

Congress of the United States
Washington, DC 20515

January 4, 2021

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Director Wray,

The President of the United States, in an approximately one-hour long phone call, threatened and berated Georgia Secretary of State Brad Raffensperger to “find 11,780 votes” to overturn the President’s defeat in the state. Mr. Trump also made a number of other statements soliciting election fraud, such as telling Mr. Raffensperger: “And there’s nothing wrong with saying, you know, um, that you’ve recalculated.” The recording of that phone conversation has been publicly released. As Members of Congress and former prosecutors, we believe Donald Trump engaged in solicitation of, or conspiracy to commit, a number of election crimes. We ask you to open an immediate criminal investigation into the President.

Under 52 U.S.C. § 20511, it is a crime for, “A person, including an election official, who in any election for Federal office ... knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by ... the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held.” In this case Mr. Trump, for purposes of a federal election, solicited Secretary of State Raffensperger to procure ballots that are known to be false by threatening him to “find 11,780 votes.”

Under 52 U.S.C. § 10307(a), “No person acting under color of law shall ... willfully fail or refuse to tabulate, count, and report such person’s vote.” During the phone conversation, Mr. Trump, under color of law, solicited Secretary of State Raffensperger to re-tabulate or “recalculate” the votes, which would have deprived Georgia voters of the accurate count of their votes.

Under Georgia Code § 21-2-604(a)(1), “A person commits the offense of criminal solicitation to commit election fraud in the first degree when, with intent that another person engage in conduct constituting a felony under this article, he or she solicits, requests, commands, importunes, or otherwise attempts to cause the other person to engage in such conduct.” Here, Mr. Trump solicited Secretary of State Raffensperger to engage in election fraud by requesting that he “find 11,780 votes” and “recalculate” legitimately cast votes and engage in a number of other fraudulent actions. We request that if you believe Mr. Trump also violated state criminal law, that you refer the state violations to the Georgia Attorney General or the appropriate district attorney in Georgia.

The evidence of election fraud by Mr. Trump is now in broad daylight. The *prima facie* elements of the above crimes have been met. Given the more than ample factual predicate, we are making a criminal referral to you to open an investigation into Mr. Trump. Thank you for your attention to this urgent request.

Sincerely,



Ted W. Lieu
Member of Congress



Kathleen M. Rice
Member of Congress