

November 14, 2018

Dear Senator,

Our organizations are deeply concerned about the appointment of Matthew Whitaker as Acting Attorney General and in that capacity as the new overseer of the Mueller investigation.

We believe Mr. Whitaker must be removed from any role in the Mueller investigation. We also believe that Congress must act to protect Special Counsel Mueller from any interference in the investigation.

Mr. Whitaker has repeatedly demonstrated his bias and hostility to the Mueller investigation.

For example, in August 2017 Whitaker identified himself with the position that the Mueller investigation is a “lynch mob.” Whitaker retweeted a *Philadelphia Inquirer* article titled “Note to Trump’s lawyer: Do not cooperate with Mueller lynch mob.” Whitaker [said](#), in retweeting the article, “Worth a read.”

Mr. Whitaker also [denied](#) there was any evidence that Russia intervened in the 2016 election *five months after* the intelligence community issued a [report](#) concluding that Russia president Vladimir Putin had ordered a campaign to influence the 2016 presidential campaign.

As a result of his numerous attacks on the Mueller investigation, Mr. Whitaker has an irreparable conflict of interest in his role as overseer of the investigation, and is incapable of making publicly credible decisions in that capacity.

Additionally, challenges to the constitutionality of Mr. Whitaker’s appointment to his position without Senate confirmation have been raised by liberal and conservative constitutional lawyers and in a lawsuit brought by the State of Maryland.

It appears that President Trump appointed Mr. Whitaker in order to take control of the Mueller investigation, which involves both the President and his son. Mr. Whitaker, previously [described](#) as the “eyes and ears” of the White House in the Justice Department, apparently has been placed in his new position to serve the interests of President Trump, and not the interests of the Justice Department or the American people.

In January 2018, President Trump, referring to the Attorney General position, [said](#) “Where’s my Roy Cohn?” referring to the New York lawyer and fixer who represented and protected Trump during his years as a businessman. The President apparently believes he has found his “Roy Cohn” in Mr. Whitaker.

Mr. Whitaker is unfit for his new job and must recuse himself from overseeing the Mueller investigation. We call on you to take all necessary steps to help ensure that Mr. Whitaker is removed from overseeing the Mueller investigation.

Furthermore, the Mueller investigation must be protected from any interference and allowed to proceed to its full and appropriate conclusion.

Senate Majority Leader McConnell must allow the Senate to act on the bipartisan legislation reported out in April 2018 by the Senate Judiciary Committee to protect the Mueller investigation. We reject Senator McConnell's unfounded speculation that the investigation is safe from interference and that therefore there is no need for this bipartisan legislation.

We call on Senator McConnell not to partner with President Trump in his efforts to undermine and potentially kill the Mueller investigation.

We call on you to take all necessary steps to help ensure that the Mueller investigation is protected from any interference.

Senator Lindsay Graham, for example, earlier this year made such a commitment to protect the investigation when he [stated](#): "I pledge to the American people, as a Republican, to make sure that Mr. Mueller can continue to do his job without any interference." We call on Senator Graham to carry out his pledge to the American people to protect the Mueller investigation.

President Trump has made a direct attack on the rule of law and on the norms of law enforcement in appointing to oversee the Mueller investigation an individual who has made clear he is biased against the investigation and who has a conflict of interest in overseeing the investigation.

This must not be allowed to stand.

We call on you to act to protect the Mueller investigation and to help ensure that Mr. Whitaker is removed from his role as overseer of the investigation.

Signers:

Action Group Network
American Oversight
Center for American Progress
Coalition to Preserve, Protect and Defend
Common Cause
CREW
Daily Kos
Defending Democracy
Demand Progress
Democracy 21
End Citizens United
Equal Justice Society
Indivisible
Justin Hendrix, March for Truth
Law Works
Lawyers for Good Government
Loyal Opposition
Niskanen Center
Norman Eisen, chief White House ethics lawyer, 2009-2011
People For the American Way

Protect the Investigation

Public Citizen

Revolving Door Project

Richard Painter, chief White House ethics lawyer, 2005-2007

Service Employees International Union (SEIU)

Stand Up America

Stand Up Republic

Sunlight Foundation

Truman National Security Project