

DUNCAN L. HUNTER.

November 22, 2020

To: President Donald J. Trump, attn: Jared Kushner, Rudy Giuliani

From: Duncan L. Hunter, Sr.

Re: Why my son, Duncan and his wife Margaret should receive a Pardon, following the political "hit Job" that the Clinton Partisans in the Prosecutor's office brought on them

Dear Mr. President,

First, in this Thanksgiving season, Lynne and I send our heartfelt thanks for your tremendous stewardship of our Nation. We especially ask God to be with your family and to cover them with a mantle of peace and security.

Mr. President, we are asking for a Pardon of one of your strongest warriors (and his wife Margaret) ,our beloved son, Duncan, a fearless fighter for right, and a man of "Firsts" — one of the first young men after 9-11 to quit his job, join the Marines and volunteer for combat — and the first U.S. Representative to endorse your candidacy for President and to support strongly your program to create a prosperous America, rebuild our military, build the border wall and stand up to China.

I will describe how two U.S. Attorneys, Alana Robinson and Emily Allen, after attending Hillary Clinton's fund-raiser illicitly, upon Robinson becoming interim U.S. Attorney, raided Duncan's home, office, and campaign, within weeks of your inauguration, and lied to avoid recusal.

But first, Mr. President, please allow me to lead off by citing the former Chairman of the Federal Election Commission (FEC) Bradley Smith's letter to you, after he examined Duncan's case. (Letter attached)

Former FEC Chairman Smith points out that the criminal prosecution should never have taken place, but rather the FEC should have handled it with civil sanctions only (if any sanctions at all):

"The U.S. Attorney's decision to prosecute Congressman Hunter and Margaret Hunter is outside the norm of campaign finance law; it contradicts the broad intent of FECA; and it raises the specter of political prosecutions that the Act was designed to avoid, eschewing criminal prosecution in all but the most extreme cases."

Former FEC Chairman Bradley Smith continues:

"This matter would normally be handled through civil enforcement, and voters would then decide the future of the officeholder should he decide to run again. It should not have been necessary to tar the reputation of a former marine with a criminal conviction, and separate him from his family again, this time with a prison term." (Former FEC Chairman Bradley A. Smith). (Duncan is sentenced to 11 months in prison, starting January 3, 2021) (Margaret is undergoing 11 months home arrest at this time)

Please read Former FEC Chairman Bradley Smith's letter. He reviews several of Duncan and Margaret's "crimes" in the indictment, like running in the Marine Corps Marathon

and going to donor's weddings. Former Chairman Smith then explains why these "criminal" charges and dozens of others aren't crimes at all, but rather, normal, allowable campaign expenditures, that would not have raised an eyebrow at the FEC. He cites similar cases Handled by the FEC which were dismissed.

Why would the prosecutors ignore basic FEC rules and create "crimes" out of thin air?

The answer, Mr. President, is given in the short report from JUDICIAL WATCH titled: 'PROSECUTORIAL MISCONDUCT, CLINTON CONNECTION IN DUNCAN HUNTER CASE. It follows this letter and Former Chairman Bradley's letter.

The report chronicles how the lead prosecutors attended Hillary Clinton's fund-raiser, without paying, on tax-payer time (in violation of the Hatch Act and DOJ guidelines) and when caught, avoiding recusal, offered the alibi that they were "on official business" advising the Secret Service at Hillary's event in case a donor caused a disturbance.

Their lie was exposed by JUDICIAL WATCH's FOIA lawsuit, which revealed e-mails reflecting two enthusiastic Clinton supporters with no mention of "official business".

