

Dear Attorney General Merrick Garland,

Soon, you will assume control of a Department that has weathered historic challenges and all but lost public trust. Rebuilding in the wake of this disaster will require you to go above and beyond to restore the public's confidence in the Department's will and ability to uphold equal justice under law. We ask that you demonstrate your commitment to the Justice Department's ideals by holding your appointees to high ethics and transparency standards, consistent with not only the letter but the spirit of the law, and equal to the scale of the restorative project you have been called upon to oversee.

Over the past four years, the Justice Department was repurposed to pursue the President's enemies, protect his person and his family, and enrich his friends. The law was stretched and often broken to serve the President's ends. These particularly egregious attacks have weakened a Department that was already drawing on a depleted well of public trust. White collar criminal prosecutions have been trending downward for almost three decades. Civil penalties for corporations that trample the law rarely amount to more than slaps on the wrist. The Department is in desperate need of a change.

Unfortunately, the backgrounds of many of the leaders who have been selected to guide the Justice Department's policy will make the task of restoring public trust harder. Americans are rightly skeptical that lawyers who have spent significant portions of their careers defending corporate bad actors will pursue those same or similar organizations with appropriate zeal. Elsewhere, the Biden administration has validated those doubts and recognized the need to break with past practice and draw from traditionally overlooked corners of the legal community. There is no reason that the administration's [arguments](#) against BigLaw judicial selections would not apply equally to similar choices in the Justice Department.

To the degree, however, that you do not emulate the administration's admirable and historic standards for judges, it will be essential that you take additional steps to dispel legitimate fears that corporate America will exercise outsized influence over the department. The lack of transparency surrounding the Justice Department's hiring combined with insufficient public disclosure requirements undermines public trust. Promptly making available this and other critical information would help to demonstrate your commitment to going above and beyond to restore trust in the Department that has been entrusted to you.

- **Publish and regularly update a list of new hires to the Department.** It is overly cumbersome to identify, let alone scrutinize, the new hires who will be tasked with rebuilding the Justice Department. There is no reason why this information should not be compiled, published, and updated in one place.
- **Identify all new hires who have been brought in as Special Government Employees (SGEs).** SGEs, who are hired to fill positions temporarily (for no more than 130 days in a calendar year), face [weaker ethics requirements](#). The public should not have to await the release of financial disclosures and ethics documents to access this critical information about an appointee's status.

- **Publish a thorough explanation of the Department's plans to manage conflicts of interest, especially those arising from previous employment in a corporate law firm, in line with the spirit of ethics law and the goals of restoring public trust in the Justice Department.**
- **Release ethics agreements for hires originating from BigLaw at the time of their appointment.** Not all ethics agreements are presumptively available to the public and those that are may only be accessible after a lengthy review and approval process, leaving the public in the dark about their political officials' potential conflicts of interest and allowing speculation to run rampant. This is a political liability and a threat to trust in the Department.

As Attorney General, you have been tasked with the challenge of rebuilding the Justice Department in Trump's wake. That restorative project must meet and even exceed the scale of the attacks that we have just witnessed. Concrete commitments to new ethical standards and elevated transparency are critical first steps towards this goal.

Sincerely,

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