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August 27, 2021

Carolyn B. Maloney
House of Representatives
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Your Untitled Letter dated August 22, 2021

Thank you again for your untitled letter dated August 22, 2021 addressed to Douglas Logan (the “Letter”).

I would again note that the Letter was immediately sent to media outlets, at the same time (if not before) it was sent to me. I was contacted early Monday morning by media before I even saw your Letter (which was emailed late on a Sunday night, and demanded additional productions of some kind by this Friday). In my experience, there are few things that are more “obstructive” to a genuine investigation than immediately telegraphing every request to public media; and so the fact that you continue to do this is concerning.

Like the first letter concerning this matter, this Letter is again not short on the use of inflammatory language and political posturing—to the point that, on first reading, I could not determine exactly what it is that you are actually still requesting from Cyber Ninjas, Inc. (“CNI”). My best guess is the following paragraph:

Cyber Ninjas failed to produce key documents responsive to the Committee’s requests, including the company’s communications with former President Trump, his allies and advisors, and the partisan dark money groups that financed this audit. Cyber Ninjas also declined to produce communications related to the company’s engagement by the Arizona State Senate and the various conspiracy theories that reportedly have been considered by you and your company in connection with the 2020 election.



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In order to try to respond to this request, we have no choice but to set aside the hopelessly partisan and/or vague language being used (“various conspiracy theories,” “partisan dark money groups,” etc.); and we are willing to liberally construe this as a request for:

(1) CNI’s communications with President Trump. (His “allies and advisers” is vague and overbroad, aside from the apparent First Amendment issues discussed below. Arguably every Democratic member of this committee is an “ally” or “advisor” to President Biden, for example. CNI has no objective way of determining whether someone qualifies as an “ally” or “advisor” to President Trump; and demanding that CNI apply some kind political litmus test to every person that has ever communicated with its “employees, consultants, agents, volunteers, or representatives” is not only unseemly from a First Amendment perspective, but also impracticable.) CNI has no communications with President Trump, and Douglas Logan has never communicated with Donald Trump.

(2) CNI’s communications with the Senate related to CNI’s engagement. The Senate is a public body, and I expect that these communications are among the many documents concerning the audit that have been publicly disclosed by the Senate at the following link (please let us know if you cannot find them):

<https://statecraftlaw.app.box.com/v/senateauditpublicreadingroom/folder/138506536893>

I will reiterate that the apparent purpose behind request #6 of your original July 14th letter – which we assume was to know more about the findings and conclusions of CNI’s investigation – should be answered when CNI’s investigation is concluded and it has made its report to the Arizona Senate.

Your original request #9 remains overly intrusive and raises genuine First Amendment issues, *inter alia*. The list of persons is clearly a list of right-leaning political figures and donors, and the request is not even limited to just communications regarding the audit. A Democratic committee using taxpayer money to demand and target private communications with right-leaning politicians/persons reeks of the government illegally targeting people based on the content of their speech.



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As an aside, we are also disturbed by the position that this Committee takes with respect to attorney-client privilege—something that every member of the Bar, and every law-school student, is taught to be sacred and deserving of the utmost respect. For this Committee to make it a point of pride to say that it believes that it can ignore and destroy this privilege is unsettling.

Further, while we have been happy to voluntarily to respond to your letters, this Committee is far outside of its proper legislative jurisdiction. Federal elections, and the purported goal of safeguarding them, do not fall within this Committee's legislative jurisdiction. *See* Rules of the House, Rule X.1(h)(1)-(12).

Finally, we encourage your staff to review the numerous documents that have been publicly disclosed with respect to this audit, and which continue to be updated, at the link given above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John D. Wilenchik', with a long, sweeping horizontal line extending to the right.

John "Jack" D. Wilenchik, Esq.