Take a look at the FOIA'd e-mails, extracted by JUDICIAL WATCH after Duncan and Margaret had plead out. Justice withheld them for 11/2 years. The full e-mail exchange:

"Would you be interested in a picture with FFL Hillary Clinton on Friday? The time Would be in the morning in La Jolla (sent 8/4/15, 10:34a)

" Thanks for the heads-up. Yes I'm interested. What's the time/details? (8/4/15 11:14a)

"It will be in La Jolla. Estimated times are 9a-11a. I'll hit you up with more details in the next couple of day. Let me know if this works and I'll put you on the list. (8/4/15, 1120a)

"Yep, that works. Thanks." (8/4/15, 11:20)

"All, Here is the info for your photo with HRC on Friday 8/7/15. Please meet me at 0900 hours, Friday morning in La Jolla. You can park on (redacted) and walk to the residence. Please don't park on (redacted). You do not need to bring anything to the site. I will meet you outside the door to the residence and lead you inside to the photo-op room. If you have questions/issues please feel free to call/e-mail me. I look forward to seeing you on Friday". (8/5/15/, 9:26p)

"Thanks, looking forward to it. I'll see you tomorrow at 9:00 (8/6/15, 2:51p).

"Great, see you then." (8/6/15, 3:05p)

"Thank you so much for the invitation to this morning's event! I was blown away by your incredible hospitality and can't thank you enough for allowing us to crash that fabulous party. It was really a memorable morning." (8/7/15, 4:17p)

"You totally downplayed that amazing invitation! I had no idea that it would be so spectacular. I didn't even realize we would be invited in! I'm so grateful for the invitation. Thank you. (8/7/15, 4:24p)

"I'm so glad you had fun. See you in a week." (6/7/15) END e-mails.

Mr. President, these e-mails are significant because they demonstrate that Duncan's prosecutors were Clinton supporters. When Duncan asked DOJ to recuse them from

the case, DOJ answered, having adopted their alibi that they attended the Clinton fundraiser, ..."not as Clinton supporters, but in their official capacity" (DOJ letter attached) Thus, the Clinton partisans refused to be recused as prosecutors, irretrievably tainting the case. Under DOJ guidelines, they should have been recused. If they hadn't lied they would have been recused.

Now it is clear why Duncan's and Margaret's prosecutors charged running in the Marine Corps Marathon and attending weddings as "crimes". Clearly, they should have been recused and a fair prosecutor would have deferred the case to the FEC, since no taxpayer money or allegation of abuse of official office was involved.

Duncan's early endorsement of you, his strong criticism of Hillary Clinton and the anti-Clinton commercials I narrated for the "battleground" states in 2016 were not lost on the Clinton partisans.

The partisanship of the tainted prosecution was also displayed in the indictment of Duncan and Margaret on the eve of the 2018 election.

The Clinton partisans indicted Duncan and Margaret on August 21, 2018, only 76 days before his election, violating the DOJ policy, (promulgated during the Clinton administration) of not indicting candidates within a 90 day period preceding the election. The prosecutors knew that such a "late hit" almost always guarantees political defeat. They also knew that their Democrat team was standing by with millions in negative TV advertising once the indictment hit the street. Only by the grace of God was Duncan able to withstand the onslaught and win. Mr. President, your supportive tweet criticizing the DOJ for allowing the "late Hit" on Duncan was appreciated.

Mr. President, please look at how Former FEC Chairman Smith simply takes apart by common sense analysis the biased indictment of Duncan and Margaret:

"Thus, consistency, the need to avoid partisan prosecutions or the appearance of partisan prosecutions and the Act's (FECA) emphasis on conciliation and voluntary resolution rather than fines and penalties, all strongly advise against DOJ prosecutions of all but the most extreme cases. "All violations of the Federal Election Campaign Act...even those committed knowingly and willfully may not be proper subjects for prosecution as crimes." Former FEC Chairman Bradley A. Smith. He continues:

"Turning to Congressman Hunter's case, the DOJ indictment listed as allegations of personal use a number of claims that, it would appear to me clearly be permissible under FEC regulations and past rulings. For example, the indictment claims that expenditures of \$3,754.73 incurred in October, 2011 for the Congressman and his family to fly to Washington D.C. area where the Congressman (and his wife) ran in the Marine Corps Marathon, were a personal use "vacation". In my opinion, had this matter been brought before the FEC, this trip would have been seen as a valid campaign expenditure—his status as a former Marine, fighting in Afghanistan and Iraq, was an important part of his biography and his campaign image, and other Marine alumni would be a likely source of financial support for future campaigns. Beyond being a worthy cause and gaining good will for the candidate among likely supporters, this is simply a classic "photo op", almost certainly worth more than \$3800. And as noted above, once the event is recognized as a campaign event, it is usually allowable for the campaigns to pay expenses for spouses and minor children to travel to the event."

