



Law Forward Inc.
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January 26, 2022

BY MAIL & EMAIL

Attorney General Josh Kaul
Wisconsin Department of Justice
17 West Main Street
Madison, WI 53703
kauljl@doj.state.wi.us

Dear Attorney General Kaul:

As you are aware, around noon on December 14, 2020, ten individuals met secretly in the shadows of our Capitol with the aim of defrauding Wisconsin's democracy and hijacking the State's role in choosing the next President of the United States. The actions of these fraudulent electors sought to disregard the votes of nearly 3.3 million Wisconsinites—an all-time record turnout—who participated in the November 2020 election, and they undermined the foundations of our democratic system.

Last Presidents' Day, we collected documentary evidence of the fraudulent electors' actions and sent a letter to Milwaukee County District Attorney John Chisholm, asserting our belief that the fraudulent electors violated a number of Wisconsin felony statutes and asking him to investigate. Last week, Mr. Chisholm wrote back, noting that most of the fraudulent electors reside outside of his jurisdiction and recommending that investigation and prosecution are more appropriately carried out by the Wisconsin Department of Justice and also, to the extent that there are also federal criminal violations at issue, the United States Department of Justice.

Mr. Chisholm clearly shares our view that the fraudulent electors' conduct is antithetical to democracy and likely in violation of several criminal statutes. Had he disagreed with that essential premise, his office would not have commended the matter to your attention and to that of U.S. Attorney General Garland. Moreover, Mr. Chisholm expressly confirmed in conversation that his legal assessment, and that of his office's Public Integrity Unit, is that the conduct of the fraudulent electors merits criminal prosecution.

We respectfully assert that Mr. Chisholm has it only half right. The truth of the matter is that the fraudulent electors' conduct *necessitates* a full investigation and criminal prosecution. The fraudulent electors engaged in a deliberate, premeditated, coordinated effort to defraud the people of Wisconsin, the State of Wisconsin, the United States Congress, and the entire nation. They sought to disrupt America's cherished tradition of peaceful transfers of power. And, to some extent, they succeeded: the fake paperwork they submitted was the necessary predicate for the January 6, 2021 insurrection; had there been no fraudulent elector certificates pending before Congress, there would have been no conceivable demand for protesters to carry to the U.S Capitol and no basis for the violence they unleashed.

We have seen reported, and we appreciate, your recent assertion emphasizing how "critical" it is "that the federal government fully investigates and prosecutes any unlawful actions in furtherance of any seditious conspiracy." We could not agree more. But at the same time, we regard it as equally critical that state and local officials in Wisconsin fully investigate and prosecute those actions that violate Wisconsin law. In our view, the



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fraudulent electors appear to have violated multiple felony provisions of Wisconsin's criminal code, including, but not limited to, forgery (Wis. Stat. § 943.38(1)), false swearing (§ 946.32), falsely assuming to act as a public officer (§ 946.69(2)), simulating legal process (§ 946.68), misconduct while assuming to act in public office (§ 946.12), conspiracy to commit criminal acts (§ 939.31), aiding and abetting criminal activity (§ 939.05), and/or attempts to commit criminal activity (§ 939.32).

Every one of these violations must be investigated and prosecuted to the full extent authorized by law. As you are undoubtedly aware, attacks on the most foundational principles of our democracy have metastasized over the past few years, and over the past two years in particular. Wisconsin is, unfortunately, the epicenter of this profoundly anti-democratic campaign. It must stop. At stake is nothing less than the charge resounding from Abraham Lincoln's words at Gettysburg: ensuring that the American experiment in "government of the people, by the people, for the people ... shall not perish from the earth." If actions designed to destroy democracy continue to go unchecked—if Wisconsin's fraudulent electors are not brought to justice—then the assault against democratic norms and against the rule of law will continue to grow, to intensify, and to get worse.

As Attorney General, you have the power—and the obligation—to investigate and prosecute the fraudulent electors and, in so doing, to communicate clearly that this affront to democracy can never recur. Enclosed here are copies of our correspondence with Mr. Chisholm's office, including all exhibits. We request a meeting with you and your senior criminal division staff before this year's Presidents' Day holiday to discuss this matter further. In the meantime, if there is any additional information that we or our clients can provide to your office about this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Mandell".

Jeffrey A. Mandell

A handwritten signature in black ink, appearing to read "Mel Barnes".

Mel Barnes

LAW FORWARD

Counsel for SEIU Wisconsin State Council, Dorothy Wilder, Angela Russell, Lisa Jacobson, Benjamin Watson, Linda Groves, Mary Blasberg, Leah Huntley, and Musa Ramez

Encl.

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