

My name is Jonathan Fahey, and I am a partner at the law firm of Holtzman Vogel. I have spent most of my 25 years practicing law as a prosecutor, both at the state and federal level.

During this time, I had the opportunity to work with numerous hardworking men and women who served as prosecutors and law enforcement officials. Because of my experiences, I have tremendous respect for the men and women of law enforcement and appreciate the sacrifices they make on a daily basis which often go unnoticed. By and large, I have found both state and local law enforcement officers to adhere to the highest professional and ethical standards while having an unwavering commitment to justice and public safety.

My work with fellow prosecutors was similar. I worked with some of the finest attorneys and worked on big and small cases. While working side by side with fellow prosecutors, I did not see politics playing a role in decision-making and usually did not even know the political leanings of my colleagues. As an Assistant United States Attorney under Presidents Bush (43), Obama, and Trump, this did not change even when Departmental policies shifted.

As a prosecutor, I was extremely proud of the work that I did and the way I did it. I am grateful for the opportunity I had to represent the United States in court and advocating on behalf of crime victims. I also gained amazing professional experiences and made many friends, including law enforcement officers, fellow prosecutors, defense attorneys, and courtroom staff. It is an experience that I would not trade for anything and encourage others to seek out. One of the most important things I learned from being a prosecutor is the tremendous responsibility that comes with every decision that you make and how many people are affected by those decisions.

Sadly, the last administration fundamentally changed the prosecutor's role with respect to the administration of justice. The prosecutor role, which has been traditionally local in nature and responsive to the public safety issues in each district—was mobilized in pursuit of a progressive agenda in the last administration. This manifested in the form of pursuing cases to advance a political agenda at the expense of public safety. This has led to a severe distrust in the criminal justice system, low morale for law enforcement officers, and worst of all, the community becoming less safe as American citizens were victimized by crimes while the Department of Justice was more interested in political matters.

One of the most egregious examples was the 2021 investigation into the supposed increased threats involving school boards. This came during the fall of 2021 when the most important and hotly contested political campaign was the Virginia Governor's race with educational issues related to COVID protocols and curriculum being the most critical issue. Throughout the country, these issues were hotly debated, often pitting the teachers' unions and school boards on the opposite side of concerned parents.

In response to a supposed increase in threats, the Attorney General ordered the creation of a taskforce consisting of the Criminal Division, Civil Rights Division, the National Security Division, the Executive Office of U.S. Attorneys, the FBI, the Community Relations Service, and Office of Justice Programs. He also ordered US Attorneys to convene meetings with local officials to supposedly learn more about the threats within 30 days of his memo which coincided with the elections. At the end of it all, and despite massive federal resources and attention, there were no federal prosecutions brought as a result. However, the harm to individuals and the system was profound. The specter of large-scale government persecution and overreach, including from the National Security Division, frightened and intimidated parents who had spoken out on important education issues.

Another example in which the prior administration prioritized politics over public safety and rule of law was the refusal to charge protesters, or even condemn their actions, when abortion rights activists protested outside of conservative Supreme Court Justices' homes in advance of the release of the previously leaked *Dobbs* decision, in violation of 18 USC 1507. This law serves as a safeguard to allow jurors and judges to reach decisions free from intimidation. Not only were the protestors not charged, while the White House and Attorney General Garland tacitly condoned their conduct. At one point the Attorney General even suggested that the U.S. Marshals were to blame for failing to bring criminal charges.

The final matter that I want to mention is the January 6th prosecutions. These spanned the entire Biden presidency and resulted in over 1,500 people being charged. While most people agree that it was appropriate to charge those who were engaged in violent acts against police or involved in the destruction of property, many who did neither were also charged. While the D.C. U.S. Attorney was pursuing charges against non-violent individuals, violent criminals were running rampant throughout D.C. During the Biden administration, rates for

homicide, robbery, and carjackings skyrocketed—with the perpetrators often facing no consequences at all. In 2023, for example, Washington, D.C. saw massive increases in crimes including homicide and carjackings. Two things were alarming about this. One was that the closure rates for murders were at their lowest level in nearly 20 years. Second, crime specifically went up in D.C., while it dropped nationally and in other major cities. Both show that focusing on January 6th cases at the exclusion of other matters contributed to more residents falling prey to violent criminals.

There were multiple other situations where the justice system was politically weaponized to the detriment of public safety but what is most important now is how it moves forward while ensuring that it does not happen again. To regain public trust, the Department of Justice must address crimes that have the most impact on people's lives and community safety, such as crimes involving violence, gang participation, drug trafficking, human trafficking with a ground up approach. Focusing on these crimes will not only help restore the reputation of the justice system but will also restore morale to the amazing men and women of law enforcement who entered the profession to help others and not to advance a political cause.