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## United States Senate

CHARLES E. GRASSLEY

PRESIDENT PRO TEMPORE

WASHINGTON, DC 20510-1501

February 10, 2021

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

I read with some concern that you have decided to ask for the resignation of all remaining Senate-confirmed U.S. Attorneys with two exceptions. According to reports those exceptions are U.S. Attorney David Weiss in the District of Delaware, and of John Durham in the District of Connecticut who will resign from that post but remain as Special Counsel.

You are obviously within your rights to do this, but four years ago a similar action by then-Attorney General Sessions caused my Democratic colleagues to sound the alarm. Senator Feinstein observed at the time, "Under previous administrations, orderly transitions allowed U.S. attorneys to leave gradually as their replacements were chosen. This was done to protect the independence of our prosecutors and avoid disrupting ongoing federal cases." Senator Schumer expressed similar views, saying, "By asking for the immediate resignation of every remaining U.S. Attorney before their replacements have been confirmed or even nominated, the President is interrupting ongoing cases and investigations and hindering the administration of justice." Senator Warren went so far as to say, "You can't fire the rule of law, @realDonaldTrump. You can't shut down ongoing investigations by career prosecutors."

I echo many of these concerns. It is unfortunate that you are taking these actions without replacements announced. It is also concerning that your administration did not consult with home-state Senators about this decision and that some of these U.S. Attorneys may be involved in sensitive investigations.

My colleague on the Judiciary Committee, Chairman Durbin, went so far as to put out a statement regarding the requested resignation of John Lausch in the Northern District of Illinois. He and Senator Duckworth said they were "disappointed with the decision to terminate" Mr. Lausch and they urged that he "be permitted to continue in his position until his successor is confirmed by the Senate."

Committee Assignments:

CHAIRMAN,  
FINANCE

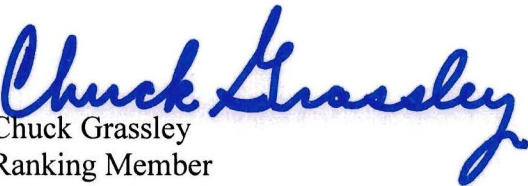
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Mr. Lausch is currently supervising the ComEd public corruption investigation in Illinois. This significant bribery case is said to potentially implicate longtime Illinois House Speaker Mike Madigan. Mr. Madigan, of course, is widely regarded as the Democratic political “boss” of Illinois and an ally of former President Obama. It is therefore especially important that this investigation be allowed to proceed in a way that does not even provide the appearance of political interference from Washington.

You are the President and the President is, as a rule, entitled to an administration. This includes the Department of Justice. But in the interest of the rule of law and the confidence of the American people in the law’s impartial application, I would urge you not to simply fire all of President Trump’s U.S. Attorneys except for the two most obviously sensitive—Durham and Weiss. Take the time to do it right. See who has important investigations ongoing—like Lausch—and make sure that the American People have confidence in the independence of the Department of Justice.

Sincerely,



Chuck Grassley  
Ranking Member  
Judiciary Committee