

A Second Open Letter to Connecticut U.S. Attorney John Durham

September 14, 2020

John H. Durham
United States Attorney
District of Connecticut
450 Main Street
Room 328
Hartford, CT 06103

Dear U.S. Attorney Durham:

In light of last Friday's resignation of your top aide, Nora Dannehy, I am writing on behalf of Democracy 21 to again urge you, in the strongest possible terms, to refuse to participate in what appears to be a coming, blatantly political effort by Attorney General William Barr to issue an interim or final report—prior to the November 3, 2020 election—on your investigation into the origins of the Justice Department's 2016 Russia investigation.

Issuing any such report now would patently violate longstanding Justice Department policy, embraced by both Republican and Democratic Attorneys General, to take no action within the 60-to-90-day period before an election that could influence the election. As of today, September 14th, we are just 50 days away from the presidential election. There is no doubt that President Trump would use such a report, if issued by the Attorney General, to attack his opponent and promote his re-election.

If Attorney General Barr nonetheless insists on issuing a report based on your work, it is your professional and personal responsibility to refuse to be associated with the report and to ensure that your name is not on it. If necessary, you should resign from the Justice Department to uphold both your personal integrity and the institutional integrity of the Justice Department, where you have served for more than three decades as an Assistant U.S. Attorney and U.S. Attorney.

It is crystal clear what is going on here.

In an August 13, 2020 interview on [Fox News](#), President Trump all but demanded that you and Attorney General Barr take action on the criminal investigation you are leading. President Trump made the absurd claims that officials in the prior Administration had committed treason in opening the Department's investigation into Russian interference in the 2016 election, and that opening the 2016 investigation was “the single biggest political crime in the history of our country.”

Attorney General Barr's apparent desire for the Department to issue a report on your investigation before the November 3 election has no plausible explanation other than to use the work of the Justice Department to provide partisan political assistance to President Trump's re-

election campaign in the closing weeks of the election, and to support Trump's attacks on the previous Administration and on his opponent, former Vice President Biden.

Although Barr [publicly claims](#) that the release of a report on your investigation will not affect the election, these claims belie reality.

On August 6, 2020, I sent you [an open letter](#) calling on you to abide by longstanding Justice Department policy to avoid taking any prosecutorial or investigative actions that could influence the upcoming election. As stated in the foundational 2008 memorandum issued by then-Attorney General Michael Mukasey, and as repeated in subsequent 2012 and 2016 memoranda issued by then-Attorneys General Eric Holder and Loretta Lynch, "Simply put, politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges."

Ms. Dannehy's sudden and unexpected resignation as your top aide in the Russia investigation, first [reported](#) on September 11 in *The Hartford Courant*, has only fueled public concerns that Attorney General Barr is on the brink of issuing a report on your investigation in order to provide political assistance to President Trump's campaign. While Ms. Dannehy has made no public statement as to the reason for her sudden resignation, the *Hartford Courant* article states that it was "at least partly out of concern that the investigative team is being pressed for political reasons to produce a report before its work is done."

The *Hartford Courant* article further notes that, according to colleagues of Ms. Dannehy, she "has been concerned in recent weeks by what she believed was pressure from Barr—who appointed Durham—to produce results before the election." The article further cites associates of yours who have "said recently that it is their belief [Durham] is under pressure to produce something—perhaps some sort of report—before the presidential election in November."

We call on you to resist any such "pressure," not just for the sake of your own professional reputation and personal integrity, but for the sake of the institutional integrity of the Justice Department to which you have devoted the great bulk of your professional career. As a Justice Department employee, you have an obligation to comply with longstanding Justice Department policy that exists to safeguard the integrity of our elections and to protect the rule of law by ensuring that the administration of justice is not exploited and misused for political purposes.

If Attorney General Barr insists on issuing a report or interim report on your investigation in violation of longstanding Department non-interference rules, we call on you to resign from the Justice Department. As we said in our August 6 letter:

In the event that decisions about issuing a report or bringing criminal indictments are made at higher levels of the Justice Department, you should promptly withdraw your name and publicly disassociate yourself from such actions. It would abandon your own professional duty and responsibility in this matter to allow superiors to direct you to take actions that contravene a Departmental policy designed to protect the integrity of both the Justice Department and of the

electoral process. Nor should you defer to any implausibly narrow or strained interpretations of the policy that might be made by the Attorney General or others.

Democracy 21 strongly urges you during this 60-day pre-election period to refuse to participate in, and to publicly dissociate yourself from, any announcement, report release, issuance of indictments, or other public statements or actions relating to the criminal investigation you are conducting into the origins of the 2016 Russia investigation.

And if it is necessary to make clear your position, Democracy 21 urges you to resign from the Justice Department. As we said in our August 6 letter, “your professional reputation and personal integrity are on the line here.”

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer