

**Senate Judiciary Committee Executive Business Meeting
Statement for the Record
Submitted February 7, 2019**

STATEMENT FROM SENATOR COONS

Over the past few weeks, I have carefully weighed William Barr's nomination to be Attorney General. Initially, I was encouraged that the President selected a nominee who had previously served in leadership roles in the Justice Department, including as Attorney General.

However, I believe that my responsibility to assess Mr. Barr's candidacy requires me to consider Mr. Barr's entire record, including his more recent writings and statements, and to focus on Mr. Barr's ability to meet the tests of our current time. Central to that assessment is his ability to defend the Department of Justice as an institution, to ensure the Special Counsel's investigation proceeds with independence, and to restore the trust of the American people in the rule of law.

As I weigh these factors, I remain troubled by the memo that Mr. Barr authored criticizing the Special Counsel's investigation into obstruction of justice. Though Mr. Barr has tried to minimize the import of the memo and limit its application to a particular statute, the fact remains that the memo embraces a broad theory of executive power that could threaten the Special Counsel's investigation. Mr. Barr, an attorney in private practice, felt strongly enough about his critique that he researched and wrote a 19-page memo and sent it to the Deputy Attorney General and the President's lawyers – something he does not recall doing in any other instance in the 26 years since he led the Department.

At his nomination hearing in the Judiciary Committee, I sought assurances from Mr. Barr that he would give the Special Counsel's investigation the independence and separation from politics that it deserves. I was glad to hear that Mr. Barr would not fire Special Counsel Mueller without cause and would resign rather than do so. However, on other issues, he failed to give simple, clear commitments – in many cases, commitments that former Attorney General Elliot Richardson was willing to provide at his nomination hearing during the Watergate investigation.

Mr. Barr would not commit to following the guidance of career Department of Justice ethics officials on whether he should recuse himself from the investigation. He would not commit to deferring to Special Counsel Mueller's investigative decisions. Finally, Mr. Barr would not commit to making Special Counsel Mueller's report public.

In essence, Mr. Barr is asking the American people to trust him to do the right thing. That brings me back to Mr. Barr's expansive view of executive power, something that my predecessor in the Senate, Joe Biden, expressed concern about during Mr. Barr's 1991 hearing on his nomination to be Attorney General, at a very different time in this country's history.

Mr. Barr's previous tenure as Attorney General ended with George H.W. Bush's pardon of six administration officials charged with crimes in the Iran-Contra scandal. Mr. Barr encouraged President Bush to issue these pardons, pardons that the Iran-Contra Independent Counsel said "undermine[d] the principle that no man is above the law" and "demonstrate[d] that powerful

people with powerful allies can commit serious crimes in high office – deliberately abusing the public trust without consequence.” The Independent Counsel called these pardons the completion of a cover-up. America must not repeat that history now. We must be clear-eyed about the moment our country is facing and the Attorney General’s important role in ensuring the integrity of our democratic institutions.

I believe it is my responsibility to protect the Special Counsel investigation and to safeguard the rule of law. If Mr. Barr is confirmed, I hope that he will demonstrate to the American people – Republicans and Democrats – that he will put the interests of our democracy above partisan priorities. I hope that he will prove to be a good steward for the investigation that Special Counsel Mueller is leading into Russian interference in the 2016 presidential election. If so, I will be ready to put our many policy differences aside to work with him for the good of the American people during this critical time.