

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

January 10, 2019

Dear Senator Feinstein:

Thank you for your letter of December 21, 2018 regarding a memorandum that I drafted earlier last year, a copy of which I provided to the Senate Judiciary Committee last month.

As you note, my memorandum was narrow in scope, addressing only a single obstruction theory that I thought, based on public information, the Special Counsel might have been considering. The memorandum did not address – or in any way question – the Special Counsel’s core investigation into Russian interference in the 2016 election. Indeed, I have known Bob Mueller personally and professionally for 30 years, and I have the utmost respect for him and the important work he is doing. Having appointed and supervised three special counsels myself while Attorney General, I understand that the country needs a credible and thorough investigation into Russia’s efforts to meddle in our democratic process, including the extent to which any Americans were involved. For this reason, it is vitally important that the Special Counsel be permitted to finish his work. I will carry out the Special Counsel regulations scrupulously and in good faith, and I will allow Bob to complete his work.

Given my background, I am naturally interested in legal issues that have significant implications for our country. I have a deep commitment to the law and I enjoy researching, analyzing, and writing about legal issues. I frequently discuss my views with friends, colleagues, and public officials, and I have worked on a number of amicus briefs, written a law review article, published op-eds, spoken publicly on legal issues, and provided testimony to Congress.

In 2017 and 2018, based on public accounts, it appeared to me that the Special Counsel might be considering subpoenaing the President to explore his motives for terminating the FBI director on the theory that the removal may have constituted obstruction under 18 U.S.C. § 1512(c). I was concerned that predicated obstruction under this statute based solely on the removal of an FBI director would stretch the provision beyond its text and intent, and doing so could have implications well beyond the Special Counsel’s investigation. As my thoughts took shape during informal discussions with other lawyers, I eventually decided to reduce my thinking on this issue to writing in a memorandum. I wrote as a private citizen. I was not representing anyone. No one requested that I write the memorandum. I drafted it myself without assistance and based on public information.

As the media has reported, and as I have explained to a number of your colleagues, I provided the memorandum to and had discussions about the issue with lawyers on all sides of the

Special Counsel's investigation, including officials at the Department of Justice and the White House, as well as lawyers for the President. Over time, I also provided the memorandum to several lawyer friends and had discussions about the issue with them and many others.

Thank you for the opportunity to address these issues. I look forward to discussing them further with you and your colleagues at my upcoming hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'WP Barr', with a stylized, cursive script.

William P. Barr