

# A Couple of Open Memos to Merrick Garland

by [Joseph DeMaio](#), ©2023



(Jul. 23, 2023) — In what some “legal experts” characterize as a “[brilliant move](#),” special counsel Jack Smith – is it just me, or does he remind anyone else of a bearded [Joseph Goebbels...?](#) – is expected to “deploy” an old federal statute in his pursuit of President Trump regarding the events of Jan. 6, 2021.

That statute – [18 U.S.C. § 241](#) – was originally enacted in 1940 as part of the federal government’s crackdown on the Ku Klux Klan. That’s right, Virginia, the same outfit counting at one time as an honored member Democrat Senate Majority Leader Robert Byrd, previously the “Exalted Cyclops” of the Sophia, West Virginia KKK Chapter. Byrd, of course, was praised and eulogized at his funeral as being a “mentor,” “[guide](#)” and “[friend](#)” by Bozo [Brandon](#). Same guy.

But I digress.

The federal statute at issue criminalizes conspiracies to “injure, oppress, threaten or intimidate” any person in the “free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States....” Inferentially included thereto is the principle that the “exercise or enjoyment” be fully and truthfully “informed.”

In a press release issued by the Department of “Justice” [*sic*] back in March, it was [announced](#) that a conviction had been secured under that law against one Douglass

Mackey for “fraudulent representations” he had made on social media platforms and other internet sites.

Those acts, according to the DOJ press release, fell within the statutory criminal prohibitions and constituted “election interference in [the] 2016 presidential race” and which attempted to “suppress [the] vote [for Hillary Clinton] through [a] social media disinformation campaign.”

**Public Statement on the Hunter Biden Emails**

October 19, 2020

We are all individuals who devoted significant portions of our lives to national security. Some of us served in senior positions in policy departments and agencies, and some of us served in senior positions in the Intelligence Community. Some of us were political appointees, and some were career officials. Many of us worked for presidents of both political parties.

We are all also individuals who see Russia as one of our nation's primary adversaries. All of us have an understanding of the wide range of Russian overt and covert activities that undermine US national security, with some of us knowing Russian behavior intimately, as we worked to defend our nation against it for a career. A few of us worked against Russian information operations in the United States in the last several years.

Perhaps most important, each of us believes deeply that American citizens should determine the outcome of elections, not foreign governments. All of us agree with the founding fathers' concern about the damage that foreign interference in our politics can do to our democracy.

<https://www.politico.com/f/?id=00000175-4393-d7aa-af77-579f9b330000>

Open memo to U.S. Attorney General Merrick Garland: how does the Mackey matter differ from the 2020 election interference perpetrated by 51 U.S. intelligence officials as reported [here](#)? To refresh your memory, those officials jointly [signed](#) an October 19, 2020 “Public Statement on the Hunter Biden Emails” characterizing the emails and the laptop as seemingly suspicious “Russian disinformation.”

Cynically, the document even asserts that all those signing it “agree with the founding fathers’ concern about the damage that foreign interference in our politics can do to our democracy.” They had the actual nerve to invoke the Founders’ legitimate concerns about foreign influence and interference while they go about undermining and condoning the censoring of the electorate’s right to be fully and truthfully informed before casting their votes? ***Seriously?***

The document, of course, is littered with caveats and disclaimers that they “don’t know if the emails are genuine or not” and that “we do not have evidence of Russian involvement...” Recall that “plausible deniability” is a shopworn phrase utilized by both political parties over the years. Included in the document is this nugget: “If we are right, this is Russia trying to influence how Americans vote in this election, and *we believe strongly that Americans need to be aware of this.*”

One wonders where their concerns were regarding the efforts of their own agencies seeking to conscript social media platforms to censor and preclude “awareness” of *The*

*New York Post*'s efforts to inform the voters that maybe, just *maybe* there was another conclusion to be reached, *i.e.*, that no "Russian disinformation" existed and that the emails and other contents of the laptop were, in fact, authentic.

As noted [here](#), fully 17% of persons who voted for Brandon would not have done so had they known of the matters exposed by *The New York Post*, but which had been hidden by the censorship whirlpool preceding the 2020 general election.

Moreover, at least one signatory – Douglas Wise, a former Defense Intelligence Agency Deputy Director – has admitted that he knew most of the laptop emails were genuine and not "Russian disinfo," but [signed on anyway](#).

[Signatories](#) to the statement included former CIA Director John Brennan, former National Intelligence Director James Clapper and former CIA Director and Chief of Staff to Hillary's (and Monica's) Hunk, Leon Panetta.

Open memo #2 to Garland: now that the world knows the truth about the laptop, when, exactly, will you be instructing your attorneys to seek indictments under 18 U.S.C. § 241 against one or more of the individuals who signed the "Public Statement?" They signed and allowed publication on social media platforms and elsewhere – after all, the document is captioned a "public statement" – the disinformation that the laptop was, purportedly, a Russian plot. In addition to Douglas Wise, some perhaps knew that it was *not* Russian disinformation, thereby intentionally interfering with the 2020 general election in order to bolster Bozo Brandon's candidacy and suppress votes for President Trump..., not to mention shielding him from the corruption simmering like a poisonous stew in every crevice of the laptop.

A trial (or trials) after the indictments might reveal whether any of the other signatories besides Wise knew that the laptop was not, in fact – and aside from plausible deniability excuses – a Russian election interference or disinformation operation. Maybe you could do a plea deal or two or perhaps immunize a witness or two to discover who else *other* than Wise might have signed knowing the laptop contents were, in reality, authentic.



The screenshot displays the Department of Justice website. On the left is the official seal of the Department of Justice, featuring an eagle with wings spread, perched on a shield, with the words 'DEPARTMENT OF JUSTICE' and 'QUI PRO DOMINA JUSTITIA SEQUITUR' around it. To the right of the seal, the text reads:

### Our Mission

The mission of the Department of Justice is to uphold the rule of law, to keep our country safe, and to protect civil rights.

### Our Values

- ★ Independence and impartiality. We work each day to earn the public's trust by following the facts and the law wherever they may lead, without prejudice or improper influence.
- ★ Honesty and integrity. Our employees adhere to the highest standards of ethical behavior; mindful that, as public servants, we must work to earn the trust of, and inspire confidence in, the public we serve.
- ★ Respect. Our employees value differences in people and in ideas; and treat everyone with fairness, dignity, and compassion.
- ★ Excellence. We work every day to provide the highest levels of service to the American people and to be a responsible steward of the taxpayers' dollars.

A small blue button with the word 'TOP' and an upward-pointing arrow is located at the bottom right of the page.

<https://www.justice.gov/>

Remember, the motto of your agency is “Qui Pro Domina Justitia Sequitur: Who Prosecutes on behalf of Justice.” After all, are we not talking here about “bringing to justice” all those – like Mr. Mackey – who would threaten a voter’s “free exercise or enjoyment of...” the right to vote?

Or are you just stalling until the statute of limitations expires?

I’ll wait.