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June 28, 2023

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

Re: Hatch Act Enforcement, 18 U.S.C. 610

Dear General Garland:

Public confidence in the evenhanded administration of justice is compromised by law enforcement which, like a spider's web, snares the weak insects but is shredded by the strong.

We have previously voiced our consternation that former President Donald Trump flouted the criminal prohibition of the Hatch Act, 18 U.S.C. 610, with impunity by commandeering federal property and federal employees to "influence" the outcome of the 2020 election. Indeed, the White House became a crime scene while Mr. Trump and his agents used White House premises, equipment, and employees remotely to rally his followers at the Republican National Convention in Charlotte, North Carolina from August 24-August 27; and gratuitously inserted his name on U.S. Treasury checks to COVID beneficiaries to create the appearance that he rather than Congress was the source of the funds. Mark Meadows, Mr. Trump's chief of staff, scoffed at the violations in plain view to *Politico* on August 26: "Nobody outside the Beltway really cares."

The President's constitutional duty to faithfully execute the laws is enshrined in Article II, section 3. It was born of the English Bill of Rights of 1689 which denounced King James II for neglecting to enforce specific statutes enacted by Parliament for ulterior political motives. There is no criminal Hatch Act exemption.

The Biden administration's dereliction in enforcing section 610 was underscored by a June 7, 2023, letter of the U.S. Office of Special Counsel entrusted with civil enforcement responsibilities. The letter found that President Joe Biden's current White House Press Secretary Karine Jean-Pierre had violated the civil prohibition of employing federal office to influence the outcome of an election by derogatory comments about "mega Republican officials" to diminish their electoral standing.

With all due respect, the Press Secretary's Hatch Act verbal stumble, which earned a rebuke from the OSC, pales in comparison to Mr. Trump's turning the White House into an adjunct of the 2020 Republican National Convention in violation of its *criminal* probation without facing any consequences whatsoever.

We concede that Mr. Trump's serial violations of the Hatch Act are lesser priorities than his multiple other charged or suspected crimes, especially insurrection in violation of 18 U.S.C. 2383, by haranguing the Vice President to choose him over the Constitution and by refusing to count state-certified electoral votes as prescribed by the Twelfth Amendment.

The Hatch Act, however, is a cornerstone of our democracy. It prohibits the hijacking of government resources dedicated to all the people to assist a partisan political campaign—an earmark of illegitimate elections that plague autocracies or dictatorships.

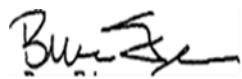
To ignore open and notorious Hatch Act violations completely is a dagger at the rule of law. Justice Louis Brandeis warned in *Olmstead v. United States*, 277 U.S. 438, 485 (1928) (dissenting): "Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

The eminent law professor, Kenneth Culp Davis underscored, in his pathbreaking book *Discretionary Justice*, that prosecutors are dutybound to explain their discretionary prosecutorial decisions because they are virtually immune from judicial review or other institutional checks.

We are enclosing a courtesy copy of *The Incommunicados*. It documents systematic government derelictions in refusing to even acknowledge receipt of, much less respond to, substantive communications or inquiries from citizens, including unacknowledged letters to you—a violation of at least the spirit of the First Amendment right to petition the government for redress of grievances.

We look forward to your response.

Sincerely,



Bruce Fein



Ralph Nader



Lou Fisher