

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515–6216  
One Hundred Sixteenth Congress

July 13, 2020

The Honorable Jerrold L. Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Nadler:

We understand that you intend to convene a hearing of the Committee on July 23, 2020, to provide yet another public platform for presumably disgruntled witnesses to attack Attorney General William P. Barr. Your oddly personal obsession with attacking the Attorney General—and using the Committee’s limited time and resources to do it—has sadly become a vanity project. In feeding your vanity, you have declined to use Committee time and energy on issues of bipartisan significance that can truly help our constituents and instead chosen to focus the Committee on your fruitless partisan pursuits.

Because you have declined to share details about the witnesses that you intend to call on July 23, we can only assume based on the witnesses at your previous hearing that the upcoming testimony will consist of hearsay, politicized innuendo, and decades-old professional grudges. On June 24, you gave a public platform for three witnesses to air one-sided professional and personal grievances with the Attorney General.<sup>1</sup>

- Assistant U.S. Attorney Aaron Zelinsky made double-hearsay accusations without direct evidence that Attorney General Barr had improperly intervened in the sentencing of Roger Stone.<sup>2</sup> During the hearing, Judge Michael Mukasey rightly noted that it was proper for Department leadership to oversee the Stone sentencing, and that Zelinsky’s initial recommendation of a harsher sentence ignored “common sense.”<sup>3</sup>
- Antitrust Division attorney John Elias made accusations—without direct evidence—that the Antitrust Division took action in two matters as a result of political pressure.<sup>4</sup> During the hearing, Elias acknowledged that he had actually sought a detail to your staff to work on oversight matters around the time that Democrats began ramping up

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<sup>1</sup> “*Oversight of the Department of Justice: Political Interference and Threats to Prosecutorial Independence*”: Hearing before the H. Comm. on the Judiciary, 116th Cong. (2020) [hereinafter “Oversight hearing”].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Oversight hearing, *supra* note 1.

investigations with the goal of impeaching President Trump.<sup>5</sup> Elias’s testimony was so “misleading and lack[ing] critical facts” that Assistant Attorney General Makan Delrahim was compelled to correct the record—noting that Elias had “no first-hand involvement in the matters about which he testified.”<sup>6</sup>

- Former Justice Department official Donald Ayer generally alleged that Attorney General Barr was unfit for office. However, Ayer failed to note how he has held a thirty-year grudge against Attorney General Barr ever since then-Attorney General Richard Thornburgh replaced Ayer with Barr in 1990. Attorney General Thornburgh later explained that “Bill Barr was the first deputy I had and that came when I was two years into the job.”<sup>7</sup> Attorney General Thornburgh detailed how Ayer “proved to have exaggerated notions of his responsibilities,” and “[s]oon developing a serious chip on his shoulder, he began taking actions independent of, or in conflict with, my wishes.”<sup>8</sup>

You have chosen to waste the Committee’s time and resources on your obsession with attacking the Attorney General at the expense of working with Republicans on issues that can make a difference for our constituents. In the wake of George Floyd’s murder in the custody of the Minneapolis Police Department, Republicans urged you to work collaboratively to address police accountability in the United States. Instead, you shut Republicans out of the room—excluding us from deliberations on the draft legislation, opposing all Republican proposals during the Committee’s consideration, and preventing Republican amendments during floor consideration. Perhaps if you spent half as much energy on working across the aisle as you do in attacking the Attorney General, the Committee and House would have adopted consensus legislation to improve transparency and accountability in policing.

In addition, you have chosen not to convene a full Committee hearing on an issue of broad bipartisan concern—the policies and biases of technology companies—but you have found plenty of time for several full Committee hearings to attack the Attorney General. This choice speaks loudly to your priorities. Given the scope of the full Committee’s investigation into technology companies, the widespread interest among Members in the subject matter, and the significance of the witnesses who will testify, the full Committee should hear directly from the CEOs of these companies. Republicans have urged you to convene a full Committee hearing. You have not responded to our request.

Your sacrifice of bipartisan achievement in favor of attacking the Attorney General raises questions about your motivations. Speaker Pelosi has declined to endorse your proposal to

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<sup>5</sup> *Id.*

<sup>6</sup> Letter from Makan Delrahim, Assistant Attorney Gen., Dep’t of Justice, to Rep. Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (July 1, 2020) (“Mr. Elias did not work on, oversee, or otherwise have any first-hand involvement in the matters about which he testified.”).

<sup>7</sup> Presidential Oral Histories, George H. W. Bush Presidency, Richard Thornburgh Oral History, <https://millercenter.org/the-presidency/presidential-oral-histories/richard-thornburgh-oral-history> (last accessed Jun. 20, 2020).

<sup>8</sup> DICK THORNBURGH, WHERE THE EVIDENCE LEADS: AN AUTOBIOGRAPHY 282 (Univ. of Pittsburgh Press, 1st ed. 2010).

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impeach the Attorney General.<sup>9</sup> You have introduced no legislation for which testimony from the Committee's June 24 or July 23 hearings would be informative. It is unclear, therefore, to what oversight or legislative end your continued pursuit of the Attorney General will lead. It appears instead that your obsession with attacking Attorney General Barr is more for harassment and intimidation than anything else. As the Supreme Court has reminded—as recently as last week—these motivations are illegitimate reasons for the Committee to conduct oversight.<sup>10</sup>

Attorney General Barr has served in two administrations with honor and distinction. You may not agree with his policy choices. You may not agree with his actions in uncovering the Obama-Biden Administration's weaponization of the Justice Department to attack the Trump campaign. But to continue to misuse the Committee for your vanity project of attacking the Attorney General not only sacrifices the bipartisan work we can do together, it undermines the legitimacy of the Committee and your chairmanship. I sincerely hope that you will reconsider your misguided approach and reevaluate your priorities.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan  
Ranking Member

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<sup>9</sup> Christina Marcos, *Pelosi throws cold water on impeaching Barr*, The Hill, June 25, 2020.

<sup>10</sup> See *Trump v. Mazars USA, LLP*, No. 19-715, at \*11-12 (U.S. July 9, 2020) (citing *McGrain v. Daugherty*, 273 U.S. 135 (1927), and *Watkins v. United States*, 354 U.S. 178 (1957)).