

From:

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To:

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Subject:

Complaint Against Andrew Lelling: Addendum

COMPLAINT AGAINST ANDREW LELLING: ADDENDUM

On Jun 5 2019, I filed with you a Complaint against Andrew Lelling. This letter comprises an **Addendum** to that Complaint, regarding the applicability of 18 USC §1519 (cited at Complaint ¶2).¹

18 USC §1001

Specifically: At Complaint ¶2 f4(ii), I stated/explained that §1519 applies to “the functioning of the entirety of all three branches of the federal government as a whole” (especially, encompassing the Judicial branch). While I do still believe that to be correct, I have subsequently learned that §1519’s applicability *may* be mildly questioned by some

1 • Note that *even if* §1519 were to be deemed inapplicable, §1503 (also invoked at Complaint ¶2) does still remain applicable.

(e.g., in the grand jury context). Namely, according to the U.S. Congressional Research Service's study of Obstruction of Justice:²

Section 1519's language might suggest that it only reaches executive branch investigations and does not extend to congressional investigations or judicial investigations such as those conducted by a federal grand jury. The question whether §1519 applies to congressional and grand jury investigations might be the subject of some disagreement.

At one time, the general federal false statement statute forbid false statements in "any matter within the jurisdiction of any department or agency of the United States," 18 U.S.C. 1001 (1994 ed.). There, the phrase "any department or agency of the United States" referred only to executive branch entities, the Supreme Court said; it did not refer to judicial entities nor by implication to congressional entities.⁴⁰⁵ Congress then amended §1001 to cover false statements "in any matter within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States," a turn of phrase Congress elected not to use in §1519.

Therefore, I hereby now *additionally* invoke §1001 (which does close any potential gap in my reasoning, as just noted):

18 USC §1001(a) — [W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully — (1) **falsifies, conceals, or **covers up** by **any** trick, scheme, or device a **material fact**; (2) makes **any materially false**, fictitious, or fraudulent **statement or representation**; or (3) **makes** or uses **any false writing or document** ... [is guilty of offense.]**

VERIFICATION; SIGNATURE

Signed under the pains and penalties of perjury:



Walter Tuvell

2 • *Obstruction of Justice: An Overview of Some of the Federal Statutes That Prohibit Interference with Judicial, Executive, or Legislative Activities*, Apr 17 2014 (https://www.everycrsreport.com/files/20140417_RL34303_973ef2baff5614f5700a99adf29dd22872e660f0.pdf), at ¶63.