



BY EMAIL

January 14, 2021

The Honorable Sheldon Whitehouse
United States Senate, Judiciary Committee
Washington, D.C.

Dear Senator Whitehouse:

I am writing to you about the upcoming confirmation hearing of Attorney General nominee Merrick Garland. Questions surrounding the recent mob attack on the Capitol will surely be at the forefront of his hearing because they go to the heart of our democracy. But there is another subject that goes to the same question. I urge you to commit in advance of the hearing to asking Judge Garland what he will do to address gross election interference by both President Donald Trump and Senator Lindsey Graham.

Under federal statute 52 U.S. Code § 20511, it is illegal for anyone to engage in conduct that “knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a [State](#) of a fair and impartially conducted [election](#) process.”

President Trump and Senator Graham should know that tampering with elections is illegal, given how much both men complained about imaginary election “fraud” throughout 2020. Yet, both went out of their way to unlawfully pressure Georgia election officials to change the vote in favor of Trump, reversing the results of a free and fair election.

President Trump attempted to reach Georgia Secretary of State Brad Raffensperger at least 18 times before finally speaking with him in a [recorded conversation](#) on January 2, 2021.

"I just want to find 11,780 votes, which is one more than we have. Because we won the state," Trump told Raffensperger, adding that he could face criminal consequences by refusing to change vote totals as Trump wanted. "There's nothing wrong with saying, you know, um, that you've recalculated."

"Well, Mr. President," Raffensperger responded, "the challenge that you have is the data you have is wrong."

Separately, on November 13, 2021, [Senator Lindsey Graham called Raffensperger](#). Graham urged Raffensperger to look into signature issues on ballots and questioned the legitimacy of ballots. Raffensperger later told CNN that he felt Graham was telling him to “look hard and see how many ballots you could throw out.”

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These examples of election tampering are fresh violations, and they cannot be swept under the rug. The mob attack on the Capitol and the death and destruction that resulted have made clear that the words of our elected officials have consequences. As the world's oldest democracy, our elections also have global importance that directly affect our nation's international influence and diplomacy.

I urge you to ask Judge Garland during his confirmation hearing before the Senate Judiciary Committee on which you currently serve if he will investigate election crimes engaged in by Donald Trump and Senator Graham. Those who broke the law must face the consequences. It will fall to the Department of Justice and the courts to provide that accountability to the fullest extent of the law.

I realize that Senator Graham's place on the Judiciary Committee guarantees an awkward moment if you and others on the Committee ask this question. But it is important to demonstrate that no one is above the law – regardless of their position.

No taxpayer wants to have their money spent on salaries for public officials who engage in illegal conduct. Any notion that we should just "move on" will actually have the opposite effect and enable future election crimes. If we are to restore public faith in our democracy, this step will go a long way to re-establishing the idea that we are a nation of laws *for everyone*.

Thank you for your consideration of this important matter.

Sincerely,

Scott Peterson
Executive Director
Checks and Balances Project