the original prosecutors on the case who also served in the Special Counsel's Office, later gave sworn [testimony](#) to Congress that:

What I saw was the Department of Justice exerting significant pressure on the line prosecutors in the case to obscure the correct Sentencing Guidelines calculation to which Roger Stone was subject – and to water down and in some cases outright distort the events that transpired in his trial and the criminal conduct that gave rise to his conviction. Such pressure resulted in the virtually unprecedented decision to override the original sentencing recommendation in his case and to file a new sentencing memorandum that included statements and assertions at odds with the record and contrary to Department of Justice policy. What I heard – repeatedly – was that Roger Stone was being treated differently from any other defendant because of his relationship to the President.

I was told that the Acting U.S. Attorney for the District of Columbia, Timothy Shea, was receiving heavy pressure from the highest levels of the Department of Justice to cut Stone a break, and that the U.S. Attorney's sentencing instructions to us were based on political considerations. I was also told that the acting U.S. Attorney was giving Stone such unprecedentedly favorable treatment because he was "afraid of the President."

Attorney General Barr later [claimed](#) that, contrary to the idea that this intervention was "virtually unprecedented," he has in fact similarly intervened in "a number of cases," but no evidence currently supports this claim. The apparent political interference in the prosecution of Stone, a key defendant in the Russia investigation and an individual at the center of President Trump's obstruction of justice, is a gross abuse of power. Accordingly, Congress should determine the extent to which Barr instructed or condoned this conduct and whether DOJ's conduct in the Stone case merits Barr's impeachment.

Ongoing attempt to dismiss the criminal case against Michael Flynn

Attorney General Barr's DOJ has also taken unprecedented action in a second criminal case originally filed by the Special Counsel: the prosecution of former Trump campaign adviser and White House National Security Adviser Michael Flynn. Despite Flynn having [pleaded guilty](#) and [admitted](#) to making false statements to investigators about his contacts with the Russian government during the presidential transition, DOJ [moved](#) to dismiss his case entirely. Although legal proceedings contesting that dismissal are ongoing, this conduct also appears to represent a gross abuse of power by Barr.

Flynn's false statements to FBI officials related to a series of [phone calls](#) that Flynn had with then-Russian Ambassador to the United States, Sergey Kislyak in late 2016 and early 2017. On a December 29, 2016 call with Kislyak, Flynn [signaled](#) that the Trump administration would be less confrontational with Russia than the Obama administration and implied that the Trump administration might revoke the sanctions that the Obama administration had just imposed in response to Russia's interference in the 2016 election. In so doing, Flynn [undermined](#) the sanctions that the Obama administration had just imposed and made no effort to confront the Russian Ambassador about the egregious attack that Russia had just perpetrated on American democracy.

When the FBI learned of Flynn's calls with Kislyak, it decided to keep its counterintelligence investigation of Flynn open in addition to its ongoing investigation of possible coordination between the Trump campaign and Russia. The imperative to continue investigating Flynn increased when numerous incoming officials and White House Press Secretary Sean Spicer denied that Flynn had discussed sanctions with the Russians because the FBI was concerned that Flynn was compromised by the Russians, who knew that he had in fact discussed sanctions with Kislyak.

That was the context in which Flynn made material false [statements](#) laid out in his charging documents, including:

- "... that he did not ask Russia's Ambassador to the United States ('Russian Ambassador') to refrain from escalating the situation in response to sanctions that the United States had imposed against Russia."
- "... that he did not remember a follow-up conversation in which the Russian Ambassador stated that Russia had chosen to moderate its response to those sanctions as a result of Flynn's request."
- "... that the Russian Ambassador never described to him Russia's response to Flynn's request regarding [a U.N. Security Council] resolution."

On two separate occasions, Flynn admitted under oath that he had made material false statements to the FBI. On the [second occasion](#), Flynn specifically confirmed that he knew at the time of his interview that lying to the FBI was a crime and that he did not wish to "challenge the circumstances" surrounding his FBI interview.

In its January 7, 2020 sentencing [memorandum](#), DOJ explained that Flynn's false statements to the FBI were significant because

Any effort to undermine the recently imposed sanctions, which were enacted to punish the Russian government for interfering in the 2016 election, could have been evidence of links or coordination between the Trump Campaign and Russia. Accordingly, determining the extent of the defendant's actions, why the defendant took such actions, and at whose direction he took those actions, were critical to the FBI's counterintelligence investigation.

Four months later, in a filing carrying only the signature of a political appointee, DOJ moved to dismiss Flynn's charges. The [filing](#) charged that despite prosecuting the case for over three years, the government had determined "that continued prosecution of [Flynn's] case would not serve the interests of justice." On the same day, the career prosecutor previously assigned to the case [withdrew](#).

After the filing, two thousand former DOJ employees signed a [statement](#) on the motion to dismiss:

The Department's purported justification for doing so does not hold up to scrutiny, given the ample evidence that the investigation was well-founded and — more importantly — the fact that Flynn admitted under oath and in open court that he told material lies to the FBI in violation of longstanding federal law.

Make no mistake: The Department's action is extraordinarily rare, if not unprecedented. If any of us, or anyone reading this statement who is not a friend of the President, were to lie to federal investigators in the course of a properly predicated counterintelligence investigation, and admit we did so under oath, we would be prosecuted for it.

The apparent political interference in the prosecution of Flynn, a key defendant in the Russia investigation who twice admitted his guilt, is a gross abuse of power. Accordingly, Congress should determine the extent to which Barr instructed or condoned this conduct and whether DOJ's conduct in the Flynn case requires Barr's impeachment.

The firing of United States Attorney Geoffrey Berman

On Friday, June 19, Attorney General Barr announced the [resignation](#) of Geoffrey Berman as United States Attorney for the Southern District of New York; however, Berman had [not in fact](#) resigned and quickly issued a statement denying that he was leaving. The following day, President Trump [dismissed](#) Berman.

Berman's ousting came after his office had conducted high-profile criminal investigations of individuals associated with President Trump. Berman [recused](#) himself from his office's inquiry into the conduct of President Trump's former personal attorney, Michael Cohen. On August 21, 2018, Berman's office [secured](#) Cohen's guilty plea to an eight-count criminal information that included criminal tax evasion and campaign finance violations. Cohen's plea directly implicated then-candidate Trump in a scheme to knowingly and willfully direct and accept unlawful campaign contributions in the form of hush-money payments to women with whom Trump allegedly had affairs. President Trump's participation in the scheme may have [constituted](#) up to eight crimes, including campaign finance violations, false statements, and conspiracy.

More recently, Berman's office also announced the [indictment](#) of Lev Parnas and Igor Fruman in a scheme that involved funnelling illegal foreign contributions to candidates in federal and state elections. Parnas and Fruman are close associates of Rudy Giuliani, another of President Trump's personal attorneys, and all three men were implicated in the House's impeachment investigation of President Trump. Giuliani was [reportedly](#) being investigated by Berman's office after the Parnas and Fruman indictments were unveiled.

In closed testimony before the House Judiciary Committee, Berman [reportedly](#) told members of Congress that Berman was instructed to meet with Barr on June 19 and that Berman was not told the purpose of the meeting in advance. Berman reportedly says that at the meeting, Barr asked him to resign and take a different job in DOJ. Berman [reportedly](#) said that he "told the attorney general that there were important investigations in the office that I wanted to see through to completion." Berman reportedly [claimed](#) that Barr "said that he was trying to think of other jobs in the administration that might be of interest to me," but that Berman indicated "that there was no job offer that would entice me to resign from my position." Berman reportedly also [testified](#) that Barr told him that getting fired would not be good for his resume or future job prospects. After Berman refused to resign, President Trump [fired](#) him the following day, on June 20, 2020.

Barr's attempt to oust Berman also merits investigation as a potential abuse of power by the attorney general. Although it is not clear why Barr and President Trump wanted to remove him, Berman's ousting bears striking similarities to other incidents in which the attorney

general sought to advance the personal and political objectives of the president rather than legitimate objectives. Barr also clearly misled the public and sought to intimidate Berman by publicly stating that Berman had chosen to resign when Barr knew from direct conversations with Berman that that was not true. Accordingly, Congress should inquire whether Barr's efforts to oust Berman constitute an additional abuse of power that merits Barr's impeachment.

Obstructing lawful investigations of the United States House of Representatives

Attorney General Barr has also used the powers of his office to obstruct congressional investigations into matters of great importance to the American people. His obstruction has impacted inquiries into the Trump Administration's attempt to add a citizenship question to the 2020 census as well as investigation of a whistleblower complaint that led to the impeachment of President Trump. Barr's obstruction has also included outright refusals to participate in House oversight hearings about DOJ. Accordingly, Congress should consider whether Barr's obstruction of Congress also requires his impeachment.

Contempt of House inquiry into the proposal to add a citizenship question to the 2020 census

The United States House of Representatives detailed Barr's obstruction of its investigation of the Trump administration's attempt to add a citizenship question to the 2020 census in a committee [report](#) supporting a resolution holding Attorney General Barr and Treasury Secretary Wilbur Ross in contempt. That contempt resolution was [adopted](#) by the House on July 17, 2019.

In March 2018, Secretary Ross announced that the United States Census Bureau would, for the first time in 70 years, include a question asking the citizenship status of every person in the country. The question appeared calculated to discourage non-citizens and immigrants from completing the census, which could have federal funding ramifications for localities that have a large number of non-citizens and immigrants. Because certain sources of federal funding are allocated on a per-capita basis, a lower response rate can result in a jurisdiction losing millions of dollars in funding.

Ross and other Commerce Department officials claimed that the question was included because DOJ requested citizenship information to help it enforce the Voting Rights Act. That justification was challenged in litigation and ultimately rejected by the Supreme Court. The Court [ruled](#) that the Census Bureau's rationale for reinstating the question was pretextual, and that the agency's failure to assert a genuine justification for including the question violated the Administrative Procedures Act.

The House Committee on Oversight and Reform launched an investigation of the

citizenship question. During that investigation, evidence emerged that adding a citizenship question to the census was discussed by the Trump campaign and transition teams and eventually President Trump and top White House advisers. Evidence also emerged that Secretary Ross directed staff at the Commerce Department (which includes the Census Bureau) to add a citizenship question to the census before DOJ issued its request and that the Commerce Department asked DOJ to issue a formal request that the Census Bureau add the citizenship question.

DOJ obstructed the investigation in two respects: First, DOJ refused to comply with a document subpoena after voluntary requests for those records were rebuffed. [According to the Committee](#), “DOJ produced thousands of pages of documents that were largely heavily redacted or already public—but withheld the key unredacted documents identified in the subpoenas.” According to the Committee, DOJ also “declined to produce unredacted copies of the priority documents required by the subpoena.”

Second, Barr also personally ordered John Gore, a DOJ official, to defy a bipartisan deposition subpoena. Gore’s testimony was crucial because he received a hand-delivered memorandum and note from Commerce Department officials about the citizenship question in the fall of 2017 and appears to have been at the center of DOJ’s efforts to provide Commerce with a justification for adding the question. Gore also spoke with former Trump transition team member Mark Neuman as well as then-White House Domestic Policy Council official John Zadrozny about the citizenship question in the months before DOJ transmitted its request letter to the Department of Commerce on December 12, 2017.

According to the Committee, Gore’s testimony was subpoenaed after he refused to answer “more than 150 questions” in a voluntary interview with Committee staff. According to the Committee, Gore was instructed by DOJ counsel “not to answer any questions about the content of conversations or documents relating to the citizenship question.” After the Committee subpoenaed Gore’s testimony, DOJ informed the committee that Barr had personally directed Gore not to comply and not to appear for a deposition. On April 25, 2019, Gore failed to appear for his deposition.

On July 17, 2019, the United States House of Representatives [voted](#) to hold Barr in contempt of Congress. While Barr’s role in obstructing the House’s investigation of the citizenship question on the 2020 census has therefore already been the subject of formal reprimand, it also merits consideration in an impeachment inquiry.

Attempt to suppress the Ukraine whistleblower complaint

In the summer of 2019, President Trump, his private attorney Rudy Giuliani, and senior administration officials sought to pressure Ukraine into announcing the launch of a criminal investigation of Joe Biden, a rival candidate for president in 2020. The effort was exposed by a [whistleblower complaint](#) that charged that President Trump was seeking political favors from a foreign government and was based in part on a phone call between President Trump and President Volodymyr Zelensky of Ukraine on July 25, 2019. In addition

to identifying Trump and Giuliani, the complaint alleged that “Attorney General Barr appears to be involved as well.” The complaint also specifically alleged that President Trump “pressured Mr. Zelensky” to “meet or speak with two people the President named explicitly as his personal envoys on these matters, Mr. Giuliani and Attorney General Barr, to whom the President referred multiple times in tandem.”

Those allegations were substantiated by a [memorandum](#) of the July 25 telephone conversation released by the White House. According to the Memorandum, after President Zelensky stated Ukraine was nearly ready to buy military weapons from the United States for defense purposes, President Trump immediately told him, “I would like you to do us a favor though.” President Trump then asked President Zelensky to investigate two matters involving the 2016 election and Vice President Biden, and repeatedly asked him to speak with Barr and Giuliani about them.

