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Nation Needs "DAY AFTER TRUMP" package to stop Presidential DOJ abuse in future

By Robert Weiner and Wesam Farah

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The erosion of Department of Justice's independence continues.

Speaking at National Press Club this summer, Representative Eric Swalwell (D-CA), told us that "the day after Trump," there will be a leadership-endorsed package to stop Presidential DOJ abuse. If Democrats maintain the House, take the Senate, and recover the White House -- all very possible scenarios -- the package will almost certainly become law and will prohibit the kind of interference for self-serving reasons with which Trump and Attorney General William Barr have thrived.

With Swalwell's support, Representative Adam Schiff (D-NY) is preparing a package bill aimed to protect against White House and Department of Justice political interference.

This should come as little surprise, with leniency given to Roger Stone despite new documentation of his communications with Wikileaks and Trump, Barr's attempts to eradicate Flynn's convictions, Trump's ousting of U.S. attorneys, and Barr's insistence on not delaying the dubious Durham probe despite Trump's now documented myriad contacts with Russia and Putin.

The U.S. Attorney General himself, Bill Barr, has written a memo claiming that a sitting President cannot be charged with a crime. During his testimony to Congress, Barr doubled down on his commitment to the President, referring to him as a "consummate professional" and insisting that the use of violence against protesters is justified. There is little shrift given by Trump and Barr to the murders themselves of unarmed black men, the incidents that generated the massive national protests for justice.

While a bill introduced in the Senate last October attempted to have the Justice Department log all communications between the Justice Department and the White House, now with all the blatant abuses, the new bill will be far more comprehensive.

The new and improved "Day After Trump" super bill must include:

- Measures to log and act upon improper communication between not just the White House and DOJ, but also special prosecutors, investigators, and members of Congress.

- Log all communications and disclose them to congress every six months.
- Create an independent, non-partisan ethical oversight committee that cannot be appointed or dismissed by the executive branch, but is authorized and appointed by congress.
- Have the Justice Department disclose to Congress immediately any potential or existing conflicts of interest between them any high-ranking members of the White House or Congress as they pertain to ongoing investigations.
- Set precedent to enforce compliance of Congressional subpoenas, a process now approved by recent Supreme Court rulings, so that there will be no more fiascos like the impeachment and oversight investigations where the executive decided only to cooperate with a chamber controlled by its own party.
- Clarify the law so that the President is not immune from investigation and prosecution for illegal actions, and disclose to Congress and the public any such findings.

While the bill may sound far reaching, it is worth noting that Republican members of Congress have in the past supported bills that aim to enforce rule of law and limit White House interference. Considering Senator Chuck Grassley's (R-IA, Finance Committee Chair) support for the [Whistleblower](#) Protection Act, despite Trump's resistance. Both parties share concern over protecting the rule of law. In addition, should the Democratic candidate, Joe Biden, win the 2020 presidential election, Republicans would have added impetus to support enforcing restrictions on the Executive Branch -- yet if Biden wins, both parties would likely move the measure forward given the memory of Trump's attempted abuses.

The legislation is long overdue.

Robert Weiner is a former spokesman for the Clinton White House, the House Government Oversight and Operations Committee, and senior staff for Congressman John Conyers, Charles Rangel, Claude Pepper, Ed Koch, Sen. Edward Kennedy; and 4-Star Gen. Barry McCaffrey. Wesam Farah is Senior Policy Analyst at Robert Weiner Associates and Solutions for Change.