

Congress of the United States
Washington, DC 20515

May 2, 2019

Mr. James C. Bodie
Intake Office
Office of Bar Counsel
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219

Mr. Hamilton Fox
Office of Disciplinary Counsel
Board on Professional Responsibility
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001

Dear Mr. Bodie and Mr. Fox:

We write regarding the disturbing conduct of William P. Barr, Attorney General of the United States, who is a member of the state bars in Virginia and the District of Columbia. As Members of Congress and former prosecutors, we believe that respect for the rule of law and duty to honor the truth are of utmost importance. Given the recent release of a document written by Special Counsel Mueller to the Attorney General objecting to his severe mischaracterization of the Special Counsel's report, it appears the Attorney General has at best misled Congress and the American people, and at worst perjured himself before the Senate and House. As such, we formally request an ethics investigation by the Virginia State Bar and the District of Columbia Bar into Mr. Barr's conduct for review and possible disbarment.

In a letter to Congress on March 24th, 2019 characterizing the Special Counsel's report, Mr. Barr stated: "In cataloguing the President's actions, many of which took place in public view, the report identifies no actions that, in our judgement, constitute obstructive conduct, had a nexus to a pending or contemplated proceeding, and were done with corrupt intent..."¹ The Attorney General reiterated this sentiment during a press conference on the day the Special Counsel's report was released to the public. In short, he peddled the President's oft-repeated line, "No obstruction, no collusion."

In reality, we know that Special Counsel Mueller found "substantial evidence" of criminal intent and nexus to a specific proceeding as it relates to at least four, if not more, obstructive acts taken by the President of the United States.² We know he directed aides to fabricate internal documents, lie about their actions, attempted to fire the Special Counsel, get then-Attorney General Sessions to "un-recuse" himself so as to exert greater control over the investigation's direction, and likely tamper with witnesses.

¹ Attorney General William P. Barr, March 24, 2019.

² Special Counsel Robert S. Mueller, III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," March 22, 2019.

While it would be despicable enough if the Attorney General had thus mischaracterized the report, we now have evidence he appears to have lied to Congress twice about the extent of his knowledge of the Special Counsel's reaction to Barr's mischaracterization and support – or lack thereof – for his conclusions. As the *Washington Post* reports:

“In back-to-back congressional hearings on April 9 and 10, Attorney General William P. Barr disclaimed knowledge of the thinking of special counsel Robert S. Mueller III and members of his team of prosecutors investigating Russian interference in the 2016 election.

“No, I don't,” Barr said, when asked by Rep. Charlie Crist (D-Fla.) whether he knew what was behind reports that members of Mueller's team were frustrated by the attorney general's summary of their top-level conclusions.

“I don't know,” he said the next day, when asked by Sen. Chris Van Hollen (D-Md.) whether Mueller supported his finding that there was not sufficient evidence to conclude that President Trump had obstructed justice.³

On Wednesday, May 1st, the House Judiciary Committee obtained a letter dated March 27, 2019 from Special Counsel Mueller to Attorney General Barr. In his letter, Special Counsel Mueller first requested that the Attorney General, rather than summarize the Special Counsel's report, immediately release executive summaries crafted by *Mueller's team*. Second, he wrote that Barr's summary sent to Congress “did not fully capture the context, nature, and substance of this Office's work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation.”⁴

We agree with Robert Mueller when he says this behavior “threatens to undermine a central purpose for which the Department appointed the Special Counsel.”

Furthermore, Attorney General Barr has willfully disobeyed a valid Congressional subpoena seeking the full, unredacted report produced by the Special Counsel – the deadline for which was May 1st. That subpoena was issued in furtherance of legitimate Congressional oversight, although Mr. Barr disregarded the Committee's request. We note here that the Third Article of Impeachment against President Nixon reads:

“[The President] has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives.”⁵

As you know, the Virginia State Bar and D.C. Bar Rules of Professional Conduct Rule 3.3 “Candor Toward the Tribunal” prevents a lawyer from making “a false statement of fact or law to a tribunal.” Furthermore, Rule 8.4 (c) states that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects

³ Isaac Stanley-Becker, “‘I don't know’: Barr's professed ignorance prompts calls for his resignation after Mueller letter,” *Washington Post*, May 1, 2019.

⁴ Robert S. Mueller, III, Letter to Attorney General Barr RE: Report of the Special Counsel on the Investigation Into Russian Interference in the 2016 Presidential Election and Obstruction of Justice (March 2019),” *Office of the Special Counsel, U.S. Department of Justice*. March 27, 2019.

⁵ Deschler's Precedents, Volume 3, Chapters 10 – 14 Sec. 15 Impeachment Proceedings Against Richard Nixon, “Article III,” *Government Publishing Office*, Pages 2167-2195.

adversely on the lawyer's fitness to practice law." Finally, Rule 3.4 "Fairness to Opposing Party and Counsel" states that "a lawyer shall not (a) obstruct another party's access to evidence."⁶

By deceiving Congress and the American people, who vested their trust in both the Office of the Attorney General and the Department of Justice at large, Attorney General Barr must be subject to a professional review for the sake of the legal profession and the public.

We appreciate your attention to these critical matters and look forward to hearing from you. You can contact our offices at 202-225-3976 or 202-225-5516 should you have any questions.

Sincerely,



Ted W. Lieu
Member of Congress



Kathleen Rice
Member of Congress

TWL:mdc

⁶ "Rule 3.3," "Rule 8.4," "Rule 3.4," Virginia State Bar Professional Guidelines, D.C. Bar Amended Rules of Professional Conduct. Accessed May 1, 2019.