

Congress of the United States
House of Representatives
Washington, DC 20515-0305

October 2, 2020

The Honorable William Barr
Attorney General of the United States
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Attorney General Barr,

It appears that the Attorney General of New York, Letitia James, is pursuing a personal vendetta to attack the President and his family for her own political gain. That is why in recent days Jeff Landry, the Chair of the Republican Attorneys General Association, and Jim Jordan, the ranking member of the House Judiciary Committee, have written strongly worded letters decrying James' outrageous behavior. I request that you appoint an independent Special Counsel to investigate her actions.

James ran on a platform of threatening President Donald J. Trump, his family, and his private businesses with investigations and lawsuits. She promised to "definitely sue him." On multiple occasions before and after her election she accused the President of money laundering, with zero evidence at her disposal. James essentially sought to gain power by promising to abuse power. She even campaigned on passing a bill to change New York's double jeopardy laws just in case she wanted to sue nonspecific people whom the Administration might one day pardon. It seems James is willing to harass the President and "anyone in his orbit," including make up charges and foment public opinion against innocent people. This is an outrageous abuse of prosecutorial power!

Since the election, James has continued to comment publicly on the President and publicly assert conclusions and determinations of wrongdoing. She makes these assertions despite purporting to be conducting on-going investigations with respect to the very same wrongdoing which she claims will prove her right; despite no charges having been filed by the Office of the Attorney General; and despite her claims remaining entirely unsubstantiated.

The bedrock of American justice are the Constitutional guarantees of fundamental fairness and due process of law; basic tenets of these requirements are the presumption of innocence and the right to a fair trial. When a prosecutor says or does things that belie a subject's presumption of innocence, they compromise these fundamental rights. The U.S. Supreme Court has ruled that indictments and verdicts can be set aside on due process grounds when the government improperly comments or creates publicity in a manner that prejudices the presumption of innocence, including by "offering unsolicited personal views on the evidence." The guidance under the National Prosecution Standards is that: "The prosecutor should excuse himself or herself from any investigation, prosecution, or other matter where personal interests of the prosecutor would cause a fair-minded, objective observer to conclude that the prosecutor's

neutrality, judgment, or ability to administer the law in an objective manner may be compromised." State Attorneys General are not meant to be leaders of political revolutions who run on platforms of targeting and harassing their political foes.

There is so much more at stake here than just an ethics violation. 18 U.S. Code § 241 makes it illegal for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. We are a nation of laws; § 241 applies even if the person you want to threaten, oppress, or intimidate is the President of the United States, and even if you are unashamed about doing it. The omnibus clause of 18 U.S. Code § 1503 also makes it clear that anyone who "corruptly influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice" has committed a crime.

Letitia James and her supporters attempted to curry favor with potential voters by promising to employ the resources and authority of her elected office to target the President of the United States, the political opponent on which she had staked her campaign for election

The American people have grown weary watching people of power abuse their positions with impunity. This should not become another partisan issue. I respectfully request that you appoint a Special Counsel to open a non-partisan investigation to determine whether Attorney General James violated any laws by her conduct or rhetoric.

Sincerely,



Andy Biggs
Member of Congress