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July 3, 2020

House Speaker Nancy Pelosi
Office of the Speaker
H-252 US Capitol
Washington, D.C. 20515

Senate Majority Mitch McConnell
317 Russell Senate Office Building
Washington, D.C. 20510

House Minority Leader Kevin McCarthy
2468 Rayburn Office Building
Washington, D.C. 20515

Senate Minority Leader Chuck Schumer
322 Hart Office Building
Washington, D.C. 20510

Re: Legislation to replace the Trump-Pence criminal incompetence with an independent COVID-19 Commission to arrest and defeat the pandemic

Dear Madam Speaker Pelosi, Senate Majority Leader McConnell, House Minority Leader McCarthy, and Senate Minority Leader Schumer:

Is any more proof needed to remove President Donald Trump and Vice President Mike Pence for criminal negligent mismanagement of the COVID-19 pandemic by sticking their heads in the sand? On July 1, 2020, Mr. Trump shared with Fox Business his miracle for arresting and defeating the pandemic as COVID-19 cases surge towards 100,000 per day: “[A]t some point, that’s going to sort of disappear, I hope.” At least the President didn’t recommend bleach as a cure.

The Covid-19 virus is witnessing a second wave in 36 states, a prediction of the health specialists that President Trump studiously ignored. The lives, health, and jobs of hundreds of millions are at risk. Yet as John Bolton’s memoir confirms, every decision of Mr. Trump is dictated by his reelection ambitions. Science, medicine, national security, or otherwise are thrown to the wind. As regards COVID-19, he disowns pandemic specialists and his own agencies – FDA, HHS, NIH, and most regularly the CDC.

Congress is endowed with constitutional authority to end the Trump-Pence criminally negligent mismanagement of COVID-19 by entrusting the response to a three-member independent

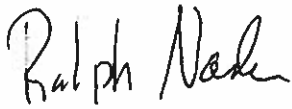
managing COVID-19 Commission appointed by the Director of the National Institutes of Health and protected from removal except for “good cause,” i.e., inefficiency, neglect of duty, or malfeasance in office.” Article II, section 2, clause 2 of the Constitution empowers Congress to authorize heads of departments to appoint “inferior officers.” And the decision of the United States Supreme Court in *Morrison v. Olson*, 487 U.S. 654 (1988) confirms that the COVID-19 Commissioners would be “inferior officers.” They would serve temporarily until the virus was defeated. And their powers would be narrowly confined to treating and managing this specific pandemic. Accordingly, as with the independent counsel at issue in *Morrison*, the Commissioners could be shielded from removal without just cause by the NIH Director or the President.

The COVID-19 Commission would have power to issue binding rules and regulations pursuant to the Administrative Procedure Act that would be supplemented by state or local health standards. Federal private rights of action would be created for persons suffering concrete injury proximately caused by a rule violation supplemented by state or local remedies.

The COVID-19 Commission would be authorized to borrow on detail professionals in sister agencies, e.g., DFA, HHS, CDC, NIH, to avoid redundancy.

Time is of the essence. Persons are dying every day because of Trump-Pence criminally negligent mismanagement of COVID-19 for partisan motives. We would welcome an opportunity to further amplify on our independent COVID-19 Commission recommendation.

Sincerely,



Ralph Nader



Lou Fisher



Bruce Fein