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June 17, 2021

Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Special Counsel to Prosecute Donald Trump

Dear General Garland:

We and others have sent you previous letters by mail and email regarding criminal investigations without the courtesy of a response or even acknowledgment. You have left us without clues to divine your thinking or reasoning.

Your studied silence has prompted us to compose a hypothetical letter from you to us which we deduce reflects your thinking behind declining to appoint a special counsel to investigate voluminous credible evidence that former President Donald Trump (1) committed criminal violations of the Hatch Act in commandeering federal resources and federal employees to assist his 2020 presidential campaign; (2) committed open criminal violations of the Anti-Deficiency Act by diverting major federal funds appropriated for one purpose to a different purpose never approved by Congress; (3) obstructed justice in violation of 15 U.S.C. 1510 by, among other violations, attempting to hinder or compromise special counsel Mueller's investigations or prosecutions, as obstruction of justice was a "way of life" in the White House according to Mr. Trump/s former national security advisor John Bolton; (4) incited insurrection against the United States in violation of 18 U.S.C. 2383 by inciting force, violence, and electoral fraud to prevent Vice President Mike Pence from counting duly certified state presidential electoral votes as stipulated by the Electoral Count Act on January 6, 2021; and (5) committed criminal contempt of Congress in violation of 2 U.S.C. 192 by flouting hundreds of congressional subpoenas and formal committee requests for testimony/information. (The House Judiciary Committee voted an article of impeachment against President Richard Nixon for disobedience to one congressional subpoena).

These five enumerated Trump crimes are illustrative, not exhaustive.

If we have misstated your thinking, please explain our misunderstandings.

Sincerely,



Ralph Nader



Louis Fisher



Bruce Fein

Dear Gentleman:

Article II, section 3 of the Constitution requires the executive branch to “take care that the laws be faithfully executed.” Its origins can be traced to the English Bill of Rights of 1689 which denounced kingly dispensations or suspensions of the laws without the consent of Parliament.

The faithful execution of the laws, however, does not require that every criminal infraction be prosecuted. I interpret the Nixon presidential tapes case, 418 U.S. 683, 693 (1974), to endow the executive branch with absolute discretion to decide whether to prosecute a case.

The Department of Justice will refrain from investigating or prosecuting Mr. Trump for acts arguably taken within his capacity as President.

The Department of Justice will refrain from prosecuting Mr. Trump for open, notorious, and chronic attempts to obstruct justice.

The Department of Justice will refrain from prosecuting Mr. Trump for major criminal Hatch Act violations.

The Department of Justice will refrain from prosecuting Mr. Trump for extensive criminal violations of the Anti-Deficiency Act.

The Department of Justice will refrain from prosecuting Mr. Trump’s unprecedented serial criminal contempt of Congress.

The Department of Justice will refrain from prosecuting Mr. Trump’s open incitement to insurrection against the United States.

These non-enforcement decisions will endure as Department policies throughout my tenure as Attorney General.

I am answerable to President Joe Biden.

Sincerely,

Merrick Garland
Attorney General