

December 21, 2017

Dear Members of Congress:

The undersigned groups strongly urge you to support the bipartisan Special Counsel Integrity Act (H.R. 3771 and S. 1741). Both bills protect Special Counsels from unjustified removal by providing that they “may only be removed for misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause, including violation of policies of the Department of Justice.” While Justice Department regulations already protect the Special Counsel against removal without cause,¹ those regulations are easy to amend or rescind. Codifying Special Counsel independence in law will ensure the integrity of their investigations by shielding them from political interference.

Special Counsel Robert S. Mueller was appointed by Acting Attorney General Rod Rosenstein to continue the FBI’s investigation into the Russian government’s efforts to interfere in the 2016 presidential election.² Special Counsel Mueller is also authorized to investigate any matters that arise from the original investigation and prosecute any federal crimes committed in the course of the investigation.

Major investigations into matters central to our nation are not new. When critical questions arise about core issues pertaining to our democratic process, in this case the integrity of our elections and the ethics of top government officials, independent investigations can get the answers the public needs and deserves. During key moments in our history, there have been investigations into topics such as Watergate, Iran-Contra, illegal campaign contributions by the Chinese government, and improper actions by the government’s intelligence agencies. The results led to major and necessary reforms. And in each case, the investigative process was allowed to continue, despite controversy, concerns about overreach, and fear that the results may uncover difficult truths.

At the time of his appointment, Special Counsel Mueller was praised by Members of Congress from both parties for the independence he displayed as the Director of the FBI, a position in which he served from 2001 to 2013.³

Mr. Mueller’s qualifications and independence were not questioned until recently, when his office secured indictments of two former Trump campaign officials, Paul Manafort and Rick

¹ 28 CFR 600.7(d)

² Department of Justice, “Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters,” May 17, 2017. <https://www.justice.gov/opa/press-release/file/967231/download> (Downloaded December 18, 2017)

³ Terri Rugar and Mike DeBonis, “Congress is full of personal praise for Mueller,” The Washington Post, May 17, 2017. https://www.washingtonpost.com/politics/2017/live-updates/trump-white-house/trump-comes-and-russia-how-key-washington-players-are-reacting/congress-is-full-of-personal-praise-for-mueller/?utm_term=.ce0aff0ec05e (Downloaded December 13, 2017)

Gates,⁴ and reached plea deals with Trump campaign foreign policy adviser George Papadopoulos and former White House national security advisor Michael Flynn.⁵

Since these developments, Special Counsel Mueller has come under frequent attack.⁶

It has become increasingly clear that much of the criticism being directed at Special Counsel Mueller is politically motivated and meant to sow seeds of doubt in the minds of the American public about the legitimacy of his office's findings.

It is imperative to the country and our rule of law that Special Counsel Mueller be allowed to continue his investigation free from political pressures. Therefore, we urge you to support the bipartisan Special Counsel Integrity Act and enshrine into law the independence of the Special Counsel.

Sincerely,

Issue One

OpenTheGovernment

Project On Government Oversight

Sunlight Foundation

⁴ Matt Apuzzo, Adam Goldman, Michael S. Schmidt, and Matthew Rosenberg, "Former Trump Aides Charged as Prosecutors Reveal New Campaign Ties With Russia," *The New York Times*, October 30, 2017 <https://www.nytimes.com/2017/10/30/us/politics/paul-manafort-indicted.html> (Downloaded December 14, 2017)

⁵ Aaron Blake, "Robert Mueller just penetrated the White House gates with Michael Flynn's guilty plea," *The Washington Post*, December 1, 2017. https://www.washingtonpost.com/news/the-fix/wp/2017/12/01/robert-mueller-just-penetrated-the-white-house-gates-with-michael-flynn-guilty-plea/?utm_term=.8b6c9b6fb8d8 (Downloaded December 14, 2017)

⁶ Ryan J. Reilly, "Jeff Sessions' New Chief Of Staff: Mueller's Russia Probe Could Be A 'Witch Hunt'," *Huffington Post*, September 22, 2017. https://www.huffingtonpost.com/entry/matthew-whitaker-jeff-sessions-trump-russia-mueller_us_59c58316e4b01cc57ff23f65 (Downloaded December 14, 2017) and Samuel Chamberlain, "Watchdog reveals how ex-Mueller agents' anti-Trump texts came to light," *Fox News*, December 13, 2017 <http://www.foxnews.com/politics/2017/12/13/watchdog-reveals-how-ex-mueller-agents-anti-trump-texts-came-to-light.html> (Downloaded December 14, 2017).