Specifically, President Trump first told President Zelensky he would “like to have the Attorney General call you or your people and I would like you to get to the bottom” of “Crowdstrike” – a [debunked conspiracy theory](#) challenging the U.S. intelligence community’s findings on Russia’s 2016 election interference. President Trump then asked President Zelensky to speak with Barr about Vice President Biden, telling him that he would like Giuliani “to call you along with the Attorney General” and noting that “there’s a lot of talk about Biden’s son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great.”

President Trump reiterated his requests that President Zelensky speak with Attorney General Barr about the investigations later during the call, telling him: “I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it.” And after President Zelensky provided assurances that “we will be very serious about the [Biden] case and will work on the investigation,” President Trump closed the conversation by again saying “I will tell Rudy and Attorney General Barr to call.” In all, President Trump indicated four times that he would be asking Attorney General Barr to call President Zelensky and then referenced him again a fifth time.

DOJ made two questionable decisions to close down possible investigations into the Ukraine pressure campaign based on the whistleblower’s allegations. First, DOJ’s Criminal Division [declined](#) to investigate the matter based on a highly limited review of relevant evidence and a narrow interpretation of campaign finance law. With these restraints in place, the Criminal Division apparently failed to consider that the investigations being pursued were prompted by President Trump’s personal attorney in furtherance of his client’s personal, political interests, and that other possible criminal law provisions might be implicated. Second, DOJ’s OLC issued a legal [opinion](#) concluding that the alleged conduct did not trigger a reporting requirement to congressional intelligence committees. If it had prompted disclosure to Congress, the whistleblower complaint would have likely prompted an immediate congressional investigation into the underlying allegations. Barr [reportedly](#) did not recuse from these decisions, though the degree of his involvement in DOJ’s review of these matters is not clear.

In the months since the whistleblower complaint was released, new [information](#) has emerged regarding the extent of Barr's involvement in the campaign to pressure Ukraine to investigate Biden. In January 2020, Lev Parnas, an associate of Rudy Giuliani, [asserted](#) that Barr was "basically on the team" of people involved in the effort to get Ukraine to investigate Biden and that Giuliani and Barr had spoken about Ukraine. Parnas also suggested that the Ukraine efforts were linked to the Durham investigation into the origins of the Russia investigation.

In light of Barr's pattern of seeking to advance the personal political interests of President Trump, his role in DOJ's handling of the Ukraine whistleblower complaint also merits investigation as potential grounds for his impeachment. Congress should consider whether DOJ's efforts to suppress the whistleblower complaint amounted to an attempt to obstruct congressional investigation of President Trump's conduct.

Abusing and exceeding the powers of the Attorney General to violate the First and Fourth Amendment rights of American citizens

Attorney General Barr has repeatedly used the power of his high office by issuing orders and edicts that have directed federal law enforcement officers to suppress the First Amendment right of American citizens to peacefully assemble and petition their government or that have violated their right to freedom from unreasonable seizure under the Fourth Amendment. On multiple occasions, Barr appears to have given unlawful orders to federal law enforcement to use violent riot control tactics to violate or impair those rights. Accordingly, Congress should consider whether the Attorney General's violation of the rights of the citizens he swore to protect also requires his impeachment and potential removal from office.

Directing federal law enforcement officers to clear protesters from Lafayette Square

Following the police killing of George Floyd in Minneapolis on May 25, 2020, thousands of people began a sustained protest against the murders of Black Americans by law enforcement. These protests are an outgrowth of a movement demanding systemic change in institutions of American power to address persistent issues of racism, especially the violence experienced by Black individuals and communities at the hands of law enforcement and vigilantes. The movement's origin can be traced to the outcry for justice following the killings of Trayvon Martin, Michael Brown, Eric Garner and Tamir Rice (among others) in 2012-2014. Activists and leaders have dubbed the burgeoning movement "Black Lives Matter" (or "BLM").

In the wake of Floyd's death, BLM protesters in Washington DC began gathering daily at Lafayette Park, the public park closest to the White House. Those protests included

protected First Amendment activities, including the display of signs and placards, song and chants, and expressive acts such as kneeling—a gesture of solidarity and pain in memory of George Floyd’s asphyxiation while a Minneapolis police officer was kneeling on him. According to evidence [recounted](#) by the ACLU, on June 1, 2020, law enforcement officers from the U.S. Secret Service, the U.S. Park Police, the D.C. National Guard and the D.C. Metropolitan Police Department assumed a position between the protesters and the White House. At approximately 6:10 PM, Barr appeared in Lafayette Park. He stood behind the first line of law enforcement and pointed towards St. John’s church on the northwest side of the park. Around the same time, White House Deputy Chief of Operations Tony Ornato reportedly told the U.S. Secret Service that President Trump intended to make an appearance in front of the church and address the assembled media.

