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Via Hand Delivery, Email, and Federal Express

December 21, 2017

URGENT]
FOR IMMEDIATE CONSIDERATION

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-0001

Re: Gross Prosecutorial Misconduct and Non-Meritorious Charges Against Cliven Bundy Which Now Require Dismissal of All Criminal Charges, An Ethics Investigation, And The Termination and Prosecution of Department Prosecutors.

Dear Jeff:

As you know, shortly after your confirmation as attorney general early this year, we spoke by phone. During our conversation, I requested that you review the criminal prosecution of my client Cliven Bundy and by extension his sons Ryan, Ammon, Dave, and Mel, as well as the other defendants. I explained that this prosecution was unwarranted, it apparently having been forced on former Attorney General Loretta Lynch by former President Barack Obama and then Senate Majority Leader Harry Reid. The latter had defamed the Bundy family as “domestic terrorists” after they and their supporters waged a successful peaceful armed protest, as a result of Bureau of Land Management (“BLM”) agents, many of whom were paid mercenaries and snipers, invaded Bunkerville with the intent and purpose of seizing their cattle, denying them their grazing and water rights, and thus forcing the Bundys off the land which they had ranched for around 150 years.

I added that it appeared to me and many others that the prosecution was political in nature, since it had not only been reported that Harry Reid and his son Rory, a Las Vegas lawyer, were attempting to arrange an “under the table deal” to sell the land to Chinese environmental interests. In addition, after the successful standoff, provoked by BLM armed agents who had threatened the lives of the Bundy family, violently assaulted Cliven’s sister, Margaret, tased and attacked two of his sons, viciously kicked and harmed the family dog and killed dozens of the bulls in the ranch’s herd, it became apparent that President Obama, as he revealed at the White House Correspondents’ Dinner a few weeks later, was offended when Cliven had equated his family’s treatment to the “Negro in the old South.” See Obama video at www.clivenbundydefensefund.org.

I thus asked that you undertake a neutral, unbiased review of the case to determine if it warranted continued prosecution. You promised to me that you would undertake this review, but would of course have to consult with the Acting U.S. Attorney in Las Vegas, Steven Myhre, and well as me. I responded that this was understood.

However, after you made this commitment to me, and had agreed that we could meet at some later time, you reneged on your commitment. Despite my many attempts to schedule a meeting with you through your “scheduler,” Eriq, you avoided me. Instead, at a press conference concerning your sanctuary cities policies, while you were at the Office of the U.S. Attorney in Las Vegas, you praised the courage of the Acting U.S. Attorney and the Assistant U.S. Attorneys assigned to the case, and then added, incredulously, that nevertheless “I am not taking sides.”

Your inaction and acquiescence to this prosecution has now come back to tarnish not just the reputation Steven Myhre and his staff, but your office. As you may know – and I am not confident that all of the facts have been provided to you by Steven Myhre – after the trial began last October, testimony forced from BLM and FBI agents on the witness stand revealed that crucial exculpatory evidence, called by criminal defense lawyers “Brady material” – evidence which would go to show Cliven’s and the other defendants innocence – had been shredded, hidden and secreted. It was later learned that Myhre and his prosecutors in particular intentionally suppressed this Brady material.

In the last week, through an ethically troubled BLM whistleblower who came forward as a matter of conscience, Larry “Clint” Wooten, it was also disclosed that BLM and the FBI had put the Bundys on a “kill list,” mocked and disparaged their Mormon faith, and bragged about assaulting and waging a violent invasion of their land, as well as harming them. To make matters ethically and legally worse, Myhre and his staff also suppressed this whistleblower report documenting BLM and FBI gross misconduct and indeed criminal behavior.

(<https://www.wsj.com/articles/federal-agents-provoked-nevada-rancher-standoff-memo-says-1513542461>). In short, your prosecutors in Nevada not just condoned the hiding and destruction of evidence that could lead to my client’s acquittal, but they themselves engaged in obstruction of justice through a cover-up. Importantly, Myhre and his staff committed crimes in furtherance of attempting to falsely convict Cliven Bundy. Incredibly, if convicted on all counts, Cliven and his sons would be sentenced to mandatory life imprisonment.

