



The Office of
Minnesota Attorney General Keith Ellison
helping people afford their lives and live with dignity and respect • www.ag.state.mn.us

November 13, 2020

Via E-mail and U.S. Mail

The Honorable William Barr
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
attorney.general@usdoj.gov
Stephen.e.boyd@usdoj.gov

Dear Attorney General Barr:

The 2020 election is over, and the people of the United States have decisively chosen a new President. It is in this context that we express our deep concerns about your November 9 memorandum entitled “Post-Voting Election Irregularity Inquiry.”

As the chief legal and law enforcement officers of our respective states, we recognize and appreciate the U.S. Department of Justice’s (DOJ) important role in some instances in prosecuting criminal election fraud. Yet we are alarmed by your reversal of long-standing DOJ policy that has served to facilitate that function without allowing it to interfere with election results or create the appearance of political involvement in elections. Your directive to U.S. Attorneys this week threatens to upset that critical balance, with potentially corrosive effects on the electoral processes at the heart of our democracy.

State and local officials conduct our elections. Enforcement of the election laws falls primarily to the states and their subdivisions. If there has been fraud in the electoral process, the perpetrators should be brought to justice. We are committed to helping to do so. But, so far, no plausible allegations of widespread misconduct have arisen that would either impact the outcome in any state or warrant a change in DOJ policy.

For 40 years, the Department of Justice has followed a policy that recognizes the states’ principal responsibility for overseeing the election process. It has taken care to avoid affecting the outcome of elections or even the perception of political intrusion in the electoral process. This policy has directed that DOJ’s investigations must minimize “the likelihood that the investigation itself may become a factor in the election. The mere fact that a criminal investigation is being conducted may impact upon the adjudication of election litigation and contests in state courts.”¹

We write, therefore, to express our strong objection to your directive that U.S. Attorneys may now pursue allegations of voter fraud without adhering to these long-established and important

¹ See, Department of Justice, Public Integrity Section’s Federal Prosecution of Election Offenses, 8th ed., December 2017, at 8.

The Honorable William Barr
November 13, 2020

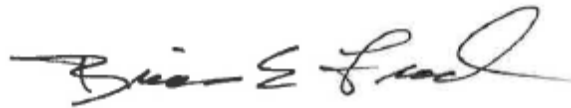
guardrails. This reversal of departmental policy will erode the public's confidence in the election. While we are confident any such investigations will not succeed in overturning the election's outcome, we believe that using the Department of Justice to stoke these efforts will come at the terrible cost of undermining trust in the democratic institutions on which this country depends.

The people of the United States have spoken. The U.S. Department of Justice should not interfere with their choice, nor should it undermine confidence in the electoral process. We ask that you respect the will of the people and reverse your decision promptly.

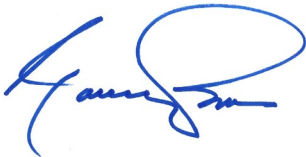
Respectfully,



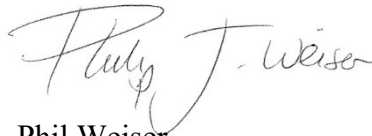
Keith Ellison
Minnesota Attorney General



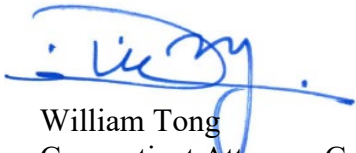
Brian Frosh
Maryland Attorney General



Xavier Becerra
California Attorney General



Phil Weiser
Colorado Attorney General



William Tong
Connecticut Attorney General



Kathleen Jennings
Delaware Attorney General



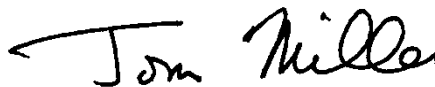
Karl A. Racine
District of Columbia Attorney General



Clare E. Connors
Hawaii Attorney General

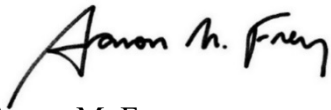


Kwame Raoul
Illinois Attorney General



Tom Miller
Iowa Attorney General

The Honorable William Barr
November 13, 2020



Aaron M. Frey
Maine Attorney General



Maura Healey
Massachusetts Attorney General



Dana Nessel
Michigan Attorney General



Aaron D. Ford
Nevada Attorney General




Gurbir S. Grewal
New Jersey Attorney General



Hector Balderas
New Mexico Attorney General



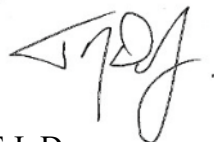
Letitia James
New York Attorney General



Ellen F. Rosenblum
Oregon Attorney General

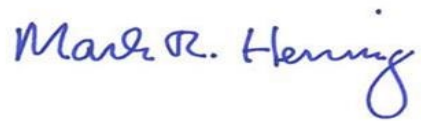


Peter F. Neronha
Rhode Island Attorney General



T.J. Donovan
Vermont Attorney General

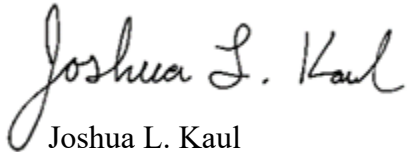
The Honorable William Barr
November 13, 2020



Mark R. Herring
Virginia Attorney General



Bob Ferguson
Washington State Attorney General



Joshua L. Kaul
Wisconsin Attorney General