At 6:25 P.M., more than half an hour before the District’s locally-imposed curfew was set to begin, law enforcement officers in riot gear rushed into the group of peaceful protesters. Numerous simultaneous contemporary video [accounts](#) show law enforcement officers beating, punching, and shoving protesters and members of the media, and deploying mounted officers to force protesters to flee to avoid being trampled. The officers [also used](#) pepper balls, rubber bullets, and smoke canisters to remove the protesters from the park. After the Park was cleared, President Trump left the White House and walked across the park to St. John’s Episcopal Church. In front of the church, President Trump turned to a crowd of reporters who had successfully evaded the law enforcement officers and posed for a photo holding a bible.

According to administration officials who spoke to the Washington Post, the move to clear the square and expand the law enforcement perimeter around the White House was [planned](#) in advance. Barr reportedly participated in those discussions. According to a DOJ official, when Barr surveyed the scene on June 1, he was “surprised” to find the perimeter had not been extended. According to the official, Barr huddled with law enforcement at the scene and told them that it needed to be done and to get it done.

On June 2, White House and DOJ officials [confirmed](#) that the Attorney General has ordered the park cleared. As the controversy over President Trump and Barr’s action grew in the days that followed, Barr claimed that he had not given the order. Barr [told](#) the Associated Press, “I’m not involved in giving tactical commands like that,” and “I was frustrated and I was also worried that as the crowd grew, it was going to be harder and harder to do. So my attitude was get it done, but I didn’t say, ‘Go do it.’”

Congress should inquire whether Barr should be impeached for abusing the powers of his office by instructing federal law enforcement officers to violate the First and Fourth Amendment rights of protesters at Lafayette Square. The Constitution and [several federal statutes](#) prohibit the government from using force to curtail peaceful protests. Congress should also inquire whether Barr, the Attorney General, [exceeded his authority](#) by issuing commands to components of the federal government that are committed to the jurisdiction of other departments, including the Secret Service (DHS), Park Police (NPS), and the DC National Guard (DOD).

Improper use of federal law enforcement resources to surveil and police protesters

Attorney General Barr also appears to have abused the powers of his office by misusing department resources to conduct a crackdown on alleged violence in several American cities, including Washington D.C., Miami, Portland, Kansas City, and Chicago. Barr and DOJ appear to have mobilized federal agents from DOJ agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosive (ATF), the Federal Bureau of Prisons (BOP), the U.S. Marshals Service, the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI), against peaceful protests. In addition, it is possible that Barr and DOJ are supporting other federal agencies outside of DOJ in additional efforts to bring law enforcement resources to bear on largely peaceful protests. This mobilization of federal assets appears to have resulted in systematic violations of the First and Fourth Amendment rights of Americans.

In response to peaceful BLM protests that swept the nation in May, June, and July, DOJ has mobilized federal law enforcement assets that were never intended to be deployed against peaceful protesters. According to [The New York Times](#), DOJ has followed through on President Trump's vow to "dominate" demonstrators by deploying agents from the FBI, BOP, US Marshals, and ATF. For instance, Barr [deployed](#) to Washington, D.C. and Miami BOP units that specialize in responding to prison riots—not handling protests. Those DOJ components have been joined by elements of the Department of Homeland Security and the Department of Defense reportedly at the request of DOJ.

On July 8, 2020, Barr [announced](#) the launch of "Operation Legend," which he described as a "sustained, systematic and coordinated law enforcement initiative across all federal law enforcement agencies working in conjunction with state and local law enforcement officials to fight the sudden surge of violent crime, beginning in Kansas City, MO." Statements by White House Press Secretary Kayleigh McEnany at July 21, 2020 press [briefing](#) indicate that similar tactics are being deployed in Portland, and reports suggest that [Chicago](#) may soon experience a similar deployment. It is [unclear](#) whether Operation Legend is an extension of DOJ efforts to suppress BLM protests, a post-hoc pretext for continued deployment of federal resources to cities with ongoing protests, or a genuine effort to combat violent crime.