This gross prosecutorial conduct prompted me to file complaints with the Justice Department’s Office of Professional Responsibility (“OPR”) and the Inspector General (“IG”), which are encharged to investigate and remedy unethical and otherwise illegal conduct by your employees. When OPR and IG refused to even acknowledge the receipt of my complaint, I was forced to file suit in federal court. To try to settle the case, I suggested to the Department lawyer, Daniel Schaefer, defending the complaint, that we agree that OPR and IG simply agree to investigate this unethical and illegal conduct. However, AUSA Schaefer refused and the judge, an Obama appointee, then refused to order the investigation. The transcript of my hearing last Tuesday before this judge, Rudolph Contreras, can be found, along with the full sordid history of this flawed and criminally tainted political prosecution, at www.clivenbundydefensefund.org.

Last Thursday, the federal judge, Gloria Navarro, in Las Vegas presiding over the trial, also an Obama appointee (who had been recommended by Harry Reid to Obama), was forced to declare a mistrial because of this unethical and gross prosecutorial misconduct by Myhre and his staff, as well as involved BLM and FBI agents. Given her partisanship, Judge Navarro, who had been sarcastically described by the neutral Las Vegas Review Journal as being a “friend of the prosecution,” since she previously had shown great bias in favor of Myhre and his staff during previous related cases, refused to dismiss the indictment but instead predictably decided to retry Cliven, his sons, and the other defendants. Importantly, she did, however, find that the prosecutorial misconduct of Myhre and his staff was “willfull.”

As you know and should appreciate as a former U.S. Attorney in Mobile, Alabama, the level of unethical gross prosecutorial conduct revealed in the last weeks should have warranted an outright dismissal, with prejudice, of the indictments. The only reason, in my opinion, that Judge Navarro did not so rule, is because as a Harry Reid and Obama “protégé,” her political bias and allegiance to them could not bring her to take this required action.

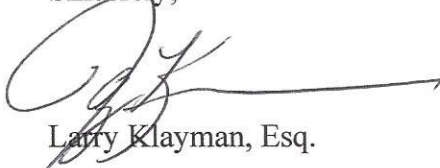
Cliven and his sons, who have been and were unjustly imprisoned for over two years by this judge, were also denied their speedy trial rights. And to make matters considerably worse, Cliven was also denied his right to counsel, meaning me, as Navarro had denied my *pro hac vice* application to enter the case on his behalf as an out of state counsel. Outrageously, “your” Justice Department opposed my entry *pro hac vice* as well. While I have been active in other important capacities, I am still appealing this decision to exclude me as counsel of record. This violation of Sixth Amendment rights, coupled with the manifest other constitutional violations of due process and equal protection under the law, urgently require that you now conduct the review which you committed to do and order Myhre to withdraw the charges.

In addition, it is incumbent that you also direct the Department’s OPR and the IG to now conduct an ethics investigation and mete out appropriate strong disciplinary sanctions against Myhre and his staff, as well as the involved complicit FBI agents. It is hoped that after a thorough investigation, that you will fire and thus prevent them from doing further harm to not just the Bundys, but also the public at large. They also should be prosecuted for obstruction of justice, as they are not above the law.

Jeff, in the interests of justice, much less fundamental fairness, it is now incumbent that you do your job. To put it bluntly, the time has come to “take sides.” This travesty must end now. And, you have a duty to restore the integrity of the Department, of which I, like you, am a proud alumnus.

I look forward to your finally taking this "corrupt bull of an unjust prosecution by the horns" (no pun intended), before further deprivation of constitutional rights and more severe damage damage is done to my client, Cliven Bundy, his sons, as well as the other defendants.

Sincerely,

A handwritten signature in dark ink, appearing to be "L. Klayman", with a long horizontal flourish extending to the right.

Larry Klayman, Esq.

Counsel for Cliven Bundy

cc: Counselor to the Attorney General Brian Morrissey