

May 15, 2017

Hon. Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Mr. Horowitz:

Democracy 21 is forwarding to you three complaints, dated February 27, 2017, March 2, 2017 and May 12, 2017, which we have filed with the Justice Department's Office of Professional Responsibility.

Democracy 21 requests that you treat these materials as complaints we also are filing today with your office and we call on you to investigate and take appropriate action regarding the matter raised in the complaints.

The complaints set forth our position that the direct involvement of Attorney General Sessions in the firing of FBI Director James Comey, and in the hiring of a new FBI Director, are violations of the Department's recusal regulation. 28 C.F.R. § 45.2.

The Attorney General's involvement in these matters is also in violation of the Attorney General's public pledge to recuse himself "from any matters arising from the campaigns for President of the United States."<sup>1</sup>

The recusal regulation requires that any Justice Department employee "shall not participate" in a criminal investigation if he has a "political relationship" with any person or organization "substantially involved" in the conduct under investigation, or if he or any person or organization he knows "has a specific or substantial interest" that would be "directly affected" by the outcome of the investigation. 28 C.F.R. §45.2(a).

As set forth in the enclosed complaints, the Justice Department's recusal regulation requires Attorney General Jeff Sessions to recuse himself from participating in any matter dealing with the FBI investigation of Russian interference in the 2016 presidential election and whether the Trump campaign or Trump associates colluded with Russian actors.

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<sup>1</sup> Department of Justice Office of Public Affairs, "Attorney General Statement on Recusal" (March 2, 2017).

The Attorney General's recusal from any aspect of the Russia investigation is required, in light of the Attorney General's close ties to the Trump presidential campaign, his role as a leading surrogate for the presidential campaign, and his potential to be a subject of the investigation, given his own contacts with the Russian ambassador during the presidential campaign.

Last week, Attorney General Sessions played a major role in President Trump's firing of James Comey, the person leading the FBI investigation of Russian interference in the presidential election. In so doing, the Attorney General violated the recusal regulation.

This past weekend, according to published reports, Attorney General Sessions further violated the recusal regulation by interviewing candidates to become the new FBI Director, who will then head the FBI's Russia investigation. Thus, the Attorney General is helping to choose a new FBI Director to head the Russian investigation in which he is a potential subject.

This is a matter of national interest and of importance to the credibility and integrity of the Department of Justice.

We are providing copies of these complaints and request that that your Office investigate this matter and takes all appropriate steps to hold the Attorney General accountable for any Justice Department regulations you conclude he has violated.

We also call on your Office to ensure that the Attorney General complies with the applicable Justice Department recusal regulation and with his own public commitment to recuse himself from all matters relating to the 2016 presidential campaign.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer  
President

Enclosures