These deployments have been matched by alarming increases in the authority of some of those DOJ components. For instance, Barr has [authorized](#) the DEA to assume additional law enforcement responsibilities, including conducting surveillance, sharing intelligence with other federal and state counterparts, participating directly in law enforcement operations at protests, and conduct investigative and enforcement activities including "conducting interviews, conducting searches, and making arrests for violations of Federal law."

In July 2020, unidentified federal law enforcement officers in unmarked vehicles also [began](#) arresting and detaining protesters in Portland, Oregon. [Videos](#) of these [incidents](#)

show individuals in military fatigues and identified only with generic “Police” insignias detaining individual protesters seemingly without probable cause. The federal officers deployed to Portland reportedly include members of the U.S. Marshals Special Operations Group, a component of DOJ. In a [complaint](#) filed in federal court in Oregon, the state’s Attorney General Ellen Rosenblum asserted that it appeared that federal officials from the U.S. Marshals and the Department of Homeland Security were involved in the scheme. However, Rosenblum continued, “[t]here is no way of knowing, in the absence of those officers identifying themselves” which agency they represent. In response to reports of unlawful arrests in Portland, Billy Williams, the United States Attorney for the District of Oregon and the top federal law enforcement official in the state, [called](#) for an investigation of reports that protesters were detained without probable cause. Although it is unclear what role Attorney General Barr and DOJ are playing in Portland, Congress should inquire whether DOJ is playing any role in justifying federal jurisdiction, use of force, and arrests and whether it is prosecuting any of the alleged crimes that federal agents are supposedly being deployed to investigate.

Congress should investigate whether Barr should be impeached for abuses of power relating to the deployment of federal law enforcement resources against ordinary Americans who are engaging in protected First Amendment Activities. The inquiry should consider whether Barr’s orders expanding the authority of DEA and other agencies are lawful and whether DOJ is directly or indirectly engaging in practices that violate the First and Fourth Amendment rights of American citizens.

Conclusion

Attorney General Barr took charge of the Department of Justice at a pivotal moment for our democracy. He assumed office just as the Special Counsel investigation of Russia’s interference in the 2016 election and of obstruction of justice by President Trump—one of the most important investigations in DOJ’s history—was nearing completion. The investigation had already uncovered Russia’s efforts to sway the 2016 election by hacking and releasing information from the Clinton campaign and the Democratic party and by engaging in a social media campaign to disparage Clinton, boost Trump, and sow division. The Special Counsel’s Office had charged numerous Trump associates for their failures to cooperate with that investigation, including Roger Stone, who gave the Trump campaign advance warning that hacked materials would be released, and Michael Flynn, who made false statements to the FBI about conversations he had with the Russian ambassador. Barr, an experienced attorney who had previously led DOJ under President George H.W. Bush, was well positioned to ensure that the Special Counsel’s findings were reported without partiality or preference to President Trump and to uphold the impartiality and independence DOJ has long cultivated.

What Barr provided instead was the opposite of the leadership that the American people desperately needed. Instead, as recounted above, Barr abused the powers and prestige of his office to advance the personal and political interests of President Trump rather than to

deliver truth to the American people and justice for them. By failing to recuse himself from the special counsel investigation, misrepresenting its findings, and launching investigations to discredit its origins, Barr corruptly subverted the work of the special counsel. By reversing (or acquiescing to the reversal of) the work of career prosecutors in the cases of Roger Stone and Michael Flynn and by removing a United States Attorney supervising investigations of unique importance to President Trump, Barr has interfered with the lawful functions of DOJ. By interfering with Congress's investigation of the politically motivated addition of a citizenship question to the 2020 census and an intelligence community whistleblower complaint about President Trump's abuses of power, Barr has obstructed lawful investigations of Congress. And by directing federal law enforcement officers to take actions that violated the First and Fourth Amendment rights of Black Lives Matter protesters, Barr has abused and exceeded the powers of his office.

Barr's conduct cannot become the new normal. As the chief law enforcement officer in our federal government, the Attorney General of the United States has a unique responsibility to uphold the rule of law, seek just punishment for those who engage in unlawful behavior, and to ensure fair and impartial administration of justice for all Americans. Under Barr's leadership, DOJ has abandoned its role as the guardian and keeper of the law and its institutional commitment to administering the law free from favor, pressure, and politics.

Barr has given Congress little choice but to consider his impeachment, the strongest sanction that the Constitution empowers Congress to consider. Restoring DOJ's impartiality and independence is not just a matter of securing a change in leadership. It is only by investigating, identifying, and confronting Barr's abuses of power, that Congress can restore DOJ's commitment to those values.