



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

November 13, 2024

Mr. Michael E. Horowitz
Inspector General
Office of the Inspector General
Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Mr. Jeffrey Ragsdale
Counsel
Office of Professional Responsibility
Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Inspector General Horowitz and Mr. Ragsdale,

I write in response to the alarming actions by the Public Integrity Section of the Department of Justice's Criminal Division to interfere with political activities during the 2024 general election to stop the reelection of President Donald Trump.

Specifically, it appears that one or more individuals in Public Integrity misused the powers of that office in the final days of the election to issue a "warning letter" to intimidate and chill private citizens and organizations from campaigning on behalf of President Trump, and then immediately leaked that letter to the news media. I request that the Office of the Inspector General and the Office of Professional Responsibility open an investigation into these events and hold accountable any individuals responsible for any violations of federal law or Department policies.

As you may know, on October 23, 2024—less than two weeks before the election—*The New York Times* reported that the Department's Public Integrity Section sent a "warning letter" to America PAC, an independent political committee principally operated by Elon Musk that advocated in favor of President Trump's candidacy. The letter reportedly informed America PAC that its constitutionally protected political activities may violate federal laws against paying individuals to register to vote, and then threatened the organization with potential criminal investigation and prosecution.¹ Given the limited number of parties involved and the timing, the obvious source of this leak to the news media is one or more individuals in the Public Integrity Section itself.

Public Integrity's actions appear to be in violation of multiple Department policies. At the outset, it is not apparent that the Department allows for its attorneys to issue "warning letters" in this form that opine on the legality of individuals' conduct. But more importantly, the timing and circumstances of the letter strongly suggest that those involved violated the Justice Manual's prohibition against impermissible considerations for Department actions: "[F]ederal prosecutors and agents may never make a decision regarding an investigation or prosecution, or select the

¹ 52 U.S.C. § 10307(c). It bears emphasis that the Department's interpretation of § 10307(c) as applied to America PAC's activities is, at minimum, questionable. The overbreadth of the letter's interpretation only makes Public Integrity's actions in this case more inappropriate.

timing of investigative steps or criminal charges, for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party.”²

Yet that was plainly the case here. The underlying motivation behind this stunt is obvious: employees of President Biden’s Department of Justice wanted to stop an independent political committee from campaigning for President Trump in crucial swing states just prior to election day. It is yet another example in the Department’s troubling recent history of interfering in our country’s democratic electoral process for partisan purposes.³

Writing such a letter and then leaking it also violates the Department’s longstanding policy against the identification of uncharged parties and the disclosure of prejudicial information. The letter acknowledges that America PAC has not been accused of any direct legal violation, and as the Justice Manual makes clear, there is ordinarily “no legitimate government interest served by the government’s public allegation of wrongdoing by an uncharged party.”⁴ Finally, by leaking the letter to the news, Department attorneys failed to comply with Department policy on contacts with the media, among other media policies.⁵

The fact that President Trump overcame this interference and prevailed in the election does not remove the Department’s responsibility to enforce the law against bad actors after the fact. This misuse of government power against President Trump’s campaign—so similar to the Department’s abuses during Watergate—is the reason why the Office of Professional Responsibility and the Federal Election Commission were created in the first place.

Our country cannot allow the Department to be used as a weapon against its perceived political opponents. I urge you to help undertake a thorough investigation, remove bad actors from the Department’s ranks, and hold guilty parties accountable.

Sincerely,



Sean J. Cooksey
Chairman
Federal Election Commission

² Department of Justice, JM 9-27.260.

³ See Office of the Inspector General, U.S. Department of Justice, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (June 14, 2018).

⁴ Department of Justice, JM 9-27.760; 1-7.600.

⁵ Department of Justice, JM 1-7.210.