Former FEC Chairman Bradley A. Smith

Former FEC Chairman Smith goes on to analyze another trip prosecuted as a "vacation" ...traveling to Idaho to a donor's wedding. Smith points out that FEC records reflect that Idaho was a significant source of funds for Hunter's campaign. He points out that 14 months earlier, Democratic Congressman Rob Andrews had a similar case which was dismissed by the FEC. He concludes:

"Thus it appears highly likely that in civil enforcement before the agency with primary enforcement responsibilities for the FECA, Congressman Hunter's decision to attend a wedding of a campaign supporter in Boise would not even have triggered a civil investigation, let alone a possible criminal violation and there is little reason that Congressman Hunter or his staff would have expected it to be considered personal use." Former FEC Chairman Bradley A Smith

Former Chairman Smith further notes that 40 of the Hunter "overt acts", meals and golf games with proven contributors are allowed under FECA:

"As a general rule, it is not a violation of FECA or FEC regulations to pay for meals or entertainment with campaign contributors", he writes.

Mr. President, the major "overt act", that the Clinton partisans list Duncan as having "Committed" in his plea is the taking to dinner in a Washington D.C. restaurant two contributors and two Congressional colleagues (who sponsored a lot of his legislation). Totally legal and appropriate expenditure of campaign money.

Once again the Clinton partisans charged him with "criminal acts" that throw so broad a "loop" that they would ensnare every member of Congress if they were crimes, which they are not.

The prosecution was tainted from the start by the refusal to recuse the demonstrably biased prosecutors. Every American deserves even-handed, un-biased treatment from the Justice Department. Unbiased prosecutors would not have prosecuted the "non-crimes" that Former FEC Chairman Bradley dissects. They would have rightfully deferred to the FEC to handle questionable expenditures under civil jurisdiction.

Former FEC Chairman Smith also notes that Hunter's audit in 2016 of his own campaign was followed by a reimbursement of all expenditures that were even questionable. This occurred two years before the indictment, with Hunter giving the results to the voters before the 2016 election, and they re-elected him.

Now, please allow me to talk about what a wonderful U.S. Representative Duncan was.

After his service in Iraq and Afghanistan, Duncan went into land development with his uncle in Idaho. Then, I called him to help me in my ill-fated run in the Presidential Primary in 2008. Rudy if you are reading this letter, you may remember me, usually posted on the far side of Huckabee where we waited for the occasional question to be thrown our way in the first five debates. The good news was that when I dropped out, Duncan ran for and won a San Diego congressional seat.

No one ever served America better, especially our folks in uniform.

When Green Beret SFC Charles Martland was being kicked out of the Army after he confronted and beat up an Afghan village chief who was raping little boys, he asked Duncan for help. Duncan hammered the Army brass until they reversed course. SFC

Martland serves today and has named one of his sons after Duncan and the other after Pat Tillman. Mr. President and Jared, SFC Martland's letter to you is included in this packet. It is heart-warming.

When Eddie Gallagher was in his most difficult days, in the words of his wife Andrea, "Almost every congressman took a knee except Duncan Hunter, who stood up." Eddie and Andrea's letter to you Mr. President is included in this packet.

One last story. You may recall when, during the Capitol Art Contest, a picture was hung in the halls of Congress depicting policemen as pigs shooting unarmed citizens. For several weeks Four hundred and thirty four representatives passed the picture, "deploring" it. Duncan took it down, returning it to the Congressional office that sponsored it. The Capitol Hill policemen and law enforcement officers across the country sent in their thanks. The liberals held press conferences attacking him. Once more he had been truly representative of the American people.

Mr. President, the final say on Duncan's and Margaret's case is in your hands. It has so far been a case without justice. You possess the last measure of justice...a pardon.

The three Hunter Grandchildren and Lynne and I would have a truly joyous Thanksgiving if it was blessed with a Pardon.

Sincerely,



Duncan L. Hunter.

November 